The History of the American Experiment

Containing Summaries of the Congressional Journals from 1774-1789 and

Excerpts from the *Secret Proceedings and Debates of the Federal Convention*

Displaying the Sedition and Treason of Those Conventioneers and the Congress

In their Complicity in Usurping the Lawful Government of the Confederation

Thereby Enslaving the States and the People Thereof

Produced by the Union States Assembly Scribe, September 2015

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INTRODUCTION

The journey that brought us to this point is both a sad one and a happy one. The initial investigation of the records of the Continental Congress was brought about during deliberations of the Delegates of the state Assemblies in trying to determine the proper procedure for bringing the thirty seven territorial states into the perpetual union with the thirteen original states. During the deliberations, many Delegates believed that the Articles of Confederation and perpetual Union was sufficient enough, while others believed that Article 4 Clause 3 of the Constitution was the only way it could lawfully be done.

Through Divine Providence one afternoon, the Scribe, also a state Delegate, was conversing with another state Delegate regarding the last line in the Northwest Ordinance which alluded to a Resolution of April 23, 1784 now being null and void. During that conversation, that Resolution was researched and it was truly eye opening. In looking at that Resolution, and the preceding Resolution that led to it, it was discovered that indeed the Articles of Confederation and perpetual Union has provisions for bringing new entries into the Confederation.

Prior to the next Delegate's conference call, this information was disseminated to state's Delegates for their review. During this conference, the state Delegate from New Hampshire acknowledged he had not reviewed the information, being the only state Delegate who had not done so. During deliberations, the proceedings were then delayed for one week to allow this Delegate to review the information of the historical facts. One week later during the Delegate's conference call, this same New Hampshire Delegate said he still had not read the information. He actually had the gall to say "that his religious convictions would not allow him to read the information".

The story behind this is that this Delegate, along with a few others, were being misled by someone behind the scenes trying to push the Constitution. When it came to a vote, even this Delegate, knowing that all other Delegates had reviewed the information, could not vote "nay" (against or no) to using the Articles of Confederation and perpetual Union as the lawful process to bring the thirty seven territorial states into union with the thirteen original. This Delegate has since left Union States Assembly and , unfortunately, his State Assembly followed his lead.

This brings to mind two extremely important quotes from history. The first being from the Spanish philosopher George Santayanna: "Those who cannot remember the past are condemned to repeat it" from *The Life of Reason, Volume 1*, 1905. The second is from the Bible: "There are none so blind as those who choose not to see". It is sad that this Delegate had been led astray and that the New Hampshire Assembly went with him because of his stubbornness not to review the historical facts.

Not long after this happened, the Delegates created a History/Press Release Sub-Committee, of which this Scribe, also a state Delegate, is a member. Soon after this, events led this Scribe to review the thirty four volumes of the *Journals of the Continental Congress* and the four volumes of the *Secret Journals of the Continental Congress*. This was a very long, painstaking, and both mind and eye opening experience.

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To put it bluntly, the people of America have been lied to their whole lives regarding the history of America. The lies have been fed to them by the programming and brainwashing institution known as the public school system. What we believe to be true couldn't be farther from the truth. Not even close. I know this Scribe was aware of much of this but not to the extent that history shows to be true. The records of the Continental Congress clearly show the truth, of which has never been taught to anyone in any public institution, and highly doubtful at any private one either.

This effort took roughly sixteen months to compile the summary which follows. The process followed was to read a calendar year of the journals, in chronological order, highlight the important parts, and then compile the highlighted parts into a document that could be emailed to the other Delegates that could be read, reviewed, and discussed on conference calls.

While reading the summary, you will notice certain words spelled incorrectly. This may seem the case but let me explain. The Scribe went to great efforts to type the summary exactly as the journals had the words spelled to the best of his ability. In the late 17th century, the standards for grammar and spelling were not as developed as today, and thus the reason for the words being spelled differently than what you will find today. Portions that are italicized or underlined, or stricken out are because that is the way it was represented in the journals.

Portions have been highlighted in certain colors, namely yellow, green, and pink. The portions highlighted in yellow are because they are important, either because of the events of the time, or because they give opinions into the mindset of the framers, or because they are important enough to still resonate today. Those portions highlighted in green, for the same reasons as in yellow, are considered to be VERY important. Those highlighted portions in pink display sedition and treason. Yes, SEDITION and TREASON. The lies that have been taught by the public education system clearly does not discuss any of this.

This is the reason these yearly summaries have been compiled into one summary, along with this introduction, the Scribe's Notes, and an outline of the major events. This is to be displayed on the Union States Assembly website for the public to see, and download if they like to pass along to others, to see the actual events of history, the mindset behind them, and what has resulted.

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SCRIBE'S NOTES:

Disclaimer:

The only sources used for the Journals were those found on the internet, which were scans of the original books, already in a printed text format. No original written sources were used except for the Declaration of Independence, 1776, and the Articles of Confederation and perpetual Union, 1781, of which this Scribe has obtained certified copies of the original handwritten documents.

When reading from the book versions, it is clear that mistakes were made in compiling the books. There are instance where words either have an upper case letter when that was not case or the opposite, a lower case letter when an upper was used in the original document. A perfect example of this in the Articles of Confederation and perpetual Union, in Article 1, where it was originally written: The Stile of this confederacy shall be "The United States of America." The most common mistakes, and sometimes they are done on purpose, are (1) to not include the quotes around "The United States of America" (2) to make all the letters upper case (3) to make the 'T' in the word "The" lower case. Any one of these mistakes, or others, are extremely critical to what was actually created with the ratification of the Confederacy.

The name of something means something. The founders had a reason for enclosing the stile, or name, in quotations and for including the word "The" with an upper case 'T'. It is NOT an insignificant error to have the name changed. Today, the international court is at The Hague and not the Hague. The official name is "The Hague". Words and the case structure are important. This is why there is a governmental agency, the General Printing Office, and they have printed a book called the *Style Manual*. It is an official guide to the form and style of Federal Government printing.

To accidentally, or worse, purposely, change the style (name) of something as important as the Confederation of states is completely unprofessional, ignorant, and/or pure deceit. This has led to issues beyond most people's level of comprehension today, and explains why things are so out of control today and people seem to do nothing about it. It is because the people of America are generally ignorant of history, unread, ill informed, and suffer severe cognizant dissidence.

Perfect examples of the above are (1) the many court decisions which have declared that the United States is the District of Columbia and the territories. The United States of America are the 50 states. They are not the same thing, yet very few people actually know this

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(2) a lawyer and an attorney are not the same thing (3) a judge and a justice are not the same thing, and most importantly (4) lawful and legal are not the same thing.

Definitions:

Secretary: 1. a person, usually an official, who is in charge of the records, correspondence, minutes of meetings, and related affairs of an organization, company, association, etc.: the secretary of the Linguistic Society of America. 2. a person employed to handle correspondence and do routine work in a business office, usually involving taking dictation, typing, filing, and the like. 3. (often initial capital letter) an officer of state charged with the superintendence and management of a particular department of government, as a member of the president's cabinet in the U.S.: Secretary of the Treasury.

Scribe: 1. a person who serves as a professional copyist, especially one who made copies of manuscripts before the invention of printing. 2. a writer or author, especially a journalist.

I, the Union States Assembly Scribe, declined the position of Secretary in lieu of the Scribe position. Also being the Union States Assembly Historian and a state Delegate, a scribe is an author, or interpreter, in particular, interpreting the events of history. Yes, I do create the Minutes from our official meetings, but that is the writer portion of being a scribe, as well as, interpreting the events of the meetings. Basically, to me, a Scribe has greater flexibility than that of Secretary, which is what Union States Assembly requires at this point in time.

Sources:

The sources of where the 34 volumes of the *Journals of the Continental Congress* and the 4 volumes of the *Secret Journals of the Continental Congress* were found mainly at: the Library of Congress (http://memory.loc.gov/ammem/amlaw/lwjclink.html), the Hathi Trust Digital Library (www.hathitrust.org), and Wikipedia (https://en.wikipedia.org/wiki/Continental_Congress). Some journals were not located on those sites and hours upon hours were spent searching for them. Eventually, all were found. Some had to be found twice, as the original finding was faulty in that either the digital scan was extremely poor quality or, for some reason, the printing process for the Scribe proved too difficult because of a corrupted .pdf file.

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Some of the volumes of the *Journals of the Continental Congress* were edited from the original records in the Library of Congress by Worthington Chauncey Ford, Chief of Division of Manuscripts and printed by the Government Printing Office with Volume 1 in 1904, Volumes 2 and 3 in 1905, Volumes 4 through 6 in 1906, Volumes 7 through 9 in 1907, Volumes 10 through 12 in 1908, Volumes 13 through 15 in 1909.

Some of the volumes of the *Journals of the Continental Congress* were edited from the original records in the Library of Congress by Gaillard Hunt, Chief of Division of Manuscripts and printed by the Government Printing Office with Volumes 16 through 18 in 1910, Volumes 19 through 21 in 1912, Volumes 22 and 23 in 1914, Volumes 24 and 25 in 1922, Volumes 26 and 27 in 1928.

Some of the volumes of the *Journals of the Continental Congress* were edited from the original records in the Library of Congress by John C. Fitzpatrick and printed by the Government Printing Office with Volumes 28 and 29 in 1933, Volumes 30 and 31 in 1934.

Some of the volumes of the *Journals of the Continental Congress* were edited from the original records in the Library of Congress by Roscoe R. Hill and printed by the Government Printing Office with Volumes 32 and 33 in 1936, and Volume 34 in 1937.

The volumes of the *Secret Journals of the Continental Congress* were published under the direction of the President of the United States, conformably to Resolution of Congress of March 27, 1818, and April 21, 1820 and were printed and published by Thomas B. Wait with Volumes 1 and 3 in 1821, and Volumes 2 and 4 in 1820.

Process:

The process of compiling the overall summary was partially described in the *Introduction*. Here is the full explanation of the Scribe's process. The first thing was, obviously, to locate the Journals themselves. At first, it was just the 34 volumes of the *Journals of the Continental Congress*. During the discovery process, a 10 volume set of the Journals, which was published in the 1800's, was also discovered. However, the sheer difference in the amount of pages associated with 10 volumes pales in comparison to 34 volumes. Also discovered during this process were the 4 volumes of the Secret Journals of the Continental Congress. The process to locate and download the 38 volumes took roughly 2 weeks. It sounds like a long time, and it surprisingly was. At some date in the future, when the Scribe has some extra time, an investigation of those 10 volumes will take place to compare the differences, if any.

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After gathering all 38 volumes, it was time to print them, and put them in binders based on a calendar year. Some calendar years comprise one volume, some two volumes, and some three volumes. It was during this process that it was discovered that some of the downloaded Journals were faulty, either to very poor digital scans or there was a problem with printing them. In fact, there were portions of the volumes that required printing one page at a time. Each calendar year that had multiple volumes was separated by page dividers. Pages turners were placed in the beginning and at the end. At least, 4 long-life laser jet toner cartridges were used. Add in the binders, and this was an expensive project the Scribe pursued. And with thousands upon thousands of pages to print, this process required almost two weeks itself. Printing was done double sided to save paper as the Scribe watches out for Mother Earth and the environment.

Once the reading began, the process was similar for all volumes. A skim was done for *each* page. If something caught the Scribe's eye as important, it was thoroughly read. If it was still important, it was highlighted and flagged (more expense for the Scribe, highlighters and page flags). Yellow was used for legislative and communication topics, orange was used for military related matters, green was used for something Congress wrote of importance, i.e., treaties, Declaration of Independence, Articles of Confederation and perpetual Union, addresses to the states, etc., and pink was used for subjects not pertaining to any of the above. In the future, if a review of the printed Journals is required, this will help save time by searching for the colored flags.

The whole process was done chronologically, starting with 1774 and ending with 1789 in order to review the history in the order that things happened. This gives a much clearer idea as to the intentions of the founders and gives quite an insight into the struggles they faced from day to day, month to month, and year to year, as they were establishing the Confederation to be a lasting entity. At some point during a calendar review, the Scribe started typing, word for word, misspelled word for misspelled word in to a Microsoft Word document specific for that calendar year. The Scribe thought it best to reproduce the Journals as exact as possible, letter for letter. Were all mistakes caught? Probably not and here is why. Microsoft Word has it built into it to make certain words begin with an upper case letter, unlike how it was originally written in the book from of the Journals. If this was not caught during the typing process, then a mistake will be propagated forward. Sorry, that was not the Scribe's intension. At certain points in the process, a special Union States Assembly Delegate's conference call was established for a review of the summary of the Journals to be read and recorded for posterity. Many times a quite lengthy discussion among the Delegate's occurred based on what was reviewed.

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After all 38 volumes had been reviewed and recorded on the Delegate's calls, a compilation of all the summaries, in chronological order was undertaken in order to combine them all into one Microsoft Word document. A table of contents was added to put it in a "book" like format. The *Introduction* was written as an explanation for this journey. Then the Scribe's notes were written, mostly to explain the sources used; the Scribe' disclaimer; definitions; the Scribe's process; and an explanation, entitled *Sedition and Treason in the Confederation, Usurpation of the Lawful Government, and the Ruination of the American Experiment*, that is ***most important*** for the average unread, ill-informed, ignorant American public conditioned (programed or brainwashed) with cognizant dissidence who knows no better about history then the lies they have been taught; and have an attention span of about 5 seconds, a detailed "translated" explanation of ***exactly*** what happened and what the consequences are of the events. Then two timelines were prepared, one of world events from 1774-1789 and the other a condensed version pertaining exclusively to the "American experiment", to reference ONLY the very most important events.

Once all the individual portions have been written, then compiled into one Microsoft Word document, it was then converted to an Adobe .pdf file format so that no changes can be made to the work. It was then posted on Union States Assembly's website www.unionstatesassebly.org or www.unionstates.org for the world public to witness the real truth of the "American experiment".

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Summary of 1774

Prefatory Notes:

The Journals and Records of the Continental Congress have never been printed in full. The entries made from day to day by Secretary Charles Thomson were far from complete, and were subjected to revision by committees before publication; but the contemporary issues of the Journals have served as the basis of all subsequent reprints, and the original manuscript has remained almost unused, except by the curious bent upon studying the course of a certain measure. For the first time these valuable records of consultation and legislative action are now to be printed as written and as they were kept by the office of the Secretary of Congress. The entries will be supplemented by information gathered from the indorsements made upon papers and reports laid before Congress, which often note action not entered upon the Journals, and from such other sources as will aid in reconstituting the proceedings of this Revolutionary body.

The Congress of 1774 stands by itself. The first step toward common measures, carefully taken by the committees of correspondence and more or less popular assemblies of the localities, easily led to a general or Continental Congress, whose powers were but ill defined, and whose acts were largely tentative. It was not prepared to take any radical step, and an assertion of the claims to rights rather than the rights of the Colonies formed the burden of these papers. The conservative feeling carried the day and restricted the proceedings to statements of the grievances and appeals for relief. The delegates were unable to go beyond their instructions, and these were limited to consultation on the present state of the Colonies and the measures demanded by the situation for the best good of the dependencies. A restoration of union and harmony between Great Britain and the Colonies was the wish of the meeting. The resulting address and papers were on the line, and only when the Congress of 1775 assembled was it seen that the time was ripe for action.

Of the original papers prepared and adopted in this Congress of 1774 but one has been preserved – the Articles of Association. From a number of sources documents have been obtained throwing light upon the measures submitted and the various forms they assumed before acceptance or rejection. What is printed here will even thus form only a journal of proceedings, with the reports prepared in the Congress; but the intended publication of the papers and documents of the Continental Congress in full will supply to the student the material necessary to the understanding of the position, measures, and influence of this body.

WORTHINGTON CHAUNCEY FORD

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Chief of Division of Manuscripts

Editor

Herbert Putnam

Librarian of Congress

September 5, 1774 –

1) A Number of the Delegates chosen and appointed by the Several Colonies and Provinces in North America to meet and hold a Congress at Philadelphia assembled at Carpenters' Hall. The Delegates were from: the province of New Hampshire; the Colony of Rhode Island and Providence Plantations; the province of Massachusetts Bay; the Colony of Connecticut; from the City and County of New York, and other counties in the province of New York; from New Castle, Kent, and Sussex, on Delaware; from the county of Suffolk, in the province of New York; the Province of Maryland, the Colony of New Jersey; the Colony of Virginia; the Province of Pennsylvania; and the Colony of South Carolina.

2) The de jour office of President, of Congress, is created.

3) The de jour office of Secretary, of Congress, is created.

September 6, 1774 –

1) That in determining questions in this Congress, each Colony or Province shall have one vote.

September 7, 1774 –

1) The de jour offices of Door-Keepers and messengers, to Congress, are created.

September 22, 1774 –

1) That Congress request the Merchants and other in the several colonies, not to send to Great Britain, any orders for goods, and to direct the execution of all other orders already sent, to be delayed or suspended, until the sense of Congress, on the means to be taken for the preservation of the liberties of America, is made public.

September 30, 1774 –

1) That from and after the 10th day of Sept., 1775, the exportation of all merchandise and every commodity whatsoever to Great Britain, Ireland and the West Indies, ought to cease, unless grievances of America are redressed before that time.

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October 5, 1774-

1) That the committee appointed to prepare an address to his majesty, be instructed to assure his majesty, that in case the colonies shall be restored to the state they were in, at the close of the late war, by abolishing the system of laws and regulations – for raising a revenue in America – for extending the powers of the Admiralty – for trail of persons beyond the sea for crimes committed in America – for affecting the Colony of Massachusetts Bay – and for altering the government, and extending the limits of Canada, the jealousies, which have been occasioned by such acts and regulations of parliament, will be removed and commerce again restored.

October 10, 1774 –

1) That the Congress recommend to the inhabitants of the colony of Massachusetts Bay, to submit to a suspension of the administration of Justice, where it cannot be procured in a legal & peaceable manner, under the rules of their present charter, and the laws of the colony founded thereon.

2) That every person and persons, whatsoever, who shall take, accept, or act under any commission or authority, in any wise derived from the act passed in the last session of parliament, changing the form of government, and violating the charter of the province of Massachusetts Bay, ought to be held in detestation and abhorrence by all good men, and considered as the wicked tools of despotism, which is preparing to destroy those rights, which God, nature, and compact, have given to America.

October 20, 1774 –

1) The Articles of Association is read and signed by Delegates of: New Hampshire; Massachusetts Bay; Rhode Island and Providence Plantations; Connecticut; New York; New Jersey; Pennsylvania; the Lower Counties New Castle; Maryland; Virginia; North Carolina; and South Carolina.

October 21, 1774 –

1) The address to the people of Great Britain was approved.

2) The memorial for the inhabitants of the British Colonies was approved.

3) An Address was prepared to the people of Quebec, and letters to the colonies of St. John's, Nova Scotia, Georgia, East and West Florida, who have not deputies to represent them in this Congress.

October 22, 1774 –

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1) The Journal of the proceedings of the Congress, as no corrected, be sent to the press, and printed under the direction of Mr. Edward Biddle, Mr. John Dickinson, and the secretary.

2) The Opinion of this Congress, that it will be necessary, that another Congress should be held on the tenth day of May next, unless the redress of grievances, which we have desired, be obtained before that time.

October 26, 1774 –

1) The address to the people of Quebec was read and approved.

2) The address to the King was signed.

3) Congress dissolved itself.

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Summary of 1775

May 10, 1775 –

1) A number of Delegates from the Colonies of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, and South Carolina, agreeable to their appointment and the orders received from their respective Colonies, met at Philadelphia.

2) A President (of Congress) was elected. A Secretary (of Congress) was elected. A Door-Keeper (of Congress) was chosen. A messenger (of Congress) was chosen.

May 15, 1775 –

1) The de jour office of Clerk was created, under the employ of the Secretary.

May 17, 1775 –

1) That all exportations to Quebec, Nova Scotia, the island of St. John's, Newfoundland, Georgia, except the parish of St. John's, and to the East and West Florida immediately cease, and that no provisions of any kind, or other necessaries be furnished to the British Fisheries on the America coats until it be otherwise determined by the Congress.

2) The Rules of Conduct to be observed in debating and determining questions laid down by the last Congress are adopted and observed by the present Congress.

June 15, 1775 –

1) The [Scribe's notes: de jour (military)] office of General is created to command all the continental forces, raised, or to be raised, for the defense of American liberty. George Washington, Esq., was unanimously elected.

June 16, 1775 –

1) The [Scribe's notes: de jour (military)] office of Major General (for the American Army) is created.

2) The [Scribe's notes: de jour (military)] office of Brigadier General is created.

3) The [Scribe's notes: de jour (military)] office of Adjutant General is created.

4) The [Scribe's notes: de jour (military)] office of Commissary General of stores is created.

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5) The [Scribe's notes: de jour (military)] offices of Quarter Master General (for the Grand Army in a separate department), along with a deputy under him, are created.

6) The [Scribe's notes: de jour (military)] offices of Pay Master General (for the Army in a separate department), along with a deputy under him, are created.

7) The [Scribe's notes: de jour (military)] offices of Chief Engineer (at the Grand Army), along with two Assistants employed under him, are created.

8) The [Scribe's notes: de jour (military)] offices of Chief Engineer (for the Army under a separate department), along with two Assistants employed under him, are created.

9) The [Scribe's notes: de jour (military)] office of Aid de Camp is created.

10) The [Scribe's notes: de jour (military)] office of Secretary (to the General) is created.

11) The [Scribe's notes: de jour (military)] office of Secretary (to the Major General, acting in a separate department) is created.

12) The [Scribe's notes: de jour (military)] office of Commissary of Musters is created.

June 22, 1775 –

1) That a sum not exceeding two millions of Spanish milled dollars be emitted by the Congress in bills of Credit, for the defense of America.

2) That the 12 confederated Colonies be pledged for the redemption of the bills of credits, now directed to be emitted.

June 23, 1775 –

1) The form of the bills be as follows:

Continental Currency

No. Dollar

This bill entitles the bearer to receive Spanish milled dollars, or the value thereof in gold or silver, according to the resolutions of the Congress, held at Philadelphia, on the 10th day of May, A.D. 1775.

June 30, 1775 –

1) Congress agrees and passes the Articles (Rules and Regulations) of War.

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July 1, 1775 –

1) In case any Agent of the ministry, shall induce the Indian tribes, or any of them, to commit actual hostilities against these colonies, or to enter into an offensive Alliance with the British troops, thereupon the colonies ought to avail themselves of an Alliance with such Indian Nations as will enter into the same, to oppose such British troops and their Indian Allies.

July 4, 1775 –

1) The two Acts passed in the first session of the present parliament, the one entitled "An act to restrain the trade and commerce of the province of Massachusetts Bay and New Hampshire, and the colonies of Connecticut and Rhode Island and Providence Plantation, in North America, to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland or other places therein mentioned, under certain conditions and limitations": the other entitled "An Act to retrain the trade and commerce of the colonies of New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina, to Great Britain, Ireland, and the British islands in the West Indies, under certain conditions and limitations", are unconstitutional, oppressive, and cruel; and that the commercial opposition of these colonies, to certain Acts enumerated in the Association of the last Congress, ought to be made against these, until they are repealed.

July 8, 1775 –

1) The Petition to the King was read and signed.

2) Address to the inhabitants of Great Britain was read and passed. The document was titled "The Twelve United Colonies, by their Delegates in Congress, to the Inhabitants of Great Britain".

July 12, 1775 –

1) Securing and preserving the friendship of the Indians Nations, appears to be a subject of the utmost moment to these colonies. The [Scribe's notes: de jure] offices of Commissioners are created for three departments: the northern, middle, and southern.

July 17, 1775 –

1) The [Scribe's notes: de jure (military)] office of Commissary of stores and provisions was appointed for the New York department.

2) The [Scribe's notes: de jure (military)] office of Deputy Muster Master was appointed for the New York department.

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3) The [Scribe's notes: de jure (military)] office of Deputy Adjutant General or a Brigade Major was created for the New York department.

July 18, 1775 –

1) Congress resolved to the report of the Committee for putting the Militia into a proper state of defense, thus specifying and creating multiple positions and ranks within the Militia in each colony.

July 19, 1775 –

1) The [Scribe's notes: de jure (military)] office of Commissary of Artillery was created. Other military appointments are made.

July 20, 1775 –

1) A letter was received from the Convention of Georgia, and read, setting forth, that the Colony had acceded to the general Association, and appointed Delegates to attend this Congress.

July 21, 1775 –

1) Presented by B. Franklin, the first appearance of what would become the Articles of Confederation and Perpetual Union is presented to the Committee of the whole (full Congress). There were 13 Articles.

July 26, 1775 -

1) The [Scribe's notes: de jure] offices of Postmaster General, for the United Colonies, along with a Secretary (for the Postmaster General), a Comptroller, and as many deputies as to him may seem proper and necessary are created. A line of posts are appointed under the direction of the Postmaster General, from Falmouth in New England to Savannah in Georgia, with as many posts as he shall think fit. He is to be paid by the Continental Treasurers.

July 27, 1775 –

1) Congress decides to create a hospital for the Army. A multitude of [Scribe's notes: de jure (military)] offices are created.

July 28, 1775 –

1) Congress to the writing of the address to the people of Ireland.

July 29, 1775 –

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1) Congress establishes the pay scale and/or creates a multitude of [Scribe's notes: de jure (military)] offices. In particular, the offices of Provost Marshal and Judge Advocate of the Army are created. Joint Treasurers of the United Colonies are appointed. The Paymaster General, Commissary General, Quartermaster General, and every of their deputies, shall take an Oath, truly and faithfully to discharge the duties of their respective stations.

July 31, 1775 –

1) *Resolved*, that when the Congress adjourns for recess, it be adjourned to meet at Philadelphia.

November 1, 1775 –

1) *Resolved*, That no produce of the United Colonies be exported, (except from colony to colony, under the direction of the Committee of Inspection and Observation, and except from one part to another of the same colony) before the first day of March next, without the permission or order of this Congress: provide, that nothing herein contained shall be construed to vacate the resolutions of Congress for the importation of arms, ammunition, etc.

2) *Resolved*, That no rice be exported under the exception contained in the 4th article of the Association, from any on the United Colonies to Great Britain, Ireland, or the islands of Jersey, Guernsey, Sark, Aldernay, or Man, or any other European Island or settlement within the British Dominions.

3) *Resolved*, That no live stock (necessary sea stores, at the discretion of the Committees, and horse excepted) ne exported from these Colonies, or water borne, except rivers, bays, and sounds.

November 2, 1775 –

1) The Inhabitants of Passamaquaddy in Nova Scotia, having chosen a Committee of Safety, and having, by their petition, applied to the Congress to be admitted into the Association of the North Americans, for the preservation of their rights and liberties.

November 3, 1775 –

1) *Resolved*, That it be recommended to the provincial Convention of New Hampshire, to call a full and free representation of the people, and that the representatives, if they think it necessary, establish such a form of government, as, in their judgment, will best produce the happiness of the people, and most effectually secure peace and good order in the province, during the continuance of the present dispute between Great Britain and the colonies.

November 4, 1775 –

Produced by Union States Assembly

1) *Resolved*, That it be recommended to the provincial Convention of South Carolina shall find it necessary to establish a form of government in that colony, it be recommended to that Convention to call a full and free representation of the people, and that the said representatives, if they think it necessary, shall establish such a form of Government as in their judgment will best produce the happiness of the people, and most effectually secure peace and good order in the colony, during the continuance of the present dispute between Great Britain and the colonies.

November 7, 1775 –

1) Scribe's notes: Congress makes additions and alterations or amendments to the Rules and Regulations of Continental Army.

November 8, 1775 –

1) *Resolved*, That all letters to and from the delegates of United Colonies, during the sessions of Congress, pass, and be carried free of postage, the members having engaged upon their honour not to frank or enclose any letters but their own.

November 9, 1775 –

1) *Resolved*, That every member of this Congress considers himself under the ties of virtue, honor and love of his Country not to divulge directly or indirectly any matter or thing agitated or debated in Congress before the same shall have been determined, without leave of the Congress; nor any matter or thing determined in Congress which a majority of the Congress shall order to be kept secret and that if any member shall violate this agreement he shall expelled this Congress and deemed an enemy to the liberties of America and liable to be treated as such and that very member signify his consent to this agreement by signing same.

November 10, 1775 –

1) *Resolved*, That all letters to and from the Commander in Chief in the Continental Army, or Chief Commander in the Army in the northern department, pass and be carried free of postage.

November 13, 1775 –

1) *Resolved*, That the Rules and Regulations for the Army be published, with the additions and alterations made, and that the preamble of first article, giving the soldiers leave to sign or not to sign the same be omitted.

November 28, 1775 –

Produced by Union States Assembly

1) The Congress resumed consideration of the Rules for the regulation of the Navy of the United Colonies, and the same being debated by paragraphs, were agreed to.

December 4, 1775 –

1) *Resolved*, Therefore, that if the Convention of Virginia shall find it necessary to establish a form of government in that colony, it be recommended to that Convention to call a full and free representation of the people, and that the said representatives, if they think it necessary, establish such a form of government as in their judgment will best produce the happiness of the people, and most effectually secure peace and good order in the colony, during the continuance of the present dispute between Great Britain and these colonies.

2) *Resolved, unanimously*, That in the present situation of affairs, it will be very dangerous to the liberties and welfare of America, if any Colony should separately petition the King or either house of Parliament.

December 8, 1775 –

1) *Resolved*, That a surgeon be allowed to each regiment, in the service of the United Colonies.

December 15, 1775 –

1) The Committee appointed to prepare instructions for the Committee who are to sit during the recess of Congress, brought in their report, which was read.

December 20, 1775 –

1) The Congress, taking into consideration the dispute between the people of Pennsylvania and Connecticut, on the waters of Susquehannah, came to a resolution.

December 26, 1775 –

1) *Resolved*, Therefore that the thirteen United Colonies be pledged for the redemption of the bills of credit so directed to be emitted. Three millions of dollars were emitted and a schedule of payment was created.

Produced by Union States Assembly

Summary of 1776

January 9, 1776 –

1) *Resolved*, That no postage be paid for any letters to or from private soldiers, while engaged in actual service in the defense of the United Colonies; and that such letters be franked by some person authorized for that purpose, by the Commanding Officer of the department.

January 22, 1776 –

1) The [Scribe's notes: de jure] office of (private) Secretary to the President is created and to be paid by the United Colonies.

March 30, 1776 –

1) The [Scribe's notes: de jure (military)] office of mate to the Regimental Surgeon is created.

April 1, 1776 –

1) Scribe's notes: More de jure offices/departments are created:

Resolved, therefore, That a treasury office of accounts shall be instituted and established, and that such office shall be kept in the city or place, where Congress shall, from time to time, be assembled and hold their sessions: That said office of accounts shall be under the direction and superintendence of the standing committee for the treasury.

2) Scribe's notes: More de jure offices: That an auditor general, and a competent number of assistants or clerks, shall be appointed by Congress, and employed, for stating, arranging, and keeping the public accounts.

A further detailed description of the above follows in the Journals.

April 6, 1776 –

1) *Resolved*, That any goods, wares, and merchandise, except staves and empty casks, other than shaken or knocked down casks for molasses, may be exported from the thirteen United Colonies, by the inhabitants thereof, and by the people of all such countries as are not subject to the King of Great Britain, to any parts of the world which are not under the dominion of the said King; provided, that no vessel be permitted to export any greater number of shaken or knocked down molasses casks, than the same vessel is capable of carrying when they shall be filled with Molasses.

Produced by Union States Assembly

2) *Resolved*, That any goods, wares, and merchandise, except such as are of the growth, production, or manufacture of, or brought from any country under the dominion of the King of Great Britain, and except East India Tea, may be imported from any other parts of the world to the thirteen United Colonies, by the inhabitants thereof, and by the people of all such countries as are not subject to the said King; liable, however, to all such duties and impositions as now are, or may hereafter be laid by any of the said colonies.

3) *Resolved*, That nothing herein contained shall be understood to prevent such future commercial regulations as shall be thought just and necessary by these United Colonies, or their respective legislatures.

4) *Resolved*, That no slaves be imported into any of the thirteen United Colonies.

April 10, 1776 –

1) That although the prosperity of Dartmouth college, in the colony of New Hampshire, is a desirable object, it is neither seasonable nor prudent to contribute towards its relief or support, out of the public treasury.

May 10, 1776 –

1) Resolved, That it be recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs have been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.

June 5, 1776 –

1) Resolved, That no person shall be appointed to any place of profit, unless the person to be appointed shall have a majority of the voices of the colonies represented at the time of Election.

June 7, 1776 –

1) Certain resolutions (respecting independency) being moved and seconded,

Resolved, That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved. That it is expedient forthwith to take the most effectual measures for forming foreign Alliances. That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation.

Produced by Union States Assembly

This resolution is from Richard Henry Lee of Virginia.

June 10, 1776 –

1) Resolved, That the consideration of the first resolution be postponed to this day, three weeks (July 1), and in the mean while, that no time be lost, in case the Congress agree thereto, that a committee be appointed to prepare a declaration to the effect of the said first resolution, which is in these words: "That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the Sate of Great Britain is, and ought to be, totally dissolved".

June 12, 1776 –

1) *Resolved*, That a committee to prepare and digest the form of a confederation to be entered into between these colonies, consist of a member of each colony.

2) *Resolved*, That a committee to prepare a plan of treaties to be proposed to foreign powers, consist of five members.

3) Scribe's notes: More de jure offices are created: a secretary and one or more clerks, be appointed by Congress for a new committee entitled "A Board of War and Ordinance". An Oath is created, as well:

"I, A.B. do solemnly swear, that I will not directly or indirectly, divulge any matter or thing, which shall come to my knowledge, as (secretary) of the board of war and ordinance, for the United Colonies, (or clerk of the board of war and ordinance), established by Congress, without the leave of the said board of war and ordinance, and that I will faithfully execute mu said office, according to the best of my skill and judgment. So help me God."

June 24, 1776 –

1) The Congress took into consideration the report of the Committee on Spies; Whereupon,

Resolved, That all persons abiding within any of the United Colonies,, and deriving protection from the laws of the same, owe allegiance to the said laws, and are members of such colony; and that all persons passing through, visiting, or make a temporary stay in any of the said colonies, being entitled to the protection of the laws during the tie of such passage, visitation or temporary stay, owe, during the same time, allegiance thereto:

That all persons, members of, or owing allegiance to any of the United Colonies, as before described, who shall levy war against any of the said colonies within the same, or be adherent

Produced by Union States Assembly

to the King of Great Britain, or others the enemies of the said colonies, or any of them, within the same, giving him or them aid and comfort, are guilty of treason against such colony:

That it be recommended to the legislatures of the several United Colonies, to pass laws for punishing, in such manner as to them shall seem fit, such persons before described, as shall be proveably attained of open deed, by people of their condition, of any of the treasons before described.

That it be recommended to the legislatures of the several United Colonies, to pass laws for punishing, in such manner as to them shall think fit, persons who shall counterfeit, or aid or abet in counterfeiting, the continental bills of credit, or who shall pass and such bill in payment, knowing the same to be counterfeit.

June 28, 1776 –

1) Scribe's notes: First draft of "declaration of independence" is presented before Congress.

July 1, 1776 –

1) *Resolved*, That this Congress will resolve itself into a committee of the whole, to take into consideration the resolution respecting independency:

2) *Resolved*, That the Declaration be referred to said committee.

July 4, 1776 –

1) That the committee of the whole Congress has agreed to a Declaration known as "The unanimous declaration of the thirteen United States of America".

2) Ordered, That the declaration be authenticated and printed. That copies of the declaration be sent to the several assemblies, conventions and committees, or councils of safety, and to several commanding officers of the continental troops; that it be proclaimed in each of the United States, and at the head of the army.

July 12, 1776 –

1) The committee appointed to prepare articles of confederation brought in a draught, which was read. (This version has 20 articles.)

2) The de jure office of assistant clerk to the secretary was created.

July 17, 1776 –

Produced by Union States Assembly

1) The Congress took into consideration the report of the committee on the rules and orders for the governments of this house; Whereupon, *Resolved*, that the following rules be observed: [Scribe's notes: (there are 12 rules)].

July 18, 1776 –

1) The committee appointed to prepare a plan of treaties to be entered into with foreign states or kingdoms, brought in a report, was read.

July 19, 1776 –

1) *Resolved*, That the Declaration passed on the 4th, be fairly engrossed on parchment, with the title and stile of "The unanimous declaration of the thirteen United States of America", and that the same, when engrossed, be signed by every member of Congress.

August 6, 1776 –

1) *Resolved*, That for the future, there be only one continental treasurer.

August 20, 1776 –

1) Scribe's notes: Congress reviews latest draft of the Articles of Confederation and Perpetual Union. It has been reduced to 16-17 articles.

2) The committee appointed to prepare a device for a great seal for the United States, brought in the same, with an explanation thereof: . . . this seal was eventually not agreed to.

August 27, 1776 –

1) *Resolved*, That the plan of treaties, with the amendment, be referred to the committee who brought n the (original) plan, in order to draw up instructions pursuant to the amendment made by the committee of the whole.

September 7, 1776 –

1) *Resolved*, That all letters to and from the Board of War and Ordinance, or secretary of the same, be free of all expense in the post office of these United States.

September 20, 1776 –

1) Congress resumed the consideration of the articles of war, which being debated by paragraphs, were agreed to, as follows:

Produced by Union States Assembly

Resolved, That from and after the publication of the following articles, in the respective armies of the United States, the rules and articles by which the said armies have heretofore been governed, shall be, and they are hereby repealed.

Scribe's notes: Thus, new articles of war are approved, repealing the older version.

September 24, 1776 –

1) Congress resumed the consideration of the instructions to the agent [Scribe's notes: (pre Ambassador)], and the same being debated by paragraphs, and amended, were agreed to. Scribe's notes: These were to be the eventual offerings of the treaties to foreign countries, etc.

October 21, 1776 –

1) Congress took into consideration the form of the oath to be taken by the officers in the service of the continent, which was agreed to as follows:

"I _____, do acknowledge the Thirteen United States of America, namely, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, independent, and sovereign states, and declare, that the people thereof owe no allegiance or obedience to George the third, king of Great Britain; and I renounce, refuse and abjure any allegiance or obedience to him; and I do swear, that I will, to the utmost of my power, support, maintain, and defend the said United States against the said king, George the third, and his heirs and successors, and his and their abettors, assistants and adherents; and will serve the said United States in the office of _____, which I now hold, and in any other office which I may hereafter hold by their appointment, or under their authority, with fidelity and honour, and according to the best of my skill and understanding. So help me God."

2) *Resolved*, That every officer who holds, or shall hereafter hold a commission or office for Congress, shall subscribe the above declaration, and take the foregoing oath.

October 30, 1776 –

1) *Resolved*, That the rank of officers of the marines be the same as officers of similar commission in the land services.

December 12, 1776 –

1) *Resolved*, That this Congress be, for the present, adjourned to the town of Baltimore, in the state of Maryland, to meet on the 20th instant, unless a sufficient number to make a Congress shall be there sooner assembled; and that, until the Congress shall otherwise order, General Washington be possessed of full power to order and direct all things relative to the

Produced by Union States Assembly

department, and to the operations of war. That several matters to this day referred, be postponed to the day to which Congress is adjourned.

December 30, 1776 –

1) *Resolved*, That Commissioners be forth with sent to the Courts of Vienna, Spain, Prussia and the Grand Duke of Tuscany.

Scribe's notes: Many stipulations are presented.

Scribe's notes: Pages 1063-1068, Volume 6, lists all of the standing Committees during 1775-1776 and the Committee members and their terms of service.

Produced by Union States Assembly

Summary of 1777

January 1, 1777 –

1) Scribe's notes: Reconvened Congress in Baltimore.

January 3, 1777 –

1) The credentials for re-appointment for the Delegate's from Connecticut is authorized as "*At a General Assembly of the Governor and Company of the State of Connecticut, in America*".

January 14, 1777 –

1) *Resolved*, That all bills of credit, emitted by authority of Congress, ought to pass current in all payments, trade, and dealings, in these States, and be deemed in value equal to the same nominal sum in Spanish milled dollars; and that whosoever shall offer, ask, or receive more in the said bills for any gold or silver coins, bullion, or any other species of money whatsoever, than the nominal sum of amount thereof in Spanish milled dollars, or more, in the said bills, for any lands, houses, goods, or commodities whatsoever, than the same could be purchased at of the same person or persons in gold, or silver, or any other species for money whatsoever; or shall offer to sell any goods or commodities for gold or silver coins, or any other species of money whatsoever, and refuse to sell the same for the said continental bills; every such person ought to be deemed an enemy to the liberties of these united states, and to forfeit the value of the money so exchanged, or house, land, or commodity so sold or offered to sale. And it be recommended to the legislatures of the respective States, to enact laws inflicting such forfeitures and other penalties on offenders as aforesaid, as will prevent such pernicious practices:

That it be recommended to the legislatures of the united states, to pass laws to make the bills of credit, issued by the Congress, a lawful tender, in payment of public and private debts; that debts payable in sterling money be discharged with continental dollars, at a rate of 4/6 sterling per dollar; and that discharge of all other debts and contracts, continental dollars pass at the rate fixed by the respective States for the value of Spanish milled dollars:

2) *Resolved*, That it be recommended to the legislatures of the several united States to pass resolutions that they will make provision for drawing in and sinking their respective quotas of the bills emitted by Congress at the respective quotas of the bills emitted by Congress at the several periods fixed, or shall be fixed by Congress:

Produced by Union States Assembly

That it be recommended to the legislatures of the several States, to raise, by taxation, in the course of the current year, and remit to the treasury, such sums of money as they shall think be most proper in the present situation of the inhabitants; which sums shall be carried to their credit, and accounted for in the settlement of their proportion of the public expences and debts, for which the united States are jointly bound.

February 25, 1777 –

1) The Committee for revising the Regulations of the Post Office, Report,

That the Postmaster General should be directed forthwith to appoint two Surveyors of the Post, One to proceed immediately from Philadelphia to the Northward and the other to the Southward to carry effectually into Execution the following Regulations:

That the Grand Line of Post to the Northward extend from Philadelphia to Easton, from Easton to Fishkill, from Fishkill to Hartford, from Hartford to Boston, from Boston to Portsmouth, from Portsmouth to Falmouth.

That Grand Line of Post to the Southward extend from Philadelphia to Annapolis, from Annapolis to Williamsburgh in Virginia, from Williamsburgh to Halifax in N. Carolina, from Halifax to Wilmington, from Wilmington to Charlestown S. Carolina, from Charlestown to Savanna in Georgia . . .

February 27, 1777 –

1) *Resolved*, That when Congress adjourns this evening, it be adjourned to meet in Philadelphia, on Wednesday next.

March 22, 1777 –

1) *Resolved*, That a secretary's office be forthwith established, and constantly kept in or near the state house or building where Congress shall, from time to time, hold its session . . . That the secretary, deputy secretary, and clerks, before entering upon their office, shall severally take an oath, to be administered by the president, "well and faithfully to execute the trust reposed in them, in their judgment, and to disclose no matter, the knowledge of which shall be acquired in consequence of such office, that they shall be directed to keep secret;" also the oath prescribed for officers of the army, and passed by Congress on the 21st day of October, 1776; and that certificates thereof be given by the president, and lodged with the secretary:

That such of the journals and papers of Congress, as are secret by their nature, be kept by the secretary, and communicated to none, unless by particular order, but members of Congress and deputy secretary, and that all others be kept and filed in the office aforesaid . . .

Produced by Union States Assembly

April 1, 1777 –

1) *Resolved*, That no officer already appointed, or to be appointed, in the army of the United States, shall take rank by virtue of a commission antedated, but rank shall be determined by the time of appointment, unless otherwise directed by a special resolution of Congress . . .

April 8, 1777 –

1) *Resolved*, That five persons be appointed by congress to constitute a Board of War and Ordinance any three of whom to be a quorum. That a Secretary and clerks of Office be appointed [Scribe's notes: (more de jure offices created)] by Congress with competent salaries to assist the said Board in executing the Business of their Department . . . That before any Member shall take his seat at the said Board he shall take and Subscribe the Oath of Qualification, and also the following Oath, a Certificate whereof shall be filed in the said Office.

I, A.B., do solemnly swear that I will not directly or indirectly divulge any Matter or Thing which shall come to my Knowledge as a Member of the Board of War and Ordinance of the United States without the leave of Congress or of the Board: and that I will faithfully execute my said Office according to my best Skill or Judgment.

That before the Secretary and Clerks of the said Board shall enter on their Office, they shall respectively take and Subscribe the Oath of Qualification and also the following Oath, a Certificate whereof shall be filed in said Office.

I, A.B., do Solemnly Swear that I will not directly or indirectly divulge any Matter or Thing which shall come to my Knowledge (Secretary or Clerk) of the Board and that I will faithfully execute my said Office according to the best of my Skill and Judgment. So Help &c.

That the said Board be authorized to hire suitable Apartments and provide Books, Paper, and other Necessaries at the Continental Expence for carrying on the Business of the said Office.

April 17, 1777 –

1) *Resolved*, That the style of the Committee of Secret Correspondence be altered, and that, for the future, it be styled the Committee for Foreign Affairs.

May 1, 1777 –

1) *Resolved*, That this Congress will never countenance or support any continental officer in violating the laws of any State or treating its magistrates with contempt.

May 12, 1777 –

Produced by Union States Assembly

1) *Resolved*, That all post masters, post riders, and persons immediately concerned in conducting the business of the post office, ought to be exempted from all military duties; and that it be recommended to the legislatures of the different states, to exempt such persons accordingly.

June 14, 1777 –

1) *Resolved*, That the flag of the ||thirteen|| United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation.

June 30, 1777 –

1) The report from the committee on the whole ||Congress|| was read, and agreed to, as follows:

Resolved, That Congress is composed of delegates chosen by, and representing the communities respectively inhabiting the territories of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, as they respectively stood at the time of its first institution; that it was instituted for the purposes of securing and defending the communities aforesaid against the usurpations, oppressions, and hostile invasions of Great Britain; and that, therefore, it cannot be intended that Congress, by any of its proceedings, would do or recommend or countenance any thing injurious to the rights and jurisdictions of the several communities which it represents . . .

July 17, 1777 –

1) Ordered, That a letter be sent to the executive powers of the States that are not represented in Congress, informing them, that the confederation of States, and several other important matters, are put off for want of a full representation of all the States; and that it be earnestly recommended to them, to send a sufficient number of members to represent them as soon as possible.

August 19, 1777 –

1) *Resolved*, That this Congress will, on all occasions, discountenance and punish any indecent behavior of any officer or officers in the continental service, towards the civil authority of the several states.

August 26, 1777 –

Produced by Union States Assembly

1) *Resolved*, That if any member chooses to have ayes and nayes taken upon any question, he shall move for the same previous to Mr. President taking the sense of the house on such question, the individual members of each State shall be called upon to answer aye or no to the question, which answer shall be entered on the journal, and the question be determined by the majority of states, as majority of votes in each shall make appear.

August 28, 1777 –

1) *Resolved*, That when a State is unrepresented in Congress, and the yeas and nays are called for, the opinion of the members of the State unrepresented shall be called for, and entered on the journals, the name of such members being distinguished by an asterisk.

September 14, 1777 –

1) *Resolved*, That if Congress shall be obliged to remove from Philadelphia, Lancaster shall be the place at which they shall meet.

October 1, 1777 –

1) Ordered, That, until further order, Congress shall meet precisely at ten o'clock A.M. sit to one, then adjourn to four P.M.; then meet and proceed on business.

October 2, 1777 –

1) *Resolved*, That the treaty made by Benjamin Franklin and Silas Deane, at Paris, the 17th day of February, 1777, with the Chevalier du Portail and others, be confirmed and ratified as far as it relates to Mos. De Laumoy.

October 14, 1777 –

1) Congress resumed the consideration of the 9 articles of confederation, and the amendment moved yesterday, viz. "That the proportion of the public expence incurred by the United States for their common defence incurred and general welfare, to be paid by each State into the treasury, be ascertained by the value of all land within each State granted to, or surveyed for any person, as such land, and the buildings and improvements thereon shall be estimated, according to such mode as Congress shall, from time to time, direct and appoint;"

Scribe's notes: Final vote tally: 5 - ay, 2 - div, 2 - no, and 2 – no with only one vote and not two.

November 15, 1777 –

1) A copy of the confederation being made out, and sundry small amendments made in the diction, without altering the sense, the same was agreed to, and is as follows:

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The Articles of Confederation and Perpetual Union

Scribe's notes:

a) Article 1 - Stile means name

b) Article 11 – in the second copy is a marginal caption: "Admission of Canada and other States to the union."

November 17, 1777 –

1) The committee appointed to arrange the articles of confederation, and prepare a circular letter to accompany it to the several states, brought in the following draught:

IN CONGRESS, YORK TOWN, 17 November, 1777

Congress having agreed upon a plan of confederacy for securing the freedom, sovereignty, and independence of the United States, authentic copies are now transmitted for the consideration of the respective legislatures.

This business . . .

Hardly is . . .

Permit us, then, earnestly to recommend these articles to the immediate and dispassionate attention of the legislatures of the respective states. Let them be candidly reviewed under a sense of the difficulty of combining in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities, under a conviction of the absolute necessity of uniting all our councils and all our strength, to maintain and defend our common liberties: . . .

We have . . .

More than . . .

In short, this salutary measure can no longer be deferred. It seems essential to our very existence as a free people, and without it we may soon be constrained to bid adieu to independence, to liberty and safety; blessings, which, from the justice from our cause, and the favour of our Almighty Creator visibly manifested in our protection, we have reason to expect, if, in an humble dependence on his divine providence, we strenuously exert the means which are placed in our power.

To conclude, if the legislature of any State shall not be assembled, Congress recommend to the executive authority to convene it without delay; and to each respective legislature it is

Produced by Union States Assembly

recommended to invest its delegates with competent powers ultimately in the name and behalf of the state to subscribe articles of confederation and perpetual union of the United States; and to attend Congress for that purpose on or before the ___ day of ___

The blanks were voted to be filled in with “tenth” and with “March next”.

November 22, 1777 –

1) *Resolved*, That all proposals for a treaty between the king of Great Britain, or any of his commissioners, and the United States of America, inconsistent with the independence of the said states, or with such treaties or alliances as may be formed under their authority, will be rejected by Congress.

November 28, 1777 –

1) *Resolved*, That whenever any expedition which may be undertaken by either sea or land, by order, or at the expence of the United States, shall fail in the execution; or whenever any important post, fort, or fortress, garrisoned and defended at the expence of the United States, shall be evacuated, or taken by the enemy, it be an established rule in Congress to institute an enquiry into the causes of the failure of such expedition, or into the loss of such post, fort, fortress, and into the conduct of the principal officer or officers conduction the expedition do failing, or commanding the post, fort, or fortress so evacuated or taken by the enemy; the enquiry so instituted, to be conducted in such manner as Congress shall deem best adapted for the investigation of truth in the respective cases.

Produced by Union States Assembly

Summary of 1778

January 21, 1778 –

1) The Committee appointed to devise effectual means to prevent persons disaffected to the interest of the United States from being employed in any important offices thereof, brought in a report:

Resolved, That all Commissioned officers in the Army or Navy of these United States; the Commissioners of the Navy Boards; the Quarter Master General, Deputy Quarter Master generals; Commissaries of forage, forage master; Commissaries of Stores, deputies and assistant quarter masters; the Commissary General and deputy Commissary generals of Purchases and issues, and their Deputies and assistant Commissaries; all Commissaries of other departments; all Officers of the Staff in the Army; the Treasurer auditor general, Deputy auditor general and all other auditors and Commissioners of accounts; the Post Master General, Surveyors and Comptroller general of the Post office, Postmasters and post riders; the Clothier General and his Deputies; the Director General deputy directors and all surgeons and Physicians of the Hospitals and Army; and all clerks in every public office and Department, who are already appointed, shall within one month after notice hereof, and all such as may hereafter be appointed and accept of their appointments, immediately thereupon, previous to acting therein, severally take and subscribe the following oath (or if one of the people called quakers, Affirmation)(filling up the blank with their name and office) . . . (see pages 69-72 for additional oaths, penalties for not taking an oath, etc.) . . .

2) . . . *Resolved*, That every person in the service of these United States shall be answerable for the and liable to make good all Damage the United States shall have sustained or may sustain by his neglect of duty, embezzlement of public money or stores, or any other fraudulent practice; which damage and all debts or accounts due to the United States to be recovered in any Court of Record where the same is cognizable on the State where the Defendant may be found, at the suit of the Treasurer of the United States of America for the time being.

3) *Resolved*, That the Executive power of each State be, and they are hereby requested and fully empowered to superintend, and cause a strict inquiry to be made into the Conduct of all those in the Commissary's or Quarter Master's Departments, or in any other Civil Department under Congress within their State, and also arrest, imprison, displace, or suspend all those in the above mentioned Departments who are under pay, and render no adequate service or shall be guilty of peculation, misapplication of Public money, embezzlement of stores, or live in idleness or extravagance in neglect of their duty, or who in any respect conduct themselves

Produced by Union States Assembly

unworthy of the station they fill; and to appoint others, where such appointments may appear necessary, transmitting to Congress as soon as possible, the names, stations and ranks of all those displaced or suspended, with the offence occasioning the same and names of those by them appointed.

February 3, 1778 –

1) *Resolved*, That the Committee of Commerce shall, from time to time, as occasion may require, recommend to Congress proper persons in the respective states to act as attornies in each State for recovering all commercial debts due to the United States of America, and for claiming the continental share of all prizes libeled in the court of admiralty of the State where they ay respectively reside; and upon such persons being approved, that the president execute letters of attorney to such persons respectively, to be transmitted to them by the Committee of Commerce.

2) *Resolved*, That every officer who olds or shall hereafter hold a commission or office from Congress, shall take and subscribe the following oath or affirmation . . . (See pages 114-118 for all oaths and affirmations for all persons holding any type of office of commission under Congress) . . .

3) . . . *Resolved*, That the resolutions passed on the 21 day of October, 1776, prescribing the form of oath or affirmation, and directing the same to be subscribed by officers holding commissions or offices from Congress, be, and they are herby repealed.

February 5, 1778 –

1) *Resolved*, That the Captain or commanding officer of each company in service of the United States, shall, at the end of every month, furnish the regimental pay master with a pay roll, containing the names of the commissioned and non-commissioned officers and privates of the company, their rank, the time from and to which they are to be paid, their monthly pay, the sums due to each, and a column for casualties, in which is to be inserted the dates of deaths, desertions, discharges, and captivities: and each the several regimental pay masters shall respectively keep true copies of such pay rolls, and cause the amount thereof to be added to the proper abstracts of field and staff officers, that the whole may be examined, as heretofore ordered by Congress.

February 6, 1778 –

1) *Resolved*, That a committee of three be appointed as a committee of intelligence, with the power to extract and publish such parts of letters, papers and intelligence referred to them as they shall judge proper.

Produced by Union States Assembly

February 9, 1778 –

1) *Resolved*, That it be recommended to the supreme executive powers of every State, to give attention to the conduct and behavior of all the continental officers, civil or military, in the execution of their respective offices; that the said executive powers be authorized to suspend from pay and employment, for misbehavior or neglect of duty, within their respective states, any officer of the staff or other civil officer aforesaid, not immediately appointed by Congress, and to make a temporary appointment in his place, if necessary, and to remove such of the said civil officers as shall appear to be supernumerary, forthwith reporting in either case their proceedings to Congress: that in case of any reprehensible conduct in any other officer of the United States, it be recommended to the executive powers aforesaid, to enquire into the circumstances of the case, and if, in a civil officer appointed by Congress, to transmit an account thereof to Congress; if in a military officer, to lay the same as soon as possible before the Commander in Chief or commanding officer of the department.

February 26, 1778 –

1) *Resolved*, That it be an instruction to the captains or commanders or privateers, to annoy the enemy by all means in their power, by land or water, taking care not to infringe the laws of nations, or the laws of neutrality.

March 12, 1778 –

1) *Resolved*, That a letter be addressed by the president to the respective states, informing them, that the multiplicity and importance of the business of Congress, during the war, will require the constant attendance of at least three members from each State; that, from the want thereof, the health of members has been frequently impaired, and the public business greatly obstructed; and that Congress request immediate attention to this as a matter of great moment.

March 16, 1778 –

1) *Resolved*, That the governors and presidents of the said states be earnestly requested to transmit to Congress, as soon as possible, attested copies of the acts passed by their respective legislatures, in pursuance of recommendations of Congress, which they have received since the 1st day of November last; and of all acts which they may hereafter pass, in consequence of future recommendations.

March 24, 1778 –

Produced by Union States Assembly

1) Scribe's notes: Congress changes the days and time of when they will be in session. This occurs multiple times in 1778, and probably hereafter, and thus, will no longer be mentioned when it does so.

April 9, 1778 –

1) *Resolved*, That Saturday next be assigned for taking into consideration the propriety and necessity of Congress removing to some more suitable place, where the members can be accommodated and the public business transacted with more convenience that at York town.

April 26, 1778 –

1) So it was resolved, that the provision to be made for officers, &c. be one half of their present pay. A motion was then made, "That such provision of half-pay continue for the life of the officers". It was passed in the affirmative. See April 1778 as Congress is deciding what type of pension officers will receive for their servicer the conclusion of the war.

April 27, 1778 –

1) *Resolved*, That nothing contained in the foregoing resolution shall be construed to extend to prevent the United States from redeeming, at any time, the half-pay of such offices as they judge proper, by paying them a sum equal to six years half-pay.

April 29, 1778 –

1) The committee appointed to prepare proposals to such foreign officers and soldiers as incline to become citizens of America, brought in a report, which being read and amended, was agreed to as follows: . . . (see pages 405-409) . . .

Resolved, That it be recommended to the several states, who have vacant lands, to lay off with as much expedition as soon as possible, a sufficient quantity of lands to answer the purposes expressed in the foregoing address; for which lands no charge is to be made against the United States.

May 4, 1778 –

1) Congress took into consideration the treaties concluded between the king of France and the United States of America, on the 6th of February, and signed by Conrad Alexander Gerard, plenipotentiary, on part of his most Christina Majesty, and Benjamin Franklin, Silas Deane and Arthur Lee, plenipotentiaries on part of the United States of America (see pages 419-456).

2) *Resolved, unanimously*, That the same (Treaty of Amity and Commerce) be and hereby is ratified.

Produced by Union States Assembly

3) *Resolved, unanimously*, That the same (Treaty of Alliance) be and hereby is ratified.

4) *Resolved, unanimously*, That the same (An At Separate and Secret) be and hereby is ratified.

5) *Resolved,* That this Congress entertain the highest sense of the magnanimity and wisdom of his most Christian majesty, so strongly exemplified in the treaty of amity and commerce, and the treaty of alliance, entered onto on the part of his majesty, which these United States, at Paris, on the 6th day of February last; and the commissioners, or any of them, representing these States at the court of France, are directed to present the grateful acknowledgments of this Congress to his most Christian majesty, for his truly magnanimous conduct respecting these states, in the said generous and disinterested treaties, and to assure his majesty, on part of this Congress, it is sincerely wished that the friendship so happily commenced between France and these United States may be perpetual.

May 5, 1778 –

1) A form of ratification was officially signed by Congress respecting the treaties with France.

May 8, 1778 –

1) Scribe's notes: An address to be read to the inhabitants of America was drafted, and agreed to. Basically, a "state of the union" type address.

May 15, 1778 –

1) *Resolved, unanimously*, That all military officers commissioned by Congress, who now are, or hereafter may be, in the service of the United States, and shall continue therein during the war, and shall not hold any office of profit under these states, or any of them, shall after the conclusion of the war, be entitled to receive annually, for the term of ten seven years, if they love so long, one half of the present pay of such officers; provided, that no general officer of the cavalry, artillery or infantry shall be entitled to receive more than one half part of the pay of a colonel of such corps respectively; and provided, that this resolution shall not extend to any officer in the service of the United State, unless he shall have taken an oath fo allegiance to, and shall actually reside within some one of the United States.

2) *Resolved, unanimously*, That every non-commissioned military officer and soldier, who hath enlisted, or shall inlist, into the service of these states, for and during the war, and shall continue therein to the end thereof, shall be entitled to receive the further reward of eighty dollars at the expiration of the war.

May 26, 1778 –

Produced by Union States Assembly

Congress resumed consideration of the rules for the better conducting business, when the following were agreed to:

1) As soon as nine states are represented in the house, the Congress may proceed to business.

2) In determining questions in Congress, each State shall have one vote.

3) No member shall read any printed paper in the house during the sitting thereof, without leave of Congress.

4) No member shall speak to another or otherwise interrupt the business of the house whole the journals or the public papers are reading for the information of Congress, or when any member is speaking in any debate.

5) Every member, when he speaks, shall arise from his seat and address himself to the chair, and when he has finished, shall sit down again.

6) No member shall speak more than twice in any one debate on the same day, without leave of Congress.

7) When two members rise together, the President shall name the person to speak.

8) No motion shall be debated until the same be seconded.

9) When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President or any member, delivered in at the table and read by the President, before the same shall be allowed to be debated.

10) While a question is before the house, no motion shall be received, unless for an amendment, for the previous question, to postpone the consideration of the main question, or to commit it.

11) If a question in debate contains several points, any member may have the same divided.

12) When a question is about to be put, it shall be in the power of any one of the states to postpone the determination thereof until the next day, after which, it shall not again be postponed, but by order of the house.

13) The previous question (that is, the main question be not now put) being moved, the question from the chair shall be, that those who are for the previous question say ay, and those against it, no; and if there be a majority of ays, then the main question shall not be then put, but otherwise it shall.

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14) Each members present shall declare openly and without debate his assent or dissent to as question by ay or no when required by motion of any one member, whose name shall be entered as having made such motion previous to the President's putting the question; the name and vote in such cases shall be entered upon the journal, and the majority of votes of each State shall be the vote of that State.

15) No ballot shall be counted for the appointment of any person to an office of trust or profit who has not been nominated in the house on a day previous to the balloting being entered into, except by the consent of all the states present.

16) Every morning the minutes of the preceding day shall be read, before Congress enter upon new business.

17) Every morning, after the reading of the public letters and giving orders concerning them, the reports of the Board of Treasury and of the Board of War, if any, shall be immediately taken into consideration.

18) No member shall leave Congress without permission of Congress or of his constituents.

May 27, 1778 –

1) Scribe's notes: Congress writes the Establishment of the American Army. It lays out how the Army is to be arranged (see pages 538-543).

May 29, 1778 –

1) *Resolved*, That all military officers and soldiers in the service of the United States are, and of right ought to be, amenable to the laws of the State on which they reside in common with other citizens; but as to the propriety of undertaking distant expeditions or enterprises, or other military operations, and the mode of conducting them, the general or commanding officer must finally judge and determine at his peril.

2) *Resolved*, That no persons, hereafter appointed upon the civil staff of the army, shall hold or be entitled to any rank in the army by virtue of such staff appointment.

June 20, 1778 –

1) *Resolved*, That the delegates of the states, beginning with New Hampshire, be called upon for the report of their constituents upon the confederation, and the powers committed; and that no amendments be proposed but such as come from a State.

June 23, 1778 –

Produced by Union States Assembly

1) That the State of New Hampshire have, in their general assembly, agreed t the articles of confederation as they now stand, and have empowered their delegates to ratify the same on behalf of their State (actually agreed to in New Hampshire on March 4, 1778).

2) The delegates of New York being called upon for the report of their constituents respecting the articles of confederation, produced, under the great seal of their State, an exemplification of the act of their legislature thereof, ratifying the said articles as passed by Congress, with a proviso, that the same shall not be binding on the State until all the other states in the union ratify the same (actually agreed to in New Hampshire on February 16, 1778).

3) *Resolved*, That on Saturday next Congress be adjourned from this place to meet at Philadelphia, on Thursday, the 2 day of July next.

June 25, 1778 –

1) The delegates of Virginia being called upon for the report of their constituents, relatives to the articles of confederation. That they are empowered to ratify the same as they now stand.

2) *Resolved*, That a committee of three be appointed to prepare the form of ratification of the articles of confederation.

June 26, 1778 –

1) The committee appointed to prepare the form of ratification of the articles of confederation, brought in a form, which was agreed to as follows:

Preamble

Articles

Closing

June 27, 1778 –

1) Letters are shown, pages 662-671, from the States to their delegates that they have ratified the articles of confederation:

New Hampshire – March 4, 1778

Massachusetts Bay – March 10, 1778

Rhodes Island and Providence Plantations – February 18, 1778

Connecticut – February 12, 1778

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New York – February 16, 1778

Pennsylvania – March 5, 1778

Virginia – December 15, 1778

North Carolina – April 25, 1778

South Carolina – February 4 and 5, 1778

Georgia – February 26, 1778

July 10, 1778 –

1) The committee appointed to prepare a circular letter to the states in this union, that have not hirtherto authorized their delegates in Congress to ratify the confederation, brought in a draft, which being read and amended, was agreed to (see page 681).

July 20, 1778 –

1) *Resolved*, That the ceremonial for a minister plenipotentiary or envoy shall be as follows (see pages 707-708) (note: this is for a visiting plenipotentiary).

July 30, 1778 –

1) *Resolved*, That it is the duty of all persons in the service of the United States, as well as all other the inhabitants thereof, to give the earliest information to Congress or other proper authority of any misconduct, frauds or misdemeanors committed by any officers or persons in the service of these states, which may come to their knowledge.

September 11, 1778 –

1) *Resolved, unanimously*, That it is essential to the interest and honor of the United States, that a minister plenipotentiary be, without delay, appointed to represent these states at the court of France.

2) *Resolved, unanimously*, That tomorrow be assigned for electing a minister plenipotentiary at the court of France.

September 25, 1778 –

1) *Resolved*, That every commissioned and non-commissioned officer and private man, who since the commencement of hostilities, as aforesaid, has been, or hereafter shall be, drawn forth for the common defence, (and not for the service of any particular State,) or who has turned out, or shall hereafter turn out, voluntarily to oppose the enemies of the said United

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Colonies or States, upon any sudden attack or evasion, or upon any enterprise carried on under their authority, and in such service has lost or shall lose a limb, or has been or shall be otherwise disabled as aforesaid, shall be entitled to the pension allowed in the said resolve of the 26th of August, 1776; provided that any such commissioned or non-commissioned officer or private man, being found capable of doing guard or garrison duty, shall be subject thereto, and serve in the corps of invalids when required, or on refusing so to do, shall be struck off the list of pensioners; unless the person so refusing have a family, or otherwise peculiarly circumstanced, and the governor or president and the council of the State he belongs to, or in which he resides, are of opinion and exemption granted from him from such service, a certificate of which opinion he shall produce, previous to his receiving his pension.

And whereas it may happen, that many persons, maimed or disabled as aforesaid, by reason of their falling into the hands of the enemy, the deaths of their officers and surgeons, or other accidents, may not have it in their power to procure the certificates required by the aforementioned resolve, to entitle them to their pensions.

2) *Resolved*, That in such cases application be made to the governor or president and council of the State to which any person maimed or disabled as aforesaid belongs, or in which he resides, upon shewing to him or them satisfactory proof, that he was maimed, and producing his or their certificate thereof, he shall be entitled to and receive pension in like manner as if he produced the certificates required by the said resolve.

<u>September 26, 1778</u> –

1) *Resolved*, That a house be provided, at the city or place where Congress shall sit, wherein shall be held the several offices of the treasury:

That there be the following offices, viz., the comptroller's, auditor's, treasurer's, and two chambers of accounts:

(see pages 956-961 for all the details)

2) *Resolved*, That a committee be appointed to prepare a seal for the treasury and for the navy.

<u>November 10, 1778</u> –

1) *Ordered*, That twenty copies of the index to the first volume of the journal of Congress, and twenty of the second volume of the journals of Congress be delivered to the delegates of each State, for the use of their respective states.

2) *Resolved*, That Major General Lincoln be authorized and directed, on his arrival in the province of East Florida, to issue a proclamation in the name of these United States, signifying

Produced by Union States Assembly

to the inhabitants of the said province, that as he is not come to destroy, but to protect the inhabitants in the enjoyment of their rights and property, he will receive under the protection of the United States, all such persons and shall repair to his standard within a time to be limited in the said proclamation, and take an oath of [Abjuration of allegiance to the king and crown of Great Britain,] except such person as may have been attained of high treason in any of the said states. And that all such shall unite with him in the reduction of the said province, and embody themselves under such officers as he shall approve of, shall be entitled to the same pay and emoluments as the forces engaged in the same service are entitled to. And further, that on the subversion of British tyranny in that province, and the establishment of a free government, they shall be considered as peculiarly entitled to the confidence of the United States.

November 24, 1778 –

1) When the settlement of rank in the army of the United States has been attended with much difficulty and delay, inasmuch as no general principles have been adopted and uniformly pursued:

Resolved therefore, That upon any dispute of rank, the following rules shall be hereafter observed:

(See pages 1154-1158).

November 26, 1778 –

1) In pursuance of the powers to them granted, the delegates of New Jersey signed ||the ratification of|| the articles of confederation and perpetual union.

Produced by Union States Assembly

Summary of 1779

January 14, 1779 –

1) *Resolved unanimously*, That as neither France or these United States may of right, so these United States will not conclude either truce or peace with the enemy, without the formal consent of their ally first obtained, and that any matters or things which may be insinuated or asserted to the contrary thereof tend to the injury and dishonor of the said states.

February 16, 1779 –

1) Mr. Thomas McKean, a delegate from Delaware, laid before Congress the following instrument, empowering the delegates of that State, or any of them, to ratify and sign the articles of confederation.

February 18, 1779 –

1) Congress took into consideration the reports of the committee, appointed to confer with the Commander in Chief; and, thereupon, agreed to the following:

Plan for the Department of Inspector General [Scribe's notes: (a newly created de jure office)].

Resolved, That there be an inspector general to the armies of the United States, with the rank of major general, who, in all future appointments, shall be taken from the line of major generals:

That the duty of the inspector general shall principally consist in forming a system of regulations, for the exercise of the troops, in manual evolutions and manoeuvres, for the service of guards and detachments, and for camp and garrison duty: . . . (See pages 196-199).

2) Congress proceeded to consider the reports of the committee appointed to confer with the Commander in Chief; and, thereupon, agreed to the following:

Arrangement of the Department of Ordinance:

Resolved, That the commanding officer of artillery of the United States, for the time being, shall, under the general orders, and with the concurrence of the Commander in Chief, arrange and direct all business of the ordinance department necessary to be done in the field . . . (see pages 201-206).

Produced by Union States Assembly

3) The committee to whom was referred the memorial of W. Stewart brought in a report, which was read.

Resolved, That all officers, civil and military, in the service of the United States are bound in duty and respect, to attend upon the executive and legislative authority to make enquiry of any State, when required to enable such authority to make enquiry into any publick abuses, or the reprehensible conduct of any officer, civil or military, in the service of said States.

February 22, 1779 –

1) A letter, of the 12th, and one of the 21 September, 1778, from W. Lee, Commissioner of the United States to the courts of Vienna and Berlin, both dated at Frankfort, on the river Maine, in Germany, were read; enclosing a plan of a treaty of commerce to be entered into between their High Mightinesses, the seven United Provinces of Holland, and the thirteen United States of America:

(See pages 219-235 for treaty).

2) In pursuance of the powers vested in him, Mr. Thomas McKean, a delegate of the State of Delaware, signed and ratified the Articles of Confederation in behalf of that State.

February 23, 1779 –

1) 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 a private audience on the 15, brought in a report, which was read:

That upon consideration of all matters referred to your committee, they are of opinion, that his Catholick Majesty (King of Spain) is disposed to enter into an alliance with the United States of America.

That he hath manifested this disposition in a decisive declaration lately made to the court of Great Britain.

That in consequence of such declaration the independence of these United States must be finally acknowledged by Great Britain; and immediately thereon a negotiation for peace will be set on foot between the powers of France, Great Britain, and these United States, under the mediation of his Catholick Majesty: Or,

That Spain will take part in the war, and his Catholick Majesty will unite his force with the most Christian King (King of France) and the United States.

Produced by Union States Assembly

That in the event of a negotiation of peace, your committee, pursuant to the declaration of Congress, that they would not make, nor even treat of peace, until the independence of these United States should be acknowledged, or all the forces of their enemy withdrawn, pursuant of a guarantee of his most Christian Majesty by the treaty of alliance eventual and defensive, made and subsisting between him and these United States, as sovereign and independent – they assume it, first, as a ground and preliminary, 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 acknowledged on the part of Great Britain. And if the same shall be done, your committee are of opinion that the ministers of these United States, to assist at, and contract and stipulate in such negotiation for peace as may be set on foot under the mediation of his Catholick Majesty.

That in order to be in readiness for such event, the said ministers ought be instructed by Congress in the several following particulars, to wit:

1) What to insist on as the ultimatum of these states; and,

2) What to yield, or require, on terms of mutual exchange or compensation.

On the first head your committee are of opinion, that the following articles are absolutely necessary for the safety and independence of the United States, and therefore ought to be insisted on as the ultimatum of these states:

1) That the bounds of the United States be acknowledged and ratified as follows:

Northerly by the ancient limits of Canada, as contended by for by Great Britain, running from Nova Scotia, south-westerly, west, and north-westerly, to lake Nepissing, thence a west line to the Mississippi; easterly by the boundary settled between Massachusetts and Nova Scotia; southerly by the boundary settled between Georgia and East and West Florida; and westerly by the river Mississippi.

2) That every post and place within the United States, and every island, harbor, and road, to them, or any of them, belonging, be absolutely evacuated by land and sea forces of his Britannick Majesty, and yielded to the powers of the states to which they respectively belong. (This was agreed to)

3) That a right of fishing and curing fish on the banks and coasts of the island of Newfoundland, equally with the subjects of France and Great Britain, be reserved, acknowledged, and ratified to the subjects of the United States.

Produced by Union States Assembly

4) That the navigation of the river Mississippi, as low down as the southern boundary of the United States, be acknowledged and ratified absolutely free to the subjects of the United States. (This was agreed to)

5) That free commerce be allowed to the subjects of the United States with some port or ports below the southern boundary of the said states, on the river Mississippi, except for such articles as may be particularly enumerated; and (This was rejected)

6) In case the allies of these Untied States will agree to support them in such claim, by continuing hostilities, then to insist that Nova Scotia and its dependencies be ceded to the United States, or declared independent. (This was rejected)

On the second head, your committee are of the opinion,

1) That the claim to Nova Scotia ought to be given up in lieu of the equal share in the Newfoundland fishery, or such share of the fishery in lieu of Nova Scotia, if both cannot be obtained. (This was rejected)

2) That in case neither of these can be obtained in lieu of the other, then, if the Bermuda Islands can be obtained, the claim to Nova Scotia be ceded in lieu thereof. (This was rejected)

3) That it may be stipulated, that the subjects of the United States shall not trade to the East Indies, or engage in the slave trade, if adequate compensation can be obtained. (This was agreed to)

4) That the United States will not establish any settlement, or dominion, beyond the limits of the said states, as settled at the conclusion of the treaty of peace. (This was agreed to)

5) That if Great Britain shall cede the Floridas to the United States, the same may be ceded to the Crown of Spain for an adequate compensation; and (This was agreed to)

6) A reciprocal guarantee of all American possessions which shall remain to the respective powers at the conclusion of the treaty of peace. (This was agreed to)

Your committee are further of opinion, that no truce to be agreed to on the part of the United States. That a cessation of hostilities, during the negotiation, may be admitted, in case all the force of the enemy shall be withdrawn from every post and place within the limits of the United States. That no exclusive privilege of commerce be allowed to Great Britain with the

Produced by Union States Assembly

instructions mentioned, may be ceded, exchanged, or retained, as the circumstances of the negotiation may require.

In the event of a continuance of the war, and an alliance with Spain, your committee are of opinion that a subsidy should, if possible, be obtained from the court of Madrid on the following stipulations: (This was agreed to)

That his Catholick Majesty shall pay to the United States in such convenient manner as shall be agreed on a sum not less than ___ and not farther sum of ___ yearly, during the continuance of the war between the United States and Great Britain, and for a term not less than ___ years, after the determination thereof; or, if that cannot be obtained, then a sum not less than ___ yearly, during the term aforesaid. (This was agreed to)

That, in consideration thereof, the United States shall hold in readiness a well appointed force, not exceeding six thousand effective infantry, with all camp and marching requisites, with suitable arms, artillery, and other equipments for war, to be employed in conquering the Floridas.

That the said countries, when conquered, shall be ceded and guaranteed to his Catholick Majesty and the possession and sovereignty thereof forever guaranteed by the United States; reserving always the free navigation of the river Mississippi to the subjects of the United States, as well as to the subjects of his Catholick Majesty, if possible, in the fullest extent of egress and ingress. But, if this cannot be obtained, then that a port be reserved for the delivery and sale, purchase and lading of all commodities, excepting such articles as shall be particularly enumerated. (This was agreed to)

Your committee are also of opinion, that the ministers of these United States should be instructed and empowered to stipulate and contract for the delivery of masts for the royal navy of Spain at some convenient port or ports of the United States.

Scribe's notes: much of the aforesaid found its way into the Treaty of Paris, 1783, in one form or another.

<u>February 26, 1779</u> –

1) *Ordered*, That the Secretary prepare a roll of the members of Congress and call the same over every morning at 10 o'clock.

<u>March 6, 1779</u> –

Produced by Union States Assembly

1) "That although Congress, by their resolution of the 25 November, 1775, recommended it to the several legislatures to erect courts for the purpose of determining concerning captures, and to provide that all trials in such cases be had by a jury, yet it is provided that in all cases an appeal shall be allowed to the Congress or to such person or persons as they shall appoint for the trial of appeals;" Whereupon

Resolved, That Congress, or such person or persons as they appoint to hear and determine appeals from the courts of admiralty, have necessarily the power to examine as well into decisions on facts as decision on the law, and to decree finally thereon, and that no finding of a jury in any court of admiralty, or court for determining the legality of captures on the high seas can or ought to destroy the right of appeal and the re-examination of the facts reserved to Congress.

That no act of any one State can or ought to destroy the right of appeals to Congress in the sense above declared:

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 control by appeal is necessary, in order to compel a just and uniform execution of the law of nations:

That the said control must extend as well over the decisions of juries as judges in courts for determining the legality of captures on the sea; 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 a manner as to prevent a possibility of being controlled; a construction which involves many inconveniences and absurdities, destroys an essential part of the power of war and peace entrusted 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:

Produced by Union States Assembly

That this power of controlling by appeal the several admiralty jurisdictions of the states, has hitherto been exercised by Congress by the medium of a committee of their own members:

Resolved, That the committee before whom was determined the appeal from the court of admiralty for the State of Pennsylvania, in the case of the sloop *Active*, was duly constituted and authorized to determine the same;

Resolved, That the said committee had competent jurisdiction to make thereon a final decree, and therefore their decree ought to be carried into execution.

March 11,1779 –

1) *Resolved*, That the engineers in the service of the United States shall be formed in a corps, and styled the "corps of engineers;" and shall take rank and enjoy the same rights, honours, and privileges, with the other troops on continental establishment:

That a commandant of the corps of engineers shall be appointed by Congress, to whom their orders, or those of the Commander in Chief, shall be addressed; and such commandant shall render to the Commander in Chief, and to the Board of War, an account of every matter relative to his department:

That the engineers shall take a rank in their own corps, according to the dates of their respective commissions:

That every year, previous to the opening of the campaign, the commandant of the corps shall propose to the Commander in Chief, and to the Board of War, such a disposition of the engineers as he shall judge most advantageous, according to the knowledge which he is supposed to have of their talents and capacity.

Resolved, That the Board of War be empowered and directed to form such regulations for the corps of engineers and companies of sappers and miners, as they judge most conductive to the public service; and that the Board report such allowances as they judge adequate and reasonable to be made to officers of the corps of engineers for travelling charges, and when on command at a distance from camp, or in places where they cannot draw rations.

March 15, 1779 –

1) *Resolved*, That whenever any motion, or resolution shall be entered upon the journals of Congress, the names of the persons moving and seconding the same shall also be entered thereon.

March 19, 1779 –

Produced by Union States Assembly

1) Congress took into consideration the report of the committee of the whole, and agreed to the following ultimate:

1) That the thirteen United States are bounded, north, by a line to be drawn from the north-west angel of Nova Scotia, along the high lands which divide those rivers which empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean to the north-westernmost 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 forty-five degrees north from the equator, to the north-westernmost side of the river St. Lawrence, or Cadaraqui; thence strait 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 latitude of thirty-one degrees north: south, by a line to be drawn due east from the termination of the lone last mentioned in the latitude thirty-one degrees north from the equator to the middle for the river Apalachicola, or Catahouchie; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; 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 from its source to its mouth in the bay of Fundy, 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, 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 the Atlantic Ocean. Provided, that if the line to be drawn from the mouth of Lake Nepissing 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 not as to be southward of a line in latitude forty-five degrees north.

2) That every post and place within the United States, and every island, harbor, and road to them, or any of them belonging, be absolutely evacuated by the land and sea forces of his Britannick Majesty, and yielded to the powers of the states to which they respectively belong.

March 22, 1779 –

3) That an acknowledgement be made by Great Britain of a common right in these States to fish on the coasts, bays, and banks of Nova Scotia, the banks of Newfoundland, and gulf of St. Lawrence, the coasts of Labrador and straits of Bellsisle. Provided always, that the allies of these States shall be in circumstances to support them in carrying on the war for such acknowledgement; but in no case, by any treaty of peace, the common right of fishing as above described be given up.

Produced by Union States Assembly

March 31, 1779 –

1) *Resolved*, That, from the first of January last, the journals of the house, except such parts as have been or shall be ordered to be kept secret, be printed immediately; and that, for the future, the journal, except as above, be printed weekly and sent to the executive powers of the several states, to be by them laid before their respective legislatures; and that a printer or printers be employed to bring up the journals from the time of their present publication to the said first of January.

May 29, 1779 –

1) *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 return 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 others 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 said deputies are hereby 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 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.

June 10, 1779 –

Produced by Union States Assembly

1) *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 mutual discharge.

June 18, 1779 –

1) *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.

July 30, 1779 –

1) 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

(See pages 903-908 for the Ordinance)

August 2, 1779 –

1) 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 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 the 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 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

Produced by Union States Assembly

capital of the British Dominions, particularly the royal Place, 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.

August 4, 1779 –

1) 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: . . .

2. Every post . . .

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 forces of the enemy shall be immediately withdrawn from the United States.

Resolved, That it is essential to the welfare of all 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

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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 anywhere, excepting within the distance of three leagues of shores of the territories remaining to Great Britain at the close of war, if a nearer distance cannot be obtained by negotiation.

Resolved, That if after a treaty or 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.

2) The committee appointed to prepare a commission for the minister plenipotentiary to be appointed to negotiate a treaty of peace brought in a draft, which was read;

Ordered, That the same be taken into consideration

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.

August 5, 1779 –

1) 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 sometime being spent thereon, . . .

Resolved, That so much of the said report as relates to obtaining a subsidy from Spain be postponed.

A motion was made by Mr. McKean, seconded by Mr. Morris,

That if contrary to the humane wishes of the United States, Great Britain should be obstinately persist in the prosecution of the present unjust war, the minister plenipotentiary of these

Produced by Union States Assembly

United States be instructed and empowered to consult on, prepare and conclude, with the ministers of his most Christian and of his Catholic Majesty, a treaty or treaties, offensive and defensive; in which offensive treaty, nevertheless, he shall in set on the parts of these states, a proper article or articles for obtaining Canada, Nova Scotia, and the islands of Bermuda; and equal share in, and full acknowledgment of, the equal common right of these states to fisheries.

A motion was made by Mr. Mathews, seconded by Mr. 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. Mathews – it was resolved in the affirmative.

A motion was made by Mr. Smith, seconded by Mr. Burke, to insert after "Floridas," the words "free navigation of the river Mississippi."

On the question to agree to this amendment, the yeas and nays being required by Mr. Smith – it was resolved in the affirmative.

August 14, 1779 –

1) Some time being spent in the consideration of foreign affairs,

Your Committee to whom were referred the Resolution of Congress upon the letters of Arthur Lee, Esq. and communications of the Minister of France, with order to prepare instructions thereon, beg to leave to Report:

That having weighed and considered the matters to them referred there appears to be four principle points, viz. 1st the instructions to be given to the Commissioner of peace. 2nd Those to be given to the Commissioner who may be appointed to negotiate a treaty who may be appointed to negotiate a treaty of Commerce with Great Britain. 3rd Those to be given to the Minister of the United States at the Court of Versailles. And 4th 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 final determinations of Congress upon that subject, Wherefore they report:

(See pages 956-966)

August 26, 1779 –

1) *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.

Produced by Union States Assembly

September 17, 1779 –

1) The committee, to whom was referred the petition of the committees of Cumberland county, together with instructions from the senate and assembly of the State of New York to their delegates in Congress, and other papers accompanying the same, brought in a report:

The Committee, to whom was referred the petition of the committees from Cumberland county, together with instructions from the Senate and Assembly of the State of New York to their Delegates in Congress, and other papers accompanying the same, beg leave to report:

That they have perused and maturely considered the several papers aforesaid, and are of opinion, that the propositions and concessions in the same contained on the part of the State of New York appear to be a sufficient foundation for the mediation of Congress between that State, the States of New Hampshire and Massachusetts Bay, and the inhabitants of the tract of county, known by the name of the New Hampshire Grants, and lately stiling themselves the State of Vermont; and they conceive that the controversy between the several parties is of such a nature as requires the immediate interposition of Congress.

Your Committee further report, That they have not been able to find any Act or Vote of Congress, which countenances the people of the New Hampshire Grants in assuming the rights or name of an independent State: but on the contrary conceive that by certain Resolves of the 30th day of June, 1777, on the subject, every Idea of that sort must be excluded.

Upon the whole therefore, they humbly submit the following Resolves for the consideration of Congress:

That Congress will proceed to hear and determine all matters in variance between the States of New York, New Hampshire, Massachusetts Bay, and the people claiming to be the State of Vermont, which have been submitted to them, both with respect to jurisdiction and soil, Monday the ___ day of ___ next; of which notice shall be given to the parties by delivering them respectively a copy hereof on or before the ___ day of October next.

That a copy of the petition from the townships in Cumberland county, and instructions from the General Assembly of New York to their Delegates in Congress, dated at Kingston, the 27th day of August last, be like wise transmitted to the States of New Hampshire and Massachusetts Bay, and the people claiming to be the State of Vermont.

That it be recommended to the people claiming to be the State of Vermont, to cease and desist from the exercise of any authority or power whatsoever over any person or persons, or their property, who acknowledge the jurisdiction of New York, New Hampshire, or Massachusetts Bay until the beforementioned controversy shall be heard and determined by Congress.

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2) So it was resolved in the affirmative as follows:

Whereas by the treaties subsisting between his most Christian Majesty and the United States of America, a power is reserved to his Catholick Majesty to accede to the said treaties, and to participate in their stipulations at such time as he shall judge proper; it being well understood, nevertheless, that if any of the stipulations of the said treaties are not agreeable to the King of Spain, his Catholick Majesty may propose other conditions analogous to the principal aim of the alliance, and conformable to the rules of equality, reciprocity, and friendship.

And whereas, should his Catholick Majesty accede to the said treaties without any alteration, he must be under the necessity of renouncing forever all claims to the possession of the Floridas, of the utmost consequence to his kingdom, and more particularly to his America dominions. In order, therefore, that nothing may be wanting on the part of these states to further a treaty of alliance, and of amity and commerce with his Catholick Majesty consistent with the engagements of the said states, and agreeable to his most Christian Majesty their ally:

Resolved, That if his Catholick Majesty shall accede to the said treaties, and in concurrence with France and the United States of America, continue the present war with Great Britain for the purpose expressed in the treaties aforesaid, he shall not thereby be precluded from securing to himself the Floridas: On the contrary, if he shall obtain the Floridas from Great Britain, these United States will guaranty the same to his Catholick Majesty: Provided always, that the United States shall enjoy the free navigation of the river Mississippi into and from the sea.

<u>September 24, 1779</u> –

1) Congress took into consideration the issue with “the State if Vermont”. Many actions took place (See pages 1095-1099).

<u>September 27, 1779</u> –

1) So it was

Resolved, That a minister plenipotentiary in lieu of a commissioner, be appointed to negotiate a treaty of alliance and amity and commerce between the United States of America and his catholick majesty.

On motion,

Resolved, That Congress proceed to the election of a minister plenipotentiary to negotiate a treaty of alliance and amity and commerce between the United States of America and his Catholic Majesty.

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Congress then proceeded to an election; and the ballots being taken, Mr. John Jay was elected Minister Plenipotentiary to negotiate a treaty of alliance and amity and commerce between the United States of America and his Catholick Majesty.

Resolved, That Congress proceed to the election of a minister plenipotentiary for negotiating a treaty of peace and a treaty of commerce with Great Britain.

Congress accordingly proceeded, and the ballots being taken, Mr. John Adams was elected.

October 2, 1779 –

1) Whereas in the first resolution of Congress of the 24 September last, relative to a district of country called "New Hampshire Grants," is the following clause, viz.

"And also to authorize Congress to proceed to hear and determine all disputes between the grantees of the several states, respecting title to lands lying in the said district, to be heard and determined in the mode prescribed for such cases by the articles of confederation aforesaid:" and whereas no provision is made in the said articles of confederation for hearing and determining disputes between any State and the grantees of any other State:

Resolved, unanimously, That the clause above recited be repealed.

Resolved, unanimously, That it be, and hereby is recommended to the states of New Hampshire, Massachusetts Bay and New York, to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the several states aforesaid, with one another, or with either of the said states, respecting title to lands lying in the said district, to be heard and determined by "commissioners or judges," to be appointed in the mode prescribed by the ninth article of confederation aforesaid.

Ordered, That a copy of the preceding resolves be transmitted to the said states of New Hampshire, Massachusetts Bay and New York, and also to the inhabitants of the New Hampshire Grants.

October 28, 1779 –

1) Congress took into consideration the report of the Marine Committee respecting the navy department; Whereupon,

Resolved, That a Board of Admiralty be established, to superintend the naval and marine affairs of these United States; to consist of three commissioners not members of Congress, and two members of Congress, any three of whom to form a board for the dispatch of business; to be subject in all cases to the control of Congress: . . . (See pages 1217-1218)

Produced by Union States Assembly

October 30, 1779 –

1) Whereas the appropriation of vacant lands by the several states during the continuance of the war, will, in the opinion of Congress, be attended with great mischiefs; therefore,

Resolved, That it be earnestly recommended to the State of Virginia, to re-consider their late act of assembly for opening their land office; and that it be recommended to the said State, and all other states similarly circumstanced, to forbear settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the present war.

November 15, 1779 –

1) That the order of the day for nominating members to the Board of Admiralty be postponed until the sense of Congress can be taken on the following motion:

"Whereas it may be highly injurious to the interest of these United States, to permit candidates for public offices to vote in or otherways influence their own elections:

Resolved, That Congress will not appoint any member thereof during the time of his sitting, or within six months after he shall have been in Congress, to any office under the said states for which he or any other for his benefit may receive salary, fees or other emolument.

December 27, 1779 –

1) *Resolved*, That the post office be so regulated as that the post shall set out and arrive at the place where Congress shall be sitting twice every week, to go as far as Boston, in the State of Massachusetts Bay, and to Charleston, in the State of South Carolina.

December 28, 1779 –

1) *Resolved*, That hereafter all applications for promotion in the army of the United States of America be made to the Board of War, and all applications for promotion in the navy to the Board of Admiralty, and that they report to Congress.

Produced by Union States Assembly

Summary of 1780

January 31, 1780 –

1) The committee, to whom was referred the summary of the communications from the Minister of France, brought in a report, which, being read and debated by paragraphs, was agreed to.

Congress taking into the consideration the foregoing communications,

Resolved, That the following answer be given to the communications of the honourable the Minister Plenipotentiary of France: That Congress entertain the most grateful sense of the unremitting attention given to the interests of the United States by their illustrious ally; and consider the communications made to them by his minister under his Majesty's special command as equally wise and interesting. That the confidence which they repose in his Majesty, in consequence of his so generously interesting himself in the affairs of these United States, and the wisdom and magnanimity of his councils, determines them to give the most perfect information in their power of their resources, their views and their expectations.

That to this end, they state as follows: That the United States have expectations on which they can rely with confidence of bringing into the field an army of 25,000 effective men, exclusive of commissioned officers. That this army can be reinforce by militia so as to be in force sufficient for any enterprises against the posts occupied by the enemy within the United States. That supplies of provisions for the army in its greatest number can certainly be obtained within the United States; and the Congress, with the cooperation of the several states, can take effectual measures for procuring them in such manner as that no operation will be impeded. That provision also for such of the forces of his most Christian Majesty as may be employed in conjunction or co-operation with those of the United States, can be procured under the direction of Congress; and such provision shall be laid up in magazines, agreeably to such instructions as his Majesty's Minister Plenipotentiary shall give; and the magazines shall be put under the direction of the agent of the marine of France. That Congress rely on the contributions of the states by taxes, and on moneys to be raised by internal loans for the pay of the army. That supplies of clothing, of tents, of arms and warlike stores, must be principally obtained from foreign nations; and the United States must rely chiefly on the assistance of their ally for them; but every other means for procuring them are already taken, and will be prosecuted with the greatest diligence. That the United States, with the assistance of a competent naval force, would willingly, during the next campaign, carry on the most vigorous offensive operations against the enemy in all posts occupied by them within the United States.

Produced by Union States Assembly

That without such naval force, little more can be attempted by them than straightening the quarters of the enemy, and covering the interior parts of the country. That their forces must be disposed in such manner as to oppose the enemy with the greatest effect, wheresoever their most considerable operations may be directed. That at present the southern states seem to be their principal object, and their design to establish themselves in one or more of them; but their superiority at sea over the United States enables them to change their objects and operations with great facility, while those of the United States are rendered difficult by the great extent of country they have to defend. That Congress are happy to find his most Christian Majesty gives no credit to the suggestions of the British cabinet relative to the dispositions of the United States, or any of them, to enter into treaties of accommodation with Great Britain; and wish his Majesty and all the powers of Europe to be assured, that such suggestions are insidious and without foundation. That it will appear by the constitutions and other publick acts of the several states, that citizens of the United States possessed of arms, possessed of freedom, possessed of political power to create and direct their magistrates as they think proper, are united in their determination to secure to themselves and their posterity the blessings of liberty, by supporting the independence of their governments, and observing their treaties and publick engagements with immoveable firmness and fidelity. And the Congress assure his Majesty, that should any individual in America be found base enough to show the least disposition for persuading the people to the contrary, such individual would instantly lose all power of effecting his purpose, by forfeiting the esteem and confidence of the people.

The said committee report, That in a second conference with the honourable the Minister Plenipotentiary of France he communicated to them –

That his most Christian Majesty, being uninformed of the appointment of a minister plenipotentiary to treat of an alliance between the United States and his Catholick Majesty, has signified to this Minister Plenipotentiary to the United States, that he wishes most earnestly for such an alliance; and in order to make the way thereto more easy, has commanded him to communicate to the Congress certain articles which his Catholick Majesty deems of great importance to the interests of his crown, and on which it is highly necessary that the United States explain themselves with precision, and with such moderation as say consist with their essential rights.

That the articles are –

1. A precise and invariable western boundary to the United States.

2. The exclusive navigation of the river Mississippi.

3. The possession of the Floridas; and

Produced by Union States Assembly

4. The lands on the left or eastern side of the river Mississippi.

That on the first article, it is the idea of the cabinet of Madrid that the United States extend to the westward no farther than settlements were permitted by the royal proclamation bearing the ___ day of ___ 1763.

On the second, that the United States do not consider themselves as having any right to navigate the river Mississippi, no territory belonging to them being situated thereon.

On the third, that it probable the King of Spain will conquer the Floridas during the course of the present war; and in such event, every cause of dispute relative thereto between Spain and these United States ought to be removed.

On the fourth, that the lands lying on the east side of the Mississippi, whereon the settlements were prohibited by the aforesaid proclamation, are possessions of the crown of Great Britain, and proper objects against which the arms of Spain may be employed, for the purpose of making a permanent conquest for the Spanish crown. That such conquest may, probably, be made during the present war. That therefore it would be advisable to restrain the southern states from making any settlements or conquests in those territories. That the council of Madrid consider the United States as having had no possession of them before the present war, or not having any foundation for a claim in the right of the sovereignty of Great Britain, whose dominion they have abjured.

That his most Christian Majesty, united to the Catholick King by blood and by the strictest alliances, and united with these states in treaties of alliance, and feeling towards them dispositions of the most perfect friendship, is exceedingly desirous of conciliating between his Catholick Majesty and these United States, the most happy and lasting friendship.

That the United States may repose the utmost confidence in his good will to their interests, and in the justice and liberality of his Catholick Majesty; and that he cannot deem the revolution which has set up independence of these United States as past all danger of the unfavorable events, until his Catholick Majesty and the United States shall be established on those terms of confidence and amity which are the objects of his most Christian Majesty's very earnest wishes.

March 21, 1780 –

1) On motion to proceed to the order of the day for taking into consideration the disputes and differences relative to the jurisdiction of the states of New York, Massachusetts Bay and New Hampshire, or such of them as have passed laws, agreeably to a recommendation of Congress of the 24 September last, on the one part, and the people of a certain tract of country called the New Hampshire Grants, who claim to be a separate jurisdiction, on the other part;

Produced by Union States Assembly

Ordered, That the same be postponed, nine states, exclusive of those who are parties to the question, not being represented in Congress.

May 4, 1780 –

1) The Board of Admiralty reported the device of a seal for the Admiralty of the United States: the arms, thirteen bar mutually supporting each other, alternated red and white, in a blue field, and surmounting an anchor proper. The crest a ship under sail. The motto SUSTENTANS ET SUSTENTATUS. The legend U. S. A. Sigil. Naval.

Ordered, That the same be engraved, and used as the seal of the Board of Admiralty of the United States of America.

May 17, 1780 –

1) The report of the committee on the device of a seal was taken into consideration; and after debate,

The Committee to whom was referred on the 25th of March last the report of a Committee on the device of a Great Seal for the United States in Congress Assembled, beg leave to report the following description.

The seal to be [3] inches in diameter.

On one side the arms of the United States as follows: The shield on the field azure with 13 diagonal stripes alternate [rouge] and [argent]. Supporters, dexter a warrior holding a sword; sinister a figure representing a peace bearing an olive Branch. The crest – a radiant constellation of 13 stars. The motto, *Bello vel paci*: The Legend round the atchievement, *The great seal of the United States of America*.

On the Reverse The Figure of Liberty seated in a chair holding the staff and cap. The motto, ["*virtute perennis*"]: underneath MDCCLXXVI.

A miniature of the Face of the great seal to be presented of half the diameter, to be affixed as the less seal of the United States.

May 23, 1780 –

1) Agreeable to the order, Congress took into consideration the following resolutions moved by Mr. [John Morin] Scott, viz.

"Whereas Congress in and by certain resolutions, of the 24th day of September last, did, among other things, unanimously resolve to proceed on the first day of February then next without

Produced by Union States Assembly

delay, to hear and examine into the disputes and differences relative to the jurisdiction between the States of New Hampshire, Massachusetts Bay and New York, respectively, or such of them who should pass laws for the purpose, on the one part, and the people of a certain district of country, commonly called the New Hampshire Grants, who claim to be a separate jurisdiction on the other; and after a full and fair hearing to decide and determine the same, according to equity; and Congress did thereby pledge their faith to execute and support their decisions and determinations in the premises; and did thereby also unanimously resolve that it was the duty of the people of the district aforesaid to abstain in the meantime from exercising any power over any of the inhabitants of the said district, who profess themselves to be citizens of, or owe allegiance to any, or either of the said states; and also that in the meantime the said three states ought, in the opinion of Congress, to suspend executing their laws over any of the inhabitants of the said district, except such of them as profess allegiance to, and confess the jurisdiction of the same, respectively. And further, that Congress would consider any violences committed against the tenor, true intent and meaning of the said resolution, as a breach of the peace of the Confederacy, which they were determined to keep and maintain. And whereas, Congress did thereby further unanimously resolve that, in their opinion, no unappropriated lands, or estates, which were, or might be adjudged forfeited or confiscated, lying in the said district, ought, until the final decision of Congress in the premises, to be granted or sold;

"And whereas, those of the people of the said district who assume to be a separate and independent State, and to exercise a separate jurisdiction over the said district of country, having due notice of said resolutions of Congress, did in general assembly by them assumed to be held at Manchester, within the said district, on the 20th day of October last, resolve to support their right to independence at Congress and to the world, in the character of a free and independent state, and did also in direct contradiction to the said resolutions of Congress, resolve to make grants of all, or any part of the unappropriated lands within their jurisdiction, that should not interfere with any former grants.

"And whereas, although the said States of New Hampshire and New York, respectively, did before the first day of February last, pass such laws, as aforesaid, and by their agent and delegate in Congress have ever since that day declared themselves ready to support their respective rights in the premises before Congress; and the people of the said district have by their agents refused to submit their claim of independence to the decision of Congress; and in defiance of the resolutions aforesaid, have proceeded to grant such lands as aforesaid, and others by them deemed confiscated, and in divers instances exercised civil and military authority over the persons and estates of certain inhabitants within the said district. Who profess themselves to be citizens of, and to owe allegiance to the said State of New York.

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"And whereas Congress for these and other reasons, concerning the necessity of bringing the said controversy concerning the premises to a full and fair hearing, examination, decision, and determination. From which they have hitherto been prevented, for want of the actual representation in Congress of a sufficient number of states not interested in the said controversy, did, on the 17th instant, order that the President write to the executives of the states of Delaware and Maryland [being the two states now actually unrepresented in Congress] to send forward immediately, and to keep up a representation in Congress, as matters of the highest importance are now before them,

"Resolved, Therefore, That the people inhabiting within the said district of country have in the aforesaid acts and transactions been, and by the perpetration of similar acts and transactions, or any others, contrary to the tenor, true intent and meaning of the above in part recited resolutions of Congress, will be guilty of a breach of the peace of the Confederacy of the United States of North America.

"Resolved, That these United States are bound to protect every of the said states in full employment of their rights and property against every usurpation or invasion whatsoever.

"Resolved, Therefore, That in any future determination of the controversy in the premises by Congress concerning the property of soil within the said district by any other persons in the mode prescribed by such other parts of the said resolutions as are not herein above recited, all grants of land by the assumed government or authority of the people of the said district; and also all grants by the respective governments of the States of New Hampshire, Massachusetts Bay and New York to said resolutions of Congress of the 24th day of September last, for any lands within the said district and prior to such determination as aforesaid, ought to be deemed, esteemed, taken and adjudged to be absolutely null and void.

"*Resolved*, That Congress will as soon as a sufficient number of these United States uninterested in the said controversy, to be determined by Congress. Shall be actually represented, take up the same as the order of the day, and will proceed without delay to hear, examine and finally decide and determine the same, and will, pursuant to their said former resolutions, execute and support such their decision and determination.

A motion was made by Mr. [William] Ellery, seconded by Mr. [Samuel] Holten, that the same be postponed. And on the question for postponing, the yeas and nays were required by Mr. [John Morin] Scott. So it passed in the affirmative.

A motion was then made by Mr.[Thomas] Burke, seconded by Mr. [Allen] Jones, in the words following, viz. "That the lands contained within the limits of the United States are, and of right ought to be under the jurisdiction of some one or other of the thirteen United States, and of no other power, and are and of right ought to be under the federal protection of the United States;

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and that the United States in Congress assembled are bound to employ the common forces and common powers in support of the jurisdiction of any of the said states, whenever the same shall be invaded or infringed."

It was moved by Mr. [John] Fell, seconded by Mr. [William Churchill] Houston, to refer the above motion to a committee of three. And on the question for referring, the yeas and nays were required by Mr. [William] Ellery. So it was resolved in the affirmative.

May 24, 1780 –

1) *Resolved*, That the stile of the Court of Appeals appointed by Congress, be "The Court of Appeals in Cases of Capture".

2) *Resolved*, That the judges and register of the said Court, shall respectively take an oath of office before they enter upon the duties of the same.

That the oath of the judges be in the words following, viz.

"You do swear or affirm that you will well, faithfully and impartially execute the office of one of the judges of the Court of Appeals in Cases of Captures, according to the best of your skill and judgment. So help you God".

That the oath of the register of the said Court shall be in the words following:

"You do swear or affirm, that you will well faithfully execute the office of register of the Court of Appeals in Cases of Captures, according to the best of your skill and judgment. So help you God".

That the judges of the said Court shall be qualified in the manner aforesaid, before the President of Congress, and certificates thereof lodged in the office of the secretary of Congress; and that the register shall be qualified before the said judges, and certificates thereof be lodged in the said Court of Appeals.

3) *Resolved*, That all matters respecting appeals in cases of capture, now depending before Congress, or the commissioners of appeals, consisting of members of Congress, be referred to the newly erected Court of Appeals, to be there adjudged and determined according to law; and that all papers touching appeals in cases of captures, lodged in the office of the secretary of Congress, be delivered to and lodged with the register of the Court of Appeals.

June 2, 1780 –

1) Congress resumed the consideration of the report of the committee on sundry papers respecting the New Hampshire Grants, and thereupon came to the following resolutions:

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Whereas it is represented to Congress, and by authentic evidence laid before them it appears, that the people inhabiting the district of country commonly known by the name of New Hampshire Grants, and claiming to be an independent State, have notwithstanding the resolution of Congress of the 24th September, and 2d October, proceeded as a separate government to make grants of lands and sales of estates by them declared forfeited and confiscated; and have also, in divers instances, exercised civil and military authority over the persons and effects of sundry inhabitants within said district, who profess themselves to be citizens of and owe allegiance to the State of New York.

Resolved, That the acts and proceedings of the people inhabiting the said district, and claiming to be an independent State as aforesaid, in contravening the good intentions of the said resolutions of the 24th September and the 2nd October last, are highly unwarrantable, and subversive of the peace and welfare of the United States.

That the people inhabiting the said district, and claiming to be an independent State as aforesaid, be, and they hereby are, strictly required to forbear and abstain from all acts of authority, civil or military, over the inhabitants of any town or district who hold themselves to be subjects of, and to owe allegiance to, any of the states claiming the jurisdiction of the said territory, in whole or in part, until the decisions and determinations in the resolutions aforementioned shall be made.

And whereas the States of New Hampshire and New York have complied with the said resolutions of the 24 September and 2 October last, and by their agents and delegates in Congress declared themselves ready to proceed in supporting their respective rights to the jurisdiction of the district aforesaid, in whole or in part, according to the several claims, and in the mode prescribed in the said resolutions: and whereas Congress, by their order of the 21 March last, did postpone the consideration of the said resolutions, nine states, exclusive of those who were parties to the question, not being represented; and by their order of the 17th of May last, have directed that letters be written to the states not represented, requesting them immediately to send forward a representation;

Resolved, That Congress will, as soon as nine states, exclusive of those who are parties to the controversy, shall be represented, proceed to hear and examine into and finally determine the disputes and differences relative to jurisdiction between the three states of New Hampshire, Massachusetts Bay, and New York, respectively, or such of them as shall have passed laws as are mentioned in the said resolutions of the 24 September and 2 October last, on the one part, and the people of the district aforesaid, who claim to be a separate jurisdiction, on the other, in the mode prescribed in and by the said resolutions.

June 9, 1780 –

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1) Nine states being represented, exclusive of New Hampshire, Massachusetts Bay, and New York,

A motion was made by Mr. [Robert R.] Livingston, seconded by Mr. [John Morin] Scott, agreeably to the resolution of the 2d instant, to proceed to hear and examine into, and finally determine the disputes and differences relative to jurisdiction, between the three states of New Hampshire, Massachusetts Bay, and New York, respectively, or such of them as shall have passed such laws as are mentioned in the resolutions of the 24 September and 2 October last, on the one part, and the people of the district commonly known by the name of New Hampshire Grants, who claim to be a separate jurisdiction, on the other hand, in the mode prescribed in and by the said resolutions.

But it being represented on the part of New Hampshire, that the agent specially appointed for that business, is not now present, and from the great distance, cannot soon attend Congress.

On motion of Mr. [George] Walton, seconded by Mr. [Nathaniel] Folsom,

Ordered, That the second Tuesday in September next be assigned to proceed to hear and examine into and finally determine the disputes and differences relative to jurisdiction, between the three states of New Hampshire, Massachusetts Bay and New York, respectively, or such of them as shall have passed such laws as are mentioned in the resolutions of the 24 September and 2 October last, one the one part, and the people of the district commonly known by the name of the New Hampshire Grants, who claim to be a separate jurisdiction, on the other in the mode prescribed in and by the said resolutions.

Ordered, That copies of the aforegoing order be sent to the states of New York, New Hampshire and Massachusetts Bay, and to the people of the district aforesaid.

<u>June 21, 1780</u> –

1) *Resolved*, That the Minister Plenipotentiary of these States at the Court of Madrid be instructed to make application in such mode as he in his dispositions of the Court of Portugal, and to inform Congress whether any advantageous connection can be formed with that power, and what privileges, if any, can be obtained for the subjects and ships of these States.

<u>July 7, 1780</u> –

1) *Resolved*, That the commission which was agreed to on the first day of November, 1779, for the honorable Henry Laurens, as a commissioner to negotiate a treaty of amity and commerce with the States General of the United Provinces of the Low Countries, be delivered to him; and that the consideration of the instructions relative to the negotiation of the treaty be for the present deferred, and that Mr. Laurens, on his arrival in Holland, inform himself of the state of

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affairs in that country, and advise Congress particularly thereof, that they may be enabled to decide with more certainty upon the terms of which such a treaty ought to be settled.

July 10, 1780 –

1) The committee, to whom were referred the letters from Governor Galvez and O. Pollock, brought in a report, which was read; Whereupon,

The Committee to whom were referred the letter of his Excellency Bernardo de Galvez of the 8th of May last, together with the letter of Oliver Pollock of the 20th January last with the papers enclosed have considered thereof and agreed to report –

That it appears to your Committee Captain William Pickles Commanding a Schooner in the service of the United States in the Month of Sept: 1779 entered the Lake Pontchartrain and Captured the British Armed Sloop West Florida, which had been in possession and command of the Lake near two years before, and after taking the Sloop landed part of his men in the district of Country on Lake Pontchartrain between the Bayou le Combe and the river Tanchipaho and obtained from the inhabitants of that district a submission in writing, acknowledging their subjection to the United States, a copy whereof (the original being in his possession) hath been transmitted to Congress by the said Oliver Pollock.

That it also appears to your Committee by the letters of the Governor of Louisiana that Captain Pickles in the Sloop West Florida by joining the force of these States under his command with that of Spain greatly facilitated the reduction of West Florida, which acknowledgment on the part of his Excellency Governor Galvez together with the submission of the inhabitants on Lake Pontchartrain may in the opinion of your Committee serve to strengthen and support the claim of the United States to the free Navigation of the river Mississippi, and to a port or ports on the said river, the committee therefore submit the following Resolution:

Resolved, That a copy of the capitulation of the inhabitants on the Lake Pontchartrain, dated the 16 October, 1779, and copies of the letters of his Excellency Bernardo de Galvez, governor of Louisiana; the one to the President of Congress, dated 8 May, last, and the other to Oliver Pollock, dated 21 October last, be transmitted to the honorable John Jay, at the Court of Madrid.

August 24, 1780 –

1) A petition from a number of the inhabitants of Kentucke was read; on which

A motion was made by the delegates of Virginia, that this petition, together with that read yesterday, from a number of the inhabitants of the said country, be transmitted to the governor of Virginia; which on the question, passed in the negative.

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August 25, 1780 –

1) *Resolved*, That when the governors or presidents of two or more states act in the field together, he who has been longest in office shall take rank of all other governors or presidents, except the governor or president of the state in which they are; who, in his own state, notwithstanding he may be youngest in office, always takes rank.

Resolved, That whenever the governors or presidents of state act in conjunction with continental troops, they shall, for the time they so act in conjunction, have the rank of major-general in the line of the army.

Provided always, that nothing in the above resolutions shall exclude the governor of any state for a separate command over the militia of the state in which he presides, where not inconsistent with the particular views of the Commander in Chief.

August 29, 1780 –

1) *Ordered*, That Thursday next be assigned for the consideration of the report of the committee on the instructions of the assembly of Maryland to their delegates, and other papers respecting the confederation.

September 6, 1780 –

1) Congress took into consideration the report of the committee to whom were referred the instructions of the general assembly of Maryland to their delegates in Congress, respecting the articles of confederation, and the declaration therein referred to, the act of the legislature of New York on the same subject, and the remonstrance of the general assembly of Virginia; which report was agreed to, and is in the words following:

"That having duly considered the several matters to them submitted, they conceive it unnecessary to examine into the merits or the policy of the instructions or declaration of the general assembly of Maryland, or of the remonstrance of the general assembly of Virginia, as they involve questions, a discussion of which was declined on mature consideration, when the articles of confederation was debated; nor, in the opinion of the committee, can such questions be now revived with any prospect of conciliation; that it appears more advisable to press upon those states which can remove the embarrassment respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the federal union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigour of our councils and success of our measures, to our

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tranquility at home, and our reputation abroad, to our present safety and our future prosperity, to our very existence as a free, sovereign and independent people; that they are fully persuaded the wisdom of the respective legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the federal union; that they are confirmed in these expectations by a review of the beforementioned act of the legislature of New York, submitted to their consideration; that this act expressly calculated to accelerate the federal alliance, by removing, as far as it depends on that State, the impediment arising from the western country, and for that purpose to yield up a portion of territorial claim for the general benefit; Whereupon

Resolved, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the legislatures of the several states, and that it earnestly be recommended to those states, who have claims to the western country to pass such laws, and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the articles of confederation; and that the legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said articles.

A motion was made by Mr. [Joseph] Jones, seconded by Mr. [James] Madison, respecting the lands that may be ceded in pursuance of the foregoing report and resolve.

That in the case the recommendation of Congress to the States of Virginia, North Carolina and Georgia to cede to the United States a portion of their unappropriated Western Territory shall be complied with in such manner as to be approved of by Congress, the Territory so ceded shall be laid out in a separate and distinct States at such time and in such manner as Congress shall hereafter direct, so as that no state be less than one hundred or more than one hundred and fifty miles square or as near thereto as circumstances will admit, and that upon such cession being approved of and accepted by Congress the United States will guaranty the remaining Territory to the said States respectively.

That such of the said States as have been at expense in subduing any of the British Posts within the Territory proposed to be ceded and in maintaining Garrisons and supporting civil government therein since the reduction of such Posts shall be reimbursed by the Continent the amount of such expense.

That all the Lands to be ceded to the United States and not appropriated or disposed of in bounties to the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation according to their usual proportions or quotas of general charge and expenditure, and shall be applied and disposed of for that purpose and no other whatsoever, and therefore all purchases and deeds from any Indian or Indians, or any Indian Nation or Nations for and Lands within any

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part of such ceded Territory, which have been or shall be made for the use of any private person or persons whatsoever, shall be deemed and taken as absolutely void.

September 26, 1780 –

1) Congress took into consideration the report of the committee on the motion of Mr. [Samuel] Adams;

The Committee to whom was referred the motion of Mr. Adams. Report that,

Whereas her Imperial Majesty of all the Russians, animated with the clearest sentiments of Justice, equity and moderation, and a strict guard to the unquestionable right of neutrality and the most perfect freedom of Commerce that can consist with such neutrality has notified both to the belligerent and neutral Powers, the following propositions to which his Most Christian Majesty, the Illustrious ally of these United States and his Catholic Majesty two of the Belligerent Powers, and most of the neutral maritime Powers in Europe have acceded, to wit:

1. That Neutral vessels may sail, without be liable to molestation from port to port and along the coasts of nations at war.

2. That the effects belonging to the subjects of powers at war should be free in neutral vessels, excepting only contraband.

3. That in ascertaining what shall be deemed *contraband* the Empress will hold herself bound by that which is declared in the 10 and 11 articles of her Treaty of Commerce with Great Britain, and extend the obligations contained in those articles to all the powers at war.

4. That to determine when a port shall be said to be *blocked up*, this term shall only be applied to that where a sufficient number of vessels belonging to the power that invests it are stationed so near as evidently to render the entrance into it hazardous.

5. That the principles above stated ought to serve as a rule in all proceedings whenever there is a question concerning the legality of captures.

The Congress of the United States of America willing to testify their moderation and regard to the rights of neutrality and freedom of commerce, as well as their respect for the powers and potentates who have adopted the propositions aforesaid have.

Resolved, That all neutral vessels have by the Law of Nations a right to navigate freely to and from the ports and on the coasts of powers at war, when not prohibited by treaty of municipal law.

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That in the cases aforesaid the effects of belligerent powers, or belonging to their subjects shall be free in neutral vessels except always contraband. That the term contraband be confined to those articles expressly declared such by the ___ article of the Treaty of amity and Commerce of the 6th day of February 1778 between his Most Christian Majesty and these United States.

That with regard to ports or places blocked up or closely invested, none shall be considered as such but those which by a siege or blockade are so closely invested that an attempt cannot be made to enter such ports or laces without evident danger.

That the above principles serve as a rule in all proceedings of justice in the United States on all questions of capture.

That all captains and commanders of armed vessels whether public and of war or private holding commissions from and under the United States of America in Congress assembled be and hereby are strictly enjoined and required to observe the propositions above stated as a rule of conduct and govern themselves accordingly, and that the Board of Admiralty in the Instructions which they may give, and the Maritime Courts or Courts of Admiralty of the several states, and the Court of Appeals in the Cases of Captures in their several proceedings and adjudications concerning the legality of captures determine and determine and decide agreeably to the principles aforesaid.

Ordered, that the Committee of Foreign affairs transmit copies of the above act to the Minister Plenipotentiary of these States at the Court of Versailles to be by him communicated to the Neutral Powers in Europe and others whom it may concern.

And on the question, the same was postponed, and a motion was made by Mr. [Robert R.] Livingston, seconded by Mr. [John] Mathews in the following terms:

Congress have considered the declaration of the Empress of all the Russians, relative to the rights of neutral vessels. The regulations it contains are useful, wise and just. The acts of a sovereign who promotes the happiness of her subjects and extends her views to the welfare of nations, who forms laws for a vast empire and corrects the great code of the world, claim earliest attention of a rising republic; therefore,

Resolved, That the Board of Admiralty report instructions for the commanders or armed vessels commissioned by the United States, comformable to the principles contained in the said declaration.

Resolved, That copies of the above resolution be transmitted to the Ministers of the United States respectively, and to Monsieur de Marbois, change des affaires, from his Most Christian Majesty.

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A motion was made by Mr. [Timothy] Matlack, seconded by Mr. [Roger] Sherman, that the foregoing motion committed; and on the question, the yeas and nays being required by Mr. [Robert R.] Livingston. So it was resolved in the affirmative.

October 4, 1780 –

1) The committee, to whom was referred the letter, of 26 September, from General Washington, brought in a report; Whereupon,

Resolved, That the Board of War be and hereby are directed to erase from the register of the names of the officers of the army of the United States, the name of Benedict Arnold.

2) Congress took into consideration the report on the instructions to the delegates of Virginia, and the extract of the honorable J. Jay's letter of 26 May, which being amended, was unanimously agreed to.

On the report of a committee to whom were referred certain instructions to the delegates of Virginia by their constituents, and a letter of the 26th May, from the honorable John Jay, Congress unanimously agreed to the following instructions to the honorable John Jay, minister plenipotentiary of the United States of America at the court of Madrid.

That the said minister adhere to his former instructions respecting the right of the United States of America to the free navigation of the river Mississippi into and from the sea; which right, if an express acknowledgment of it cannot be obtained from Spain, is not by any stipulation on the part of America to be relinquished. To render the treaty to be concluded between the two nations permanent, nothing can more effectually contribute than a proper attention, not only to the present but the future reciprocal interests of the contracting powers.

The river Mississippi being the boundary of several states in union, and their citizens, while connected with Great Britain, and since the revolution, having been accustomed to the free use thereof in common with the subjects of Spain, and no instance of complaint or dispute having resulted from it, there is no reason to fear that the future mutual use of the river by the subjects of the two nations, actuated by friendly dispositions, will occasion any interruption to that harmony which is the desire of America, as well as of Spain, should be perpetual. That is the unlimited freedom of the navigation of the river Mississippi, with a free port or ports below the 31st degree of north latitude, accessible to merchant ships, cannot be obtained from Spain, the said minister, in that case, be at liberty to enter into such equitable regulations as may appear a necessary security against contraband; provided the right if the United States to the free navigation of the river be not relinquished, and a free port or ports, as above described, be stipulated to them.

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That with respect to the boundary alluded to in his letter of the 26th May last, the said minister be and hereby instructed to adhere strictly to the boundaries of the United States as already fixed by Congress. Spain having the treaty of Paris ceded to Great Britain all the country north-eastward of the Mississippi, the people inhabiting these states, while connected with Great Britain, and also since the revolution, have settled themselves at divers places to the westward near the Mississippi, are friendly to the revolution, and being citizens of these United States, and subject to the laws of those to which they respectively belong, Congress cannot assign them over as subjects to any other power.

That the said minister be farther informed, that in case Spain shall eventually be in possession of East and West Florida, at the termination of the war, it is of the greatest importance to these United States to have use of the waters running out of Georgia through West Florida into the bay of Mexico, for the purpose of navigation; and that he be instructed to endeavor to obtain the same, subject to such regulations as may be agreed on between the contracting parties; and that as a compensation for this, he be and hereby is empowered to guaranty the possession of the said Floridas to the crown of Spain.

October 5, 1780 –

1) Congress took into consideration the report of the committee on the motion relating to the propositions of the Empress of Russia; and thereupon came to the following resolutions:

Her Majesty of all the Russians, attentive to the freedom of commerce, and the rights of nations, in her declaration to the belligerent and neutral powers, having proposed regulations, founded upon principles of justice, equity, and moderation, of which their Most Christian and Catholic Majesties, and most of the neutral maritime powers of Europe, have declared their approbation;

Congress, willing to testify their regard to the rights of commerce, and their respect for the sovereign, who hath proposed and the powers that have approved the said regulations:

Resolved, That the Board of Admiralty prepare and report instructions for the commanders of armed vessels commissioned by the United States, conformable to the principles contained within the declaration of the Empress of all the Russians, on rights of neutral vessels:

That the ministers plenipotentiary from the United States, if invited thereto, be and hereby are respectively empowered to accede to such regulations, conformable to the spirit of the said declaration, as may be agreed upon by the Congress expected to assemble in pursuance of the invitation of her Imperial Majesty.

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Ordered, That copies of the above resolutions be transmitted to the respective ministers of the United States, at foreign courts, and to the honorable the minister plenipotentiary of France.

October 6, 1780 –

1) On motion of Mr. [John] Sullivan, seconded by Mr. [James] Duane,

Resolved, That a committee of three be appointed to draft a letter to the Ministers of the United States at the Courts of Versailles and Madrid, to enforce the instruction given by Congress to Mr. Jay by their resolutions of the 4th instant, and explain the reasons and principles on which the same are founded, that they may respectively be enabled to satisfy those Courts of the justice and equity of the intentions of Congress.

October 10, 1780 –

1) Congress resumed the consideration of the report of the committee on the motion made by the delegates of Virginia; and thereupon,

Resolved, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular states, pursuant to the recommendation of Congress of the 6 day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states: that each state which shall be so formed shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit.

That the necessary and reasonable expenses which any particular state shall have incurred since the commencement of the present war, in subduing any of the British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed;

That said lands shall be granted and settled at such times and under regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.

October 17, 1780 –

1) Congress took into consideration the draught of the letter to Mr. Jay, and agreed to the same.

The committee, appointed to prepare a letter to the Ministers Plenipotentiary of the United States at the Courts of Versailles and Madrid, explaining the reasons and principles on which

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the instructions to Mr. Jay the 4th instant are founded, reported a draft which was agreed to as follows:

SIR,

Congress having in their instructions of the 4th instant, directed you to adhere strictly to the former instructions relating to the boundaries of the United States, to insist on the navigation of the Mississippi for the citizens of the United States in common with subjects of his Catholick Majesty, as also a free port or ports below the northern limit of West Florida, and accessible to merchant ships for the use of the former; and being sensible of the influence which these claims on the part of the United States may have on your negotiations with the court of Madrid, have thought it expedient to explain the reasons and principles on which the same are founded, that you may be enabled to satisfy that court of the equity and justice of their intentions.

With respect to these first three articles, by which the river Mississippi is fixed as the boundary between the Spanish Settlements and the United States, it is unnecessary to take notice of and pretensions founded on a priority of discovery, of occupancy, or on conquest. It is sufficient that by the definitive treaty of Paris, of 1763, article seventh, all the territory now claimed by the United States was expressly and irrevocably ceded to the king of Great Britain; and that the United States are, in consequence of the revolution in their government, entitled to the benefits of that cession.

The first of these positions is proved by the treaty itself. To prove the last, it must be observed, that it is a fundamental principle in all lawful governments, and particularly in the constitution of the British empire, that all rights of sovereignty are intended for the benefit of those for who they are derived, and over whom they are exercised. It is known also to have been held for an inviolable principle by the United States while they remained a part of the British empire, that the sovereignty of the king of England, with all the rights and powers included in it, did not extend to them in virtue of his being acknowledged and obeyed as a king by the people of England, or of any other part of the empire, but in virtue of his being acknowledged and obeyed as king of the people of America themselves; and that this principle was the basis, first of their opposition to, and finally of their abolition of, his authority over them. From these principles it results, that all the territory lying within the limits of the states, as fixed by the sovereign himself, was held by him for their particular benefits, and must equally with his other rights and claims in quality of their sovereign, be considered as having devolved on them, in consequence of their resumption of the sovereignty to themselves.

In support of this position it may be further observed, that all the territorial rights of the king of Great Britain, within the limits of the United States, accrued to him from the enterprises, the risks, the sacrifices, the expense in blood and treasure of the present inhabitants and their

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progenitors. If in the latter times expenses and exertions have been borne by any other part of the empire, in their immediate defence, it need be recollected, that the ultimate object of them was the general security and advantage of empire; that a proportional share was borne by the states themselves; and that if this had not been the case, the benefits resulting from an exclusive enjoyment of their trade have been an abundant compensation. Equity and justice therefore perfectly coincide, in the present instance, with political and constitutional principles.

No objection can be pretended against what is here said, except that the king of Great Britain was, at the time of the rupture with his Catholick Majesty, possessed of certain parts of the territory in question, and consequently that his Catholick Majesty had and still has a right to regard them as lawful objects of conquest. In answer to this objection, it is to be considered, 1. That these possessions are few in number and confined to small spots. 2. That a right founded on conquest being coextensive with the objects of conquest, cannot comprehend the circumjacent territory. 3. That of a right to the said territory depended on conquests of the British ports within it, the United States have already a more extensive claim to it than Spain can acquire, having by the success of their arms obtained possession of all the important posts and settlements on the Illinois and Wabash, rescued the inhabitants from British domination, and established civil government in its proper form over them. They have, moreover, established a post on a strong and commanding situation near the mouth of the Ohio; whereas Spain has a claim by conquest to no post above the northern bounds of West Florida, except that of Natchez, nor are there any other British posts below the mouth of the Ohio for their arms to be employed against. 4. That whatever extent ought to be ascribed to the right of conquest, it must be admitted to have limitation which in the present case exclude the pretention of his Catholick Majesty. If the occupation by the king of Great Britain of posts within the limits of the United States, as defined by charters derived from the said king when constitutionally authorized to grant them, makes them lawful objects of conquest to any other power than the United States, it follows that every other part of the United States that now is, or may hereafter fall into the hands of the enemy, is equally an object of conquest. Not only New York, Long Island, and other islands in its vicinity, but almost the entire states of South Carolina and Georgia might, by the interposition of a foreign power at war with their enemy, be forever severed from the American confederacy, and subjected to a foreign yoke. But is such a doctrine consonant to the rights of nations, or the sentiments of humanity? Does it breathe that spirit of concord and amity which is the aim of the proposed alliance with Spain? Would it be admitted by Spain herself, if it affected her own dominions? Were, for example, a British armament by a sudden enterprise to get possession of a seaport, a trading down, or maritime province of Spain, and another power at war with Britain, should, before it could be re-conquered by Spain, wrest it from the hands of the Britain, would Spain herself consider it as an extinguishment of her just possessions? Or would any impartial nation consider it in that light? [As to a proclamation of the king of Great Britain of 1763, forbidding his governors in North

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America to grant lands westward of the sources of the rivers falling into the Atlantick ocean, it can by no rule of construction militate against the present claims of the United States. That proclamation, as it clear both from the title and tenor of it, was intended merely to prevent disputes with the Indians, and an irregular appropriation of vacant land to individuals; and by no means wither to renounce any parts of the cessions made in the treaty of Paris, or to affect boundaries established by ancient charters. On the contrary, it is expressly declared that the lands and territory prohibited to be granted, were within the sovereignty and dominion of that crown, notwithstanding the reservation of them to the use of the Indians.]

The right of the United States to western territory as far as the Mississippi having been shown, there are sufficient reasons for them to insist on that right, as well as for Spain not to wish a relinquishment of it.

In the first place, the river Mississippi will be a more natural, more distinguishable, and more precise boundary than any other that can be drawn eastward of it; and consequently will be less liable to become a source of those disputes which too often proceed from uncertain boundaries between nations.

Secondly, It ought not to be concealed, that although the vacant territory adjacent to the Mississippi should be relinquished by the United States to Spain, yet the fertility of its soil, and its convenient situation for trade, might be productive of intrusions by the citizens of the former, which their great distance would render it difficult to restrain; and which might lead to an interruption of that harmony, which it is so much the interest and wish of both should be perpetual.

Thirdly, As this territory lies within the charter limits of particular states, and is considered by them as no less their property than any other territory within their limits, Congress should not relinquish it without exciting discussions between themselves and those states, concerning their respective rights and powers, which might greatly embarrass the publick councils of the United States, and give advantage to the common enemy.

Fourthly, The territory in question contains a number of inhabitants, who are at present under the protection of the United States, and have sworn allegiance to them. These could not by voluntary transfer be subjected to a foreign jurisdiction, without manifest violation of the common rights of mankind, and of the genius and principles of the American governments.

Fifthly, In case the obstinacy and pride of Great Britain should for any length of time continue an obstacle to peace, a cession of this territory, rendered of so much value to the United States by its particular situation, would deprive them of one of the material funds on which they rely for pursuing the war against her. On the part of Spain, this territorial fund is not needed for,

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and perhaps could not be applied to, the purposes of the war; and from the situation is otherwise of much less value to her than to the United States.

Congress have the greater hopes that the pretensions of his Catholick Majesty on this subject will not be so far urged as to prove an insuperable obstacle to an alliance with the United States, because they conceive such pretensions to be incompatible with the treaties subsisting between France and the United States, which are to be the basis and substance of it. By article eleventh of the treaty of alliance, eventual and defensive, the possessions of the United States are guaranteed to them by his most Christina Majesty. By article twelfth of the same treaty, intended to fix more precisely the sense and application of the preceding article, it is declared, that the guaranty shall have its full force and effect the moment a rupture shall take place between France and England. All possessions, therefore, belonging to the United States at the time of that rupture, which being prior to the rupture between Spain and England, must be prior to all claims of Conquest by the former, are guaranteed to them by his Most Christian Majesty.

Now, that in the possessions thus guaranteed was meant, by the contracting parties, to be included all the territory within the limits assigned to the United States by the treaty of Paris, may be inferred from the fifth article of that treaty aforementioned, which declares, that if the United States should think fit to attempt the reduction of the British power remaining in the northern parts of America, or the islands of the Bermudas, &c., those countries shall, in case of success, be confederated with, or dependent upon, the United States. For, if it had been understood by the parties that the western territory in question, known to be of so great importance to the United States, and a reduction of it so likely to be attempted by them, was not included in the general guaranty, can it be supposed that no notice would have been taken of it, when the parties extended their views, not only to Canada, but to the remote and unimportant island of Bermudas. It is true that these acts between France and the United States are in no respects obligatory on his Catholick Majesty, unless he shall think for to accede to them. Yet as they show the sense of his Most Christina Majesty on this subject, with who his Catholick Majesty is intimately allied; as it is in pursuance of an express reservation to his Catholick Majesty in a secret act subjoined to the treaties aforesaid of a power to accede to those treaties, that the present overtures are made on the part of the United States; and as it is particularly stated in that act, that any conditions which his Catholick Majesty shall think for to add, are to be analogous to the principal aim of the alliance, and conformable to the rules if equality, reciprocity and friendship, Congress entertain too high an opinion of the equity, moderation and wisdom of his Catholick Majesty not to suppose, that, when joined to these considerations, they will prevail against any mistaken views of interest that may be suggested to him.

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The next item of the instructions is the free navigation of the Mississippi for the citizens of the United States, in common with the subjects of his Catholick Majesty.

On this subject, the same inference may be made from the article seventh of the treaty of Paris, which stipulates this right in the amplest manner to the king of Great Britain; and the devolution of it to the United States, as was applied to the territorial claims of the latter. Nor can Congress hesitate to believe, that even if no such right could be inferred from that treaty, that the generosity of his Catholick Majesty would not suffer the inhabitants of these states to be put into a worse condition, in this respect, by alliance with him in the character of a sovereign people, than they were in when subjects of a power who was always ready to turn their force against his Majesty; especially as one of the great objects of the proposed alliance is to give greater effect to common exertions for disarming that power of the faculty of disturbing others. Besides, as the United States have an indisputable right to the possession of the east bank of the Mississippi for a great distance, and the navigation of that river will essentially tend to the prosperity and advantage of the citizens of the United States that may reside on the Mississippi, or the waters running into it, it is conceived that the circumstances of Spain's being in possession of the banks on both sides near its mouth, cannot be deemed a natural or equitable bar to the free use of the river. Such a principle would authorize a nation disposed to take advantage of circumstances to contravene the clear indications of nature and Providence, and the general good of mankind.

The usage of nations accordingly seems in such cases to have given to those holding the mouth or lower parts of a river no right against those above them, except the right of imposing a moderate toll, and that on the equitable supposition, that such toll is due for the expense and trouble the former may have been put to. "An innocent passage (says Vattel) is due to all nations whom a state is at peace; and this duty comprehends troops equally with individuals". If is a right to a passage by land through other countries may be claimed by troops, which are employed in the destruction of mankind, how much more a passage by water be claimed for commerce, which is beneficial to all nations.

Here again it ought not to be concealed, that the inconveniences which must be felt by the inhabitants on the waters running westwardly, under an exclusion from the free use of the Mississippi, would be a constant and increasing source of disquietude on their part, of more vigorous precautions on the part of Spain, and of an irritation on both parts, which it is equally the interest and duty of both to guard against.

But notwithstanding the equitable claim of the United States to the free navigation of the Mississippi, and its great importance to them, Congress have so strong a disposition to conform to the desires of his Catholick Majesty, that they have agreed that such equitable regulations may be entered into as may be a requisite security against contraband; provided, the point of

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right be not relinquished, and a free port or ports below the thirty-first degree of north latitude, and accessible to merchant ships, be stipulated to them.

The reason why a port or ports, as thus described, was required must be obvious. Without such a stipulation, the free use of the Mississippi would in fact amount to no more than a free intercourse with New Orleans and other ports of Louisiana. From the rapid current of this river, it is well known that it must be navigated by vessels of a peculiar construction, and which would be unfit to go to sea. Unless, therefore, some place be assigned to the United States where the produce carried own the river, and the merchandise arriving from abroad, may be deposited till they can be respectively taken away by the proper vessels, there can be no such thing as a foreign trade.

There is a remaining consideration respecting the navigation of the Mississippi, which deeply concerns the maritime powers in general, but more particularly their most Christian and Catholick Majesties. The country watered by the Ohio, with its large branches, having their sources near lakes on one side, and those running north-westward and falling into it on the other side, will appear from a single glance on a map to be of vast extent. The circumstance of its being so finely watered, added to the singular fertility of its soil, and other advantages presented by a new country, will occasion a rapidity of population not easy to be conceived. The spirit of emigration has already shown itself in a very strong degree, notwithstanding the many impediments which discourage it. The principal of these impediments is the war with Britain, which cannot spare a force sufficient to protect the emigrants against the incursions of the savages. In a very few years after peace shall take place, this county will certainly be overspread with inhabitants. In like manner as in all new settlements, agriculture, not manufacturers, will be their employment. They will raise wheat, corn, beef, pork, tobacco, hemp, flax, and in the southern parts, perhaps, rice and indigo, in great quantities. On the other hand, their consumption of foreign manufactures will be in proportion, if they can be exchanged for the produce of their soil. There are but two channels through which such commerce can be carried on; the first is down the river Mississippi; the other is up the rivers having their sources near the lakes, thence by short portages to the lakes, or the rivers falling into them, and thence through the lakes and down the St. Lawrence. The first of these channels is manifestly the most natural, and by far the most advantageous. Should it however be obstructed, the second will be found far from impracticable. If no obstructions should be thrown in its course down the Mississippi, the exports from this immense tract of country will not only supply an abundance of all necessaries for the West Indian islands, but serve for a valuable basis of general trade, of which the rising spirit of commerce in France and Spain will no doubt particularly avail itself. The imports will be proportionally extensive; and from the climate, as well as from other causes, will consist of the manufactures of the same countries. On the other hand, should obstructions in the Mississippi force this trade into a contrary

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direction through Canada, France and Spain, and the other maritime powers will not only lose the immediate benefit themselves, but they will also suffer by the advantage it will give to Great Britain. So fair a prospect could not escape the commercial sagacity of this nation. She would embrace it with avidity. She would cherish it with the most studious care. And should she succeed in fixing it in that channel, the loss of her exclusive possession of the trade of the United States might prove a much less decisive low to her maritime pre-eminence and tyranny than has been calculated.

The last clause of the instructions, respecting the navigation of the waters running out of Georgia through West Florida, not being included in the ultimatum, nor claimed on a footing of right, requires nothing to be added to what speaks of itself.

The utility of the privileges asked to the State of Georgia, and consequently to the union, is apparent from the geographical representation of the country. The motives for Spain to grant it must be found in her equity, generosity, and disposition to cultivate our friendship and intercourse.

The observation you will readily discern are not communicated in order to be urged at all events, and as they here stand in support of the claims to which they relate. They are intended for your private information and use, and are to be urged so far, and in such forms only, as will best suit the temper and sentiments of the Court at which you reside, and best fulfil the objects of them.

October 18, 1780 –

1) Congress resumed consideration of the report of the committee on Mr. Adam's letters, and the same being debated by paragraphs, was agreed to.

On a report of a committee to whom were referred the letters of 23rd and 24th March last, from the honorable John Adams, minister plenipotentiary of the United States for negotiating a treaty of peace and a treaty of commerce with Great Britain,

Resolved, That the said minister be informed, it is clearly the opinion of Congress that a short truce would be highly dangerous to these United States.

That if a truce be proposed for so long a period, or for an indefinite period, requiring so long notice previous to a renewal of hostilities as to evince that it is, on the part of Great Britain, a virtual relinquishment of the object of the war, and an expedient only to avoid the mortification of an express acknowledgement of the independence and sovereignty of these United States, the said minister be at liberty, with the concurrence of our ally, to accede thereto; provided,

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the removal of the British land and naval armaments from the United States be a condition of it.

That in case a truce shall be agreed on by the belligerent parties, Congress rely on his attention and prudence to hold up the United States to the world in a style and title not derogatory to the character of an independent and sovereign people.

That with respect to those persons who have either abandoned or been banished from any of the United States, since the commencement of the war, he is to make no stipulations whatsoever for their readmittance; and as to an equivalent for their property, he may attend to propositions on that subject only on a reciprocal stipulation, that Great Britain will make full compensation for all the wanton destruction which the subjects of that nation have committed on the property of the citizens of the United States.

That, in a treaty of peace, it is the wish of Congress not to be bound by any publick engagement to admit British subjects to any rights or privileges of citizens of the United States; but at all times to be at liberty to grant or refuse such favours, according as the publick interest and honour may dictate; and that it is their determination not to admit them a full equality in this respect with the subjects of his Most Christian Majesty, unless such a concession should be deemed by the said minister preferable to a continuance of the war on that account.

December 15, 1780 –

1) The Committee to whom was referred the letter from Mr. Arthur Lee of the 7th of December 1780 Report that they have under consideration the paragraph of the said letter relative to the importance of cultivating the friendship of the Court of Russia whereupon they submit the following resolution.

Resolved, that an Envoy be sent (for that purpose) as soon as possible to reside at the Court of Russia. Your Committee beg leave to sit again.

Whereas, a good understanding and friendly intercourse between the subjects of her Imperial Majesty the Empress of all the Russians and these United States may be for the mutual advantage of both nations;

Resolved, That a minister to reside at the Court of the Empress of Russia be appointed.

Ordered, That Monday next be assigned for electing such minister.

Ordered, That a committee of three be appointed to prepare a commission and draught of instructions for the said minister.

The members, Mr. [James] Duane, Mr. [John] Witherspoon, Mr. [James] Madison.

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The following gentlemen were nominated for the office of minister at the Court of Russia, viz.

Mr Francis Dana, by Mr. [James] Duane;

Mr. Arthur Lee, by Mr. [Richard] Howly;

Colonel A. Hamilton, by Mr. [John] Mathews.

December 18, 1780 –

1) The committee for regulating the finances of the United States; and

The Committee for regulating the Finances of America &c. &c beg leave to report.

. . .

That Congress be vested with a power of laying Embargoes in time of war.

. . .

Your Committee therefore beg leave to submit the following resolutions viz.

Resolved, That the State of Maryland be requested to accede to the Confederation on or before the last day of March next, and in case of neglect or refusal that the other twelve States be called upon to confederate independent of that State.

. . .

December 19, 1780 –

1) The committee appointed to prepare a commission for the minister to the Court of Russia delivered in a draught which was read and agreed to:

COMMISSSION TO THE HONOURABLE FRANCIS DANA

The United States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, in Congress assembled – To all who shall see these presents, send greeting.

. . .

(See pages 1166-1173)

December 29, 1780 –

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1) INSTRUCTIONS TO THE HONOURABLE JOHN ADAMS

SIR,

You will herewith receive a commission, authorizing you to negotiate a treaty of amity and commerce with the United Provinces of the low countries.

. . .

(See pages 1206-1217).

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Summary of 1781

January 5, 1781 –

1) The Committee to whom was referred the letter of Baron d'Arendt to Congress, report as follows,

That they have had the same under consideration, and that from Baron d'Arnedt's assurances, as well from authentic testimonials, that they have every reason to conclude he is relied upon by the Court of Berlin for informations, respecting the trade and productions of these United States; with a view to discover how far the subjects of the king of Prussia might derive benefit from a commercial intercourse with us.

That altho' the points he hath submitted to your Committee may be considered rather as questions respecting ordinary channels and modes of commerce, or matter connected therewith, capable of answer by private enquiry than as propositions for the judgment and determination of Congress. Yet they are of opinion it will appear, from the nature of Baron d'Arendt's agency, that the king of Prussia has evidenced to the affairs and circumstances of America which as it may lead to important consequences, should not be suffered to pass unnoticed. They therefore submit the following resolutions.

Resolved, That Congress approve of Baron d'Arendt's collecting the best information possible respecting the trade of America, and the best mode of opening and carrying on commerce between the citizens of these United States and the subjects of his Prussian Majesty.

Resolved, That Congress do the same in the name of these United States, publish and declare that it is their sincere desire to cultivate universal peace and friendship, and to promote a mutual exchange of the blessings of Commerce with all nations upon principles of justice, equality and reciprocal advantage.

January 11, 1781 –

1) Congress took into consideration the report of the committee appointed to consider and report a plan for the Department of Foreign Affairs, wherein they state,

"That the extent and rising power of these United States entitle them to a place among the great potentates of Europe, while our political and commercial interests point out the propriety of cultivating with them a friendly correspondence and connection:

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That to render such intercourse advantageous, the necessity of a competent knowledge of the interests, views, relations, and systems of those potentates, is obvious:

That a knowledge, in its nature so comprehensive, is only to be acquired by a constant attention to the state of Europe, and a unremitted application to the means of acquiring well grounded information:

That Congress are moreover called upon to maintain with our ministers at foreign courts a regular correspondence, and to keep them fully informed of every circumstance and event which regards the public honor, interest, and safety:

That to answer those essential purposes, the committee are of opinion, that a fixed and permanent office for the Department of Foreign Affairs ought forthwith to be established, as a remedy against fluctuation, the delay and indecision to which the present mode of managing our foreign affairs must be exposed"; Whereupon,

Resolved, That an office be forthwith established for the Department of Foreign Affairs, to be kept always in the place where Congress shall reside;

That there shall be a secretary for the dispatch of the business of the said office, to be stiled "Secretary for foreign affairs:"

That is shall be the duty of the said secretary to keep and preserve all the books and papers belonging to the Department of Foreign Affairs; to receive and report the applications of all foreigners; [to correspond with the ministers of the foreign powers and other persons, for the purpose of obtaining the most extensive and useful information required; also to transmit such communications as Congress shall direct, to the ministers of these United States and others at foreign courts, and in foreign countries;] the said secretary shall have liberty to attend Congress, that he may be better informed of the affairs of the United States, and have an opportunity of explaining his reports respecting his department; [he shall be authorized to employ one or, if necessary, more clerks to assist him in the business of his office; and the secretary, as well as such clerks, shall, before the president of Congress, take an oath of fidelity to the United States, and an oath for the faithful execution of their respective trusts].

February 7, 1781 –

1) Congress then resumed the consideration of the plan for the arrangement of the civil executive departments of the United States; and thereupon,

Resolved, That there be a Superintendent of Finance, a Secretary at War, and a Secretary of Marine:

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(Note – these are newly created de jour offices)

That it shall be the duty of the Superintendent of Finance to examine into the state of the public debt, the public expenditures and the public revenue, to digest and report plans for improving and regulating the finances, and for establishing order and economy in the expenditure of the public money; to direct the execution of all plans which shall be adopted by Congress respecting revenue and expenditure; to superintend and control the settlement of all public accounts; to direct and control all persons employed in procuring supplies for the public service, and in the expenditure of public money; to obtain accounts of all the issues of the specific supplies furnished by the several states; to compel the payment of all moneys due to the United States, and in his official character, [or in such manner as the laws of the respective states shall direct,] to prosecute on behalf of the United States, for all the delinquencies [respecting the public revenue and expenditures]; to report to Congress the officers which shall be necessary for assisting him in the various branches of his department.

That the powers and duty of the Secretary at War shall be as follows:

To examine into the present state of the war-office, the returns and present state of the troops, ordinance, arms, ammunition, cloathing, and supplies of the armies of these United States, and report the same to Congress; to obtain and keep exact and regular returns of all the forces of the United States, and of all the military stores, equipments, and supplies in the magazines of the United States, or in other places for their use; and to take the immediate care of all such as are not in actual service; to form estimates of all such stores, equipments, and supplies as may be requisite for military service, and for keeping up competent magazines and to report the same to the Superintendent of Finance, that he may take measures for procuring the same in such manner as may best suit the finances of these states; to prepare estimates for paying and recruiting the armies of these United States, and lay them before the Superintendent of Finance, so seasonably as to enable him to make provision without delay or derangement; to execute all the resolutions of Congress respecting military preparations, and transmit all orders and resolutions relative to the military land forces of these United States; to make out, seal, and countersign all military commission, keep registers thereof, and publish annually a list of all appointments; to report to Congress the officers necessary for assisting him in the business of his department.

2) The Committee to whom was re-committed a plan for the arrangement of the Civil Executive Departments of the United States so far as it respects the marine, submit the following Report:

Resolved, That is shall be the duty of the Secretary of Marine, to examine into and report to Congress the present state of the navy, a register of the officers in and out of command, and the dates of their respective commissions; and an account of all the naval and other stores

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belonging to that department; to form estimates of all pay, equipments and supplies necessary for the navy; and from time to time to report such estimates to the Superintendent of Finance, that he may take measures for providing for the expences, in such manner as may best suit the condition of the public treasury; to superintend and direct the execution of all resolutions of Congress respecting naval preparation; to make out, seal and countersign all marine commissions, keep registers thereof, and publish annually a list of all appointments; to report to Congress the officers and agents necessary to assist him in the business of his department; and in general to execute all the duties and powers specified in the act of Congress constituting the Board of Admiralty.

February 10, 1781 –

1) The delegates for Maryland laid before Congress a certified copy of an act of the legislature of that State, which was read, as follows:

"An Act to empower the delegates of this State in Congress to subscribe and ratify the Articles of Confederation"

"Whereas it hath been said that the common enemy is encouraged by this State not acceding to the Confederation, to hope that the union of the sister states may be dissolved; and therefore prosecutes the war in expectation of an event so disgraceful to America; and our friends and illustrious ally are impressed with an idea that the common cause would be promoted by our formally acceding to the Confederation; this general assembly, conscious that this State hath, from the commencement of the war, strenuously exerted herself in the common cause, and fully satisfied that if no formal confederation was to take place, it is the fixed determination of this State to continue her exertions to the utmost, agreeable to the faith pledged in the union; from an earnest desire to conciliate the affection of the sister states; to convince all the world of our unalterable resolution to support the independence of the United States, and the alliance with his Most Christian Majesty, and to destroy forever any apprehension of our friends, or hope in our enemies, of this State being again united to Great Britain;

"Be it enacted by the general assembly of Maryland, that the delegates of this State in Congress, or any two or three of them, shall be, and are hereby, empowered and required, on behalf of this State, to subscribe the Articles of Confederation and perpetual union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia signed in the general Congress of the said States by the honorable Henry Kaurens, esq. their then President, and laid before the legislature of this State to be ratified if approved. And that the said Articles of Confederation and perpetual union, so aforesaid subscribed, shall henceforth be ratified and become conclusive as to this State, and

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obligatory thereon. And it is hereby declared, that, acceding to the said Confederation, this State doth not relinquish, or intend to relinquish, any right or interest she hath, with the other united or confederated states, to the back country; but claims the same as fully as was done by the legislature of this State, in their declaration, which stands entered on the journals of Congress; this State relying on the justice of the several states, hereafter, as to the said claim made by this State.

"And it is further declared, that no article in the said Confederation, can or ought to bind this or any other State, to guarantee any exclusive claim of any particular State, to the soil of the said back lands, or any such claim of jurisdiction over the said lands or the inhabitants thereof.

"By the House of Delegates, January 30th, 1781, read and assented to,

By order, F. Green, *Clerk*

By the Senate, February 2d, 1781. Read and assented to.

By order, Jas. Maccubbin, *Clerk*

Tho. S. Lee (L.S.)

<u>February 16, 1781</u> –

1) *Resolved*, That no member speak twice upon any question In debate, until every member who chooses, shall have spoken once upon the same.

<u>February 22, 1781</u> –

1) The delegates of Maryland having taken their seats in Congress with the powers to sign the Articles of Confederation:

Ordered, That Thursday next be assigned for compleating the Confederation; and that a committee of three be appointed, to consider and report a mode for announcing the same to the public: the members, [Mr. George] Walton, Mr. [James] Madison, Mr. [John] Mathews.

<u>February 24, 1781</u> –

1) *Resolved*, That on Thursday next, at twelve o'clock, the final ratification of the Confederation of the United States of America, be announced to the public; and that the Board of War and Board of Admiralty take order accordingly:

That this important event be communicated to the executives of the several states:

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That the several ministers of these states in Europe be informed of the complete and final ratification of the said Confederation; and that they be ordered to notify the same to the respective courts at which they reside:

That it be also notified to the honorable the Minister Plenipotentiary of France:

That information of the completion of the said Confederation be transmitted to the Commander in Chief, and that he be directed to announce the same to the army under his command.

March 1, 1781 –

1) In pursuance of the act of the legislature of the State of New York read in Congress the 7th March, 1780, entitled, "An act to facilitate the completion of the Articles of Confederation and perpetual union among the United States of America," and which is in the words following:

. . . (see pages 208-209)

The delegates for the State of New-York executed in Congress the following act or declaration, to wit:

. . . In testimony whereof, we have hereunto set our hands and seals, in the presence of Congress, this day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our independence the fifth . . .

The foregoing being executed, the delegates aforesaid, in virtue of the powers vested in them by the act of their legislature above recited, proceeded and executed in due form in behalf of their State, the following instrument, viz.

. . . (see pages 211-213)

Note: The Delegates from the State of New York, signed and ratified the Articles of Confederation and perpetual union on behalf of their State by the aforesaid act of their legislature.

2) According to the order of the day, the honorable John Hanson and Daniel Carroll, two of the delegates for the State of Maryland, in pursuance of the act of the legislature of that State, entitled "An act to empower the delegates of this State in Congress to subscribe and ratify the Articles of Confederation," which was read in Congress the 12 of February last, and a copy thereof entered on the minutes, did, in behalf of the said State of Maryland, sign and ratify the said articles, by which act the Confederation of the United States of America was completed, each and every of the Thirteen United States, from New Hampshire to Georgia, both included, having adopted and confirmed, and by their delegates in Congress, ratified the same,

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. . . the Articles of Confederation and perpetual union (see pages 214- 223)

April 5, 1781 –

1) Agreeable to the order of the day, the report of the committee "to devise and report the mode for appointing courts for the trial of piracies and felonies committed on the high seas," was taken into consideration; and Thereupon

The Committee appointed to devise and report the mode of appointing courts for the trial of piracies and felonies committed on the high seas, do now report, that they have essayed a draught of a bill for that purpose, which they submit to the correction of Congress.

The United States in Congress assembled, agreed to the following

Ordinance for establishing courts for the trial of piracies and felonies committed on the high seas.

(See pages 354-356)

April 25, 1781 –

1) *Ordered*, That the said letters and papers be transmitted to the governor of the Commonwealth of Massachusetts: . . .

Note: this is the first mention of the Commonwealth of Massachusetts instead of the State of Massachusetts Bay.

May 2, 1781 –

1) *Ordered*, That the Board of War take immediate measures for remitting to Charlestown six hundred hogsheads of the tobacco now in the Commonwealth of Virginia, . . .

Note: this is the first mention of the Commonwealth of Virginia instead of the State of Virginia.

2) The report of the committee appointed to prepare a plan to invest the United States in Congress assembled with full and explicit powers for effectually carrying into execution in the several states all acts or resolution passed agreeably to the Articles of Confederation was taken into consideration, and after debate:

The Committee appointed to prepare a plan to invest the United States in Congress Assembled with full and explicit powers for effectually carrying into execution in the several States all Acts or Resolutions passed agreeably to the Articles of Confederation beg leave to submit the following report

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Whereas it is stipulated and declared in the 13th Article of the Confederation "that every State abide by the determinations of the United States in Congress assembled on all questions which by this Confederation are submitted to them. And that the Articles of this Confederation shall be inviolably observed by every State," by which article a general and implied power is vested in the United States in Congress assembled to enforce and carry into effect all the Articles of the said Confederation against any of the States which shall refuse or neglect to abide by such their determinations, or shall otherwise violate any of the said Articles, but no determinate and particular provision is made for that purpose: And whereas the want of such provision may be a pretext [to call into question the legality of] measures which may be necessary for preserving the authority of the Confederation and for doing justice to the States which shall duly fulfil their federal engagements. And it is moreover the most consonant to the spirit of a free Constitution that on one hand all exercise of power should be explicitly and precisely warranted, and on the other that the penal consequences of a violation of duty should be clearly promulged and understood: And whereas it is further declared by the said 13th Article of the Confederation that no addition shall be made to the Articles thereof, unless the same shall be agreed to in a Congress of the United States and be afterwards confirmed by the Legislatures of every State. The United States in Congress assembled having seriously and maturely deliberated on these considerations, and being desirous as far as possible to cement and invigorate the federal Union, that it may be both established on the most immutable basis, and be the more effectual for securing the immediate object of it, do hereby agree to recommend to the Legislatures of every State to confirm and to authorize their Delegates in Congress to subscribe, the following clause as an additional Article to the 13th Articles of Confederation and perpetual union.

It is understood and hereby declared that in case any one or more of the Confederated States shall refuse or neglect to abide by the determinations of the United States in Congress assembled and to observe all the Articles of Confederation as required in the 13th Article, the said United States in Congress assembled are fully authorized to employ the force of the United States as well by sea as by land to compel such State or States to fulfill their federal engagements, and particularly to make distraint on any of the effects vessels and merchandizes of such State or States or any of the Citizens thereof wherever found and to prohibit and prevent their trade and intercourse as well with any other of the United States and the Citizens thereof, as with any foreign State, and as well by land as by sea until full compensation or compliance be obtained with respect to all requisitions made by the United States in Congress assembled in pursuance of the Articles of Confederation.

And it is understood, and hereby agreed and conceded that this article shall be fully and absolutely binding and conclusive when all the States not actually in the possession of Enemy, shall enact the same.

Produced by Union States Assembly

Ordered, That it be referred to a grand committee, consisting of a member from each State.

May 4, 1781 –

1) The Committee appointed to devise the Rules for conducting business in the United States in Congress assembled, beg leave to submit the following draft, viz.

Rules for conducting business in the United States in Congress assembled.

The following rules were agreed to:

1. As soon as the President assumes the chair, the members shall take their seats.

2. The minutes of the preceding day shall then be read, and after that the public letters, petitions and memorials, if any have been received or presented.

3. Every letter, petition or memorial read, on which no order is moved, shall of course be considered as ordered to lie on the table, and may be taken up at any future time.

4. After the public dispatches, &c., the reports of committees which may have been delivered by them to the secretary during the preceding day shall, for the information of the house, be read in the order in which they were delivered, and, if it is judged proper, a day be assigned for considering them.

5. After the public letters, &c., are read, and orders given concerning them, the reports of the Board of Treasury and the Board of War, if any, shall be taken into consideration; but none of those subjects for the determination of which the assent of nine states is requisite shall be agitated or debated, except when nine states or more are assembled.

6. When a report, which has been read and lies for consideration, is called for it shall immediately be taken up. If two or more are called for, the titles of the several reports shall be read, and then the President shall put the question beginning with the first called for, but there shall be no debate, and the votes of a majority of the states present shall determine which is to be taken up.

7. An order of the day, when called for by a State shall always have the preference and shall not be postponed but by the votes of a majority of the United States in Congress assembled.

8. When a report is brought forward for consideration it shall first be read over and then debated by paragraphs and each paragraph shall be subject to amendments, If it relates only to one subject being in the nature of an ordinance it shall be subject to such additions as may be judged proper to render it compleat and then it shall be read over as it stands amended and a

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question taken upon the whole: But if it comprehends different subjects, independent one of another, in the form of distinct acts or resolutions a question shall be taken on each.

9. When an ordinance is introduced by report or otherwise, it shall be read a first time for the information of the house without debate. The President shall then put the following question "Shall this ordinance be read a second time." If it passes in the affirmative then a time shall be appointed for that purpose when it shall be read and debated by paragraphs and when gone through, the question shall be "Shall this ordinance be read a third time"; if agreed to, and a time appointed, it shall be accordingly read by paragraphs, and if necessary debated, and when gone through the question shall be "Shall this ordinance pass", if the vote is in the affirmative, a fair copy shall then be made out and signed by the President and attested by the Secretary in Congress and recorded in the Secretary's office.

10. When a motion is made and seconded it shall be repeated by the President or being in writing it shall be delivered to the President and read aloud at the table before it shall be debated.

11. Every motion shall be reduced to writing if the President or any member require it.

12. After a motion is repeated by the President or read at the table it shall then be in the possession of the house, but may at any time before decision, be withdrawn.

13. No member shall speak more than twice in any one debate, nor shall any member speak twice in a debate until every member, who chuses, shall have spoken one on the same.

14. When a question is before the house and under debate, no motion shall be received, unless for amending it, for the previous question, or to postpone the consideration of the main question or to commit it.

15. No new motion or proposition shall be admitted under colour of amendment as a substitute for the question or proposition under debate until it is postponed or disagreed to.

16. The previous question (which is always to be understood in this sense that the main question be not now put) shall only be admitted when in the judgment of two states at least, the subject moved is in its nature or from the circumstances of time or place improper to be debated or decided, and shall therefore preclude all amendments and farther debates on the subject, until it is decided.

17. A motion for commitment shall also have preference and preclude all amendments and debates on the subject until it shall be decided.

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18. On motions for the previous question or for postponing no member shall speak more than once.

19. When any subject shall be deemed so important as to require mature discussion before it be submitted to the decision of the United States in Congress assembled, it shall be referred to the consideration of a grand committee consisting of one member present from each State, and in such case each State shall nominate its member. Every member may attend the debates of a grand committee and for that purpose the time and place of its meeting shall be fixed by the United States in Congress assembled.

20. The States shall ballot for small committee, but if upon counting the ballots, the number required shall not be elected by a majority of the United States in Congress assembled, the President shall name the members who have been balloted for, and the house shall by a vote or votes determine the committee.

21. If a question under debate contains several points any member may have it divided.

22. When a question is about to be put, it shall be in the power of any one of the states to postpone the determination thereof until the next day, and in such case, unless it shall be further postponed by order of the house the question shall, the next day immediately after reading the public dispatches, &c., and before the house go upon other business, be put without debate, provided there be a sufficient number of states present to determine it; if that should not be the case, it shall be put without debate as soon as a sufficient number shall have assembled.

23. If any member chuse to have the yeas and nays taken upon any question, he shall move for the same previous to the President's putting the question and in such case every member present shall openly and without debate declare by *ay* or *no* his assent or dissent to the question.

24. Every member when he chuses to speak shall rise and address the President. When two members chance to rise at the same time, the President shall name the person who is to speak first. Every member both in debate, and while the states are assembled shall conduct himself with the utmost decency and decorum. If any member shall transgress, the President shall call to order. In case the disorder be continued or repeated the President may name the person transgressing. Any member may call to order.

25. When a member is called to order, he shall immediately sit down. If he has been named as a transgressor, his conduct shall be enquired into and he shall be liable to a censure.

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26. When a question of order is moved, the President if he is in doubt may call for a judgment of the house, otherwise he shall in the first instance give a decision, and an appeal shall lie to the house, but there shall be no debate on questions of order, except that a member called for order of irregular or unbecoming conduct or for improper expressions may be allowed to explain.

27. A motion to adjourn may be made at any time and shall always be in order, and the question thereon shall always be put without debate.

28. On every Monday after reading and taking order on the public dispatches a committee of three shall be appointed, who shall every morning during the week report to Congress the orders necessary to be made on such dispatches as may be received during the adjournment or sitting of Congress, upon which no orders shall have been made.

May 22, 1781 –

1) Ordered, That the remaining members of the committee on the resolutions and acts of Connecticut, New York and Virginia respecting the cession of western lands to the United States report with all convenient dispatch.

May 26, 1781 –

1) The report of the committee ||consisting of Mr. Witherspoon, Mr. Sullivan, Mr. M. Smith, Mr. Clymer|| on the letter from Mr. R. Morris ||with the plan of a bank|| was taken in to consideration; Whereupon,

The Committee to whom was referred the letter from Mr. R. Morris of the 17 May 1781 together with a plan for establishing a National Bank, beg leave to report,

That they approve the said plan and are opinion that when carried into Execution, it will promote the Interest of the Subscribers, facilitate the commercial intercourse of Individuals, and be highly convenient and advantageous to Government.

Your Committee therefore submit the following resolutions:

Resolved, That Congress do approve of the plan for establishing a national bank in these United States, submitted their consideration by Mr. R. Morris, the 17 day of May, 1781; and that they will promote and support the same by such ways and means, from time to time, as may appear necessary for the institution and consistent with the public good;

That the subscribers to the said bank shall be incorporated agreeably to the principles and terms of the plan, under the name of *The President, Directors and company of the bank of*

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North-America, so soon as the subscription shall be filled, the directors and president chosen, and application for that purpose made to Congress by the president and directors elected.

On the question to agree to this paragraph, the yeas and nays being required by Mr. Thomas Smith, so it was resolved in the affirmative.

Resolved, That it be recommended to the several states by proper laws for that purpose, to provide that no other bank or bankers shall be established or permitted within the said states respectively during the war.

Resolved, That the notes hereafter to be issued by the said bank, payable on demand, shall be receivable in payment of all taxes, duties and debts due, or that may become due or payable to the United States:

Resolved, That Congress will recommend to the several legislatures to pass laws, making it a felony without benefit of clergy, for any person to counterfeit bank notes, or to pass such notes, knowing them to be counterfeit; also making it felony without benefit of clergy, for any president, inspector, director, officer or servant of the bank, to convert any of the property, money or credit of the said bank to his own use, or in any other way to be guilty of fraud or embezzlement as an officer or servant of the bank.

May 28, 1781 –

1) The committee, appointed to confer with the minister of France, report,

(See pages 562-569).

June 11, 1781 –

1) *Resolved*, That two persons be joined to Mr. J. Adams in negotiating a peace between these United States and Great Britain.

June 14, 1781 –

1) On motion of Mr. [William] Sharpe, seconded by Mr. [Thomas] McKean:

Resolved, That two or more persons, making in the whole four, be joined to the honorable John Adams in negotiating a treaty of peace with Great Britain;

Mr. Henry Laurens was put the nomination by Mr. [Theodorick] Bland.

Congress proceeded to the election; and the ballots being taken:

The honorable Benjamin Franklin,

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The honorable Henry Laurens, and

The honorable Thomas Jefferson, were elected.

June 15, 1781 –

1) INSTRUCTION TO THE HONORABLE JOHN ADAMS, BENJAMIN FRANKLIN, JOHN JAY, HENRY LAURENS AND THOMAS JEFFERSON, MINISTERS PLENIPOTENTIARCY OH BEHALF OF THE UNITED STATES OF AMERICA TO NEGOTIATE A TREATY OF PEACE.

(See pages 651-655).

June 18, 1781 –

1) The committee appointed to confer with the minister plenipotentiary of France, report,

(See pages 669-675).

June 27, 1781 –

1) The committee to who were referred the cessions of the States of Virginia, New York and Connecticut, and also the memorials of the Illinois and Wabache Companies, and from William Trent and others, delivered in their report:

The committee to who were referred the Cessions of the States of Virginia, New York and Connecticut and also the memorial of the Illinois and Ouabache companies, and that from William Trent and others, beg leave to report:

That they have attentively considered the several Acts of Cession, and from the conditions annexed to them and other circumstances, are of the opinion that it would be inexpedient for Congress to accept of them as they stand at present.

They therefore propose the following Resolutions

That ___ be appointed for Congress to take into consideration the western limits beyond which they will not extend their guarantee to the particular States and to ascertain what vacant Territory belongs to the United States in common for the general benefit.

That *so soon as this be done* a Committee be appointed to prepare a Plan for dividing and settling the said Territory and for disposing of it in such manner as to discharge the Debts of the United States contracted in the Prosecution of this War.

July 20, 1781 –

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1) The committee to whom was referred the letter, of 20 June, from the President of New Hampshire, with sundry papers enclosed, delivered in a report:

The Committee to whom was referred the letter of the President of the State of New Hampshire of the 20th of June last with the papers accompanying the same beg leave to submit to Congress the following report

Whereas the claims of the States of New Hampshire and New York to a tract of Country lying West of Connecticut River commonly called the New Hampshire Grants are yet unsettled;

And whereas the people inhabiting the said tract of Country have exercised the powers of Sovereignty and Independence under the name of the State of Vermont;

The United States in Congress assembled do most earnestly recommend to the States of New Hampshire and New York and to the people inhabiting the disputed Territory aforesaid a speedy and amicable settlement of their respective claims. (This was postponed)

That copies of the Act of the General Assembly of the Commonwealth of the Massachusetts of the 8th day of March last respecting the disputed Territory situate on the West side of the River Connecticut commonly called the New Hampshire Grants be transmitted to the States of New Hampshire and New York and the expediency of passing similar Acts be referred to the said States;

And that in case the said States shall relinquish their respective claims to said District called the New Hampshire Grants or the State of Vermont bounded East by Connecticut River South by the North Line of the State of the Massachusetts West part by Lake Champlain to the West lines of several Townships formerly granted by the Governor of New Hampshire to the North West Corner of the State of Massachusetts and Bounded North by Latitude forty five degrees.

The United States in Congress Assembled will guaranty to the States of New Hampshire and New York all the lands to them respectively belonging lying without their limits aforesaid, and the Jurisdiction over the same against any claims or encroachments from the people inhabiting within the limits before described.

Ordered, That Monday next be assigned for the consideration thereof.

July 23, 1781 –

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

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

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

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

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

Ordered, That is be referred to the said committee.

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

<u>August 2, 1781</u> –

Produced by Union States Assembly

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

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

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

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

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

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

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

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Congress will consider such acts as a denial of the Jurisdiction of the United States in Congress Assembled as a proof of their inimical disposition, and designs against the general welfare of the United States and will proceed on the ___ day of ___ to determine all differences between the States of New Hampshire and New York relative to their respective boundaries.

Ordered, That the same be taken into consideration tomorrow.

August 7, 1781 –

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

Whereas the states of New Hampshire and New York have submitted to Congress the decision of the disputes between them and the people inhabiting the New Hampshire Grants, on the west side of Connecticut River, called the State of Vermont, concerning their respective claims of jurisdiction over the said territory, and have been heard thereon; and whereas the people aforesaid claim and exercise the powers of a sovereign independent State, and have requested to be admitted into the federal union of the United States of America: in order thereto, and that they may have an opportunity to be heard in vindication of their said claim:

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

And it is hereby recommended to the people of the territory aforesaid, or their representative body, to appoint an agent or agents to repair immediately to Philadelphia, with full powers and instructions to confer with the said committee on the matters aforesaid, and on behalf of the said people, to agree upon and ratify terms and articles of union and a confederation with the United States of America, in case they shall be admitted into the union; and the said committee are hereby instructed to give notice to the agents of the states of New Hampshire and New York, to be present at the conference aforesaid.

The United States in Congress assembled convinced from long experience of the zealous exertions of New Hampshire and New York that they have already sacrificed much to the American cause, they will not suffer it even to anguish through their means, and taking into consideration that a certain District called Vermont bounded ____ is claimed by each of them in

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right of soil and government; that the inhabitants thereof oppose the demands of both, protesting,

That Vermont was formerly holden by New Hampshire not by charter but by the pleasure only of his Britannick Majesty:

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

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

That they continued to remonstrate but nothing was finally decided at the era of American revolution until which event they had never submitted to New York, having always governed themselves by Committee and Conventions and that since that era, they have persisted in self-government and opposition to New York; that the Legislature of Massachusetts Bay hath relinquished whatsoever right that State may have to Vermont upon condition that a like relinquishment be made by New Hampshire and New York.

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

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

<u>August 9, 1781</u> –

1) The report of the committee on the communications of the honorable the Minister of France was taken into consideration, and after debate:

The Committee to whom was referred the Communications made by the Minister of France on two despatches of the 9th of January and the 19th of February, Submit the following Report:

2. That the Minister Plenipotentiary of these United States at the Court of Versailles, be directed to inform his Most Christian Majesty, that Congress consider his Majesty's desire to

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United the Interests of these States and the United Provinces of the Netherlands, as a fresh proof of friendship and regard and accept with pleasure the offer of his Majesty's Interposition for that purpose communicated to them by his Minister that Congress being fully sensible of the benefit which may arise from the weight and influence of his Majesty's interposition, have directed Mr. Adams to confer on all occasions in the most confidential manner with his Majesty's Minister at The Hague.

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

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

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

Ordered, That it be re-committed, and that the committee report instructions to the honorable J. Adams respecting a treaty of alliance with the United Provinces of the Netherlands.

<u>August 13, 1781</u> –

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

2) REPORT OF THE COMMITTEE. INSTRUCTIONS TO MR ADAMS

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

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

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

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

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

August 14, 1781 –

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

(See pages 861-869).

August 16, 1781 –

1) The consideration of the report on the communications from the honorable the Minister of France was resumed and concluded.

(See pages 876-880).

August 17, 1781 –

1) Congress took into consideration the report of the committee appointed by the resolution of the 7th, to confer with agents to be appointed by the people of the New Hampshire Grants, on the west side of Connecticut river; and to whom was referred a letter from Jonas Fay, Ira Allen and Bezaleel Woodward, wherein they represent, that the said J. Fay, I. Allen and B. Woodward, have produced to them a commission, under the hand of Thomas Chittenden, esq. empowering them, among other things, "to repair to the American Congress, and propose to and receive from them terms of an union with the United States:' Whereupon,

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The United States in Congress Assembled desirous of the bringing to a speedy decision the claim of the people inhabiting the Territory called Vermont to independence and an admission into the confederation, upon the grounds laid down in the resolutions of the 7th day of this instant, and Jonas Fay, Ira Allen, and Bezaleel Woodward Esquires producing a commission under the hand of Thomas Chittenden Esquire, inpowering them among other things to propose to and receive from them terms of an Union of this said Territory with the United States, and requesting to be heard on the subject of their mission.

Resolved, That it be an instruction to the Committee appointed under the resolutions aforesaid to [receive the propositions of] the said Jonas Fay, Ira Allen and Bezaleel Woodward Esquires [relating to the subject of their mission and to give] notice to the Delegates attending Congress from New Hampshire and New York of the time and place of [receiving such propositions] and to report thereupon.

Resolved, That this resolution shall not be construed into a departure from the pledge made by Congress in the resolutions aforesaid to the States aforesaid.

Resolved, That it be an instructions to the committee to confer with the said Jonas Fay, Ira Allen and Bezaleel Woodward, on the subject of their mission.

August 20, 1781 –

1) Congress took into consideration the report of the committee appointed to confer with J. Fay, I. Allen and B. Woodward, and thereupon came to the following resolution:

The Committee appointed to confer with Jonas Fay, Ira Allen and Bezaleel Woodward Esquires Agents from the State of Vermont Report,

That your Committee on the 18th Inst met the Agents from the State of Vermont and having informed them of the purpose of their present conference and that the Committee were ready to hear any proposition or to receive any Information of the said Agents should think proper to communicate they delivered to your Committee the paper writing numbered 1 That thereupon Your Committee stated a number of Questions in writing and requested written answers thereto from the said Agents which we accordingly returned to your Committee and both Questions and Answers are contained in the Paper writing numbered (2).

That your Committee having thus obtained all the Information on the subject referred to them, that the said Agents could communicate beg leave to submit the same to Congress, together with sundry papers delivered to your Committee by the said Agents for the Information of Congress relative to the past proceeding of the State of Vermont.

Produced by Union States Assembly

It being the fixed purpose of Congress to adhere to the guarantee to the states of New Hampshire and New York, contained in the resolutions of the 7th instant:

Resolved, That it be an indispensible preliminary to the recognition of the independence of the people inhabiting the territory called Vermont, and their admission in to the federal union, that they explicitly relinquish all demands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line, beginning at the north-west corner of the State of Massachusetts, thence running twenty miles east of Hudson's river, so far as the said river runs north-easterly in its general course; then by the west bounds of the townships granted by the late government of New Hampshire to the river running from South Bay to Lake Champlain, thence along the waters of Lake Champlain to the latitude of 45 degrees north, excepting a neck of land between Missiskoy Bay and the waters of Lake Champlain.

On the question to agree to this, the yeas and nays being required by Mr. [William] Sharpe, so it was resolved in the affirmative.

August 21, 1781 –

1) On a reconsideration of the resolution respecting the people inhabiting the New Hampshire Grants, it was altered and agreed to as follows:

It being the fixed purpose of Congress to adhere to the guarantee to the states of New Hampshire and New York contained in the resolution of the 7th instant.

Resolved, That it be an indispensible preliminary to the recognition of the independence of the people inhabiting the territory called Vermont and their admission in to the federal Union, that they explicitly relinquish all demands of lands or jurisdiction on the east side of the west bank of Connecticut river and on the west side of a line beginning at the northwest corner of the State of Massachusetts, thence running twenty miles east of Hudson's river so far as the said river runs northeasterly in its general course, then by the west bounds of the townships granted by the late government of New Hampshire to the river running from South Bay to Lake Champlain, thence along the waters of Lake Champlain to the latitude of forty-five degrees north, excepting a neck of land between Missiskoy Bay and the waters of Lake Champlain.

August 22, 1781 –

1) The Committee appointed to prepare an Exposition of the Confederation, a plan for its complete execution and supplemental articles report,

That they ought to be discharged from the exposition of the Confederation because such a comment would be voluminous if coextensive with the subject, the omission to enumerate and

Produced by the Union States Assembly

Congressional powers become an argument against their existence, and it will be early enough to insist upon them, when they shall be exercised and disputed.

1. By adjusting the mode and proportions of the militia aid to be furnished to a sister State laboring under Invasion.

2. By describing the privileges and immunities to which the citizens of one State are entitled to in another.

3. By setting forth the conditions upon which a criminal is to be delivered up by one State upon the demand of the executive of another.

4. By declaring the method of exemplifying records and the operation of the Acts and judicial proceedings of the Courts of one State contravening those of the States in which they are asserted.

5. By a form to be observed in the notification of the appointment or suspension of Delegates.

6. By an oath to be taken by every Delegate against secret trusts of salaries.

7. By specifying the privileges of delegates from arrest, imprisonments, questioning for free speech and debates in Congress saving as well their amenability to their constituents, as protesting against the authority of individual legislatures to absolve them from obligations to secrecy.

8. By instituting an oath to be taken by the Officers of the U.S. or any of them against presents, emoluments, office or title of any kind from a King Prince or Foreign State.

9. By one universal plan of equipping, training and governing the Militia.

10. By a scheme for estimating the value of all land within each State granted to or surveyed for any person or persons together with the buildings and improvements thereon: and the appointment of certain periods at which payment shall be made.

11. By establishing rules for captures on land and the distribution of the sales.

12. By ascertaining the jurisdiction of Congress in territorial questions.

13. By erecting a mint.

14. By fixing a Standard of weights and measures throughout the U.S.

15. By appointing a Committee for Indian affairs.

16. By regulating the Post-Office.

Produced by Union States Assembly

17. By establishing a Census of white Inhabitants in each State.

18. By publishing the Journal of Congress monthly.

19. By registering seamen.

20. By liquidation of old accounts against the U.S: and

21. By providing means of animadverting on delinquent States.

Resolved, that of the preceding articles, the 9th be referred to the Board of War, the

13th, 14th, and 16th to the Superintendent of Finance and the others to a Committee in order that the subject matter thereof may be extended in detail for the consideration of Congress.

And Your Committee further report,

That as America became a Confederate Republic to crush the present and future foes of her Independence;

As of this Republic a general Council is a necessary organ;

And without the extension of its power in the cases hereinafter enumerated War may receive a fatal inclination and peace be exposed to daily convulsion;

It be resolved to recommend to the Several States to authorize the U.S. in Congress assembled,

1. To lay Embargoes in time of war without any limitation.

2. To prescribe rules for impressing property into the service of the U.S. during the present war.

3. To appoint the Collectors of and direct the mode of accounting for taxes imposed according to the requisitions of Congress.

4. To recognize the Independence of and admit into the federal Union any part of one or more of the U.S., with the consent of the dismembered State.

5. To stipulate in treaties with foreign nations for the establishment of consular power, without reference to the States individually.

6. To destrain the property of a State delinquent in its assigned proportion of Men and Money.

7. To vary the rules of suffrage in Congress, taking care that in questions for waging war.

Granting letters of marque and reprisal in time of peace

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Concluding or giving instructions for any alliance

Coining money

Regulating the value of coin

Determine the total number of land and sea forces and allotting to each State its quota of men and money.

Emitting bills of credit.

Borrowing money.

Fixing the number of forces of Vessels of War, and appointing a Commander in Chief of the Army and Navy. At least two thirds of the U.S. shall agree therein.

Resolved, That a Committee be appointed to prepare a representation to the several States of necessity of these supplemental powers and pursuing in the modification thereof, one uniform plan.

September 10, 1781 –

1) The ordinance for regulating the treasury, &c. was read a third time, and passed in the following form:

AN ORDINANCE FOR REGULATING THE TREASURY, AND ADJUSTING THE PUBLIC ACCOUNTS

(See pages 948-950).

September 12, 1781 –

1) The report of the committee ||consisting of Mr. Mathews, Mr. Sherman, Mr. T. Smith|| on letters of 8 and 10 from the superintendent of finance was taken into consideration; Whereupon,

Resolved, That the superintendent of finance be, and hereby is, authorised and directed to fit out and employ the ships of war belonging to these United States, in such manner as shall appear to him best calculated to promote the interest of these United States; and that all necessary expences incurred in consequence thereof, be defrayed by the United States.

September 14, 1781 –

1) Congress resumed the second reading of the ordinance respecting captures, and some time being spent thereon:

Produced by Union States Assembly

AN ORDINANCE RELATING TO CAPTURES

(See pages 961-965).

September 21, 1781 –

1) The committee || consisting of Mr. Duane, Mr. Randolph, Mr. Mathews, Mr. Boudinot and Mr. Sherman|| to whom was referred the memorial of the honorable the Minister plenipotentiary of France delivered in a report.

(See pages 986-993).

September 24, 1781 –

1) The committee to whom was referred the memorial of the honorable the Minister plenipotentiary of France requesting a conference, delivered in a farther report containing the substance of their conference:

(See pages 999-1006).

October 16, 1781 –

1) The delegates of Virginia representing to Congress, that the committee to whom were re-committed the territorial cessions of Virginia, New York and Connecticut, with a memorial signed J. Wilson, by order of the United Illinois and Wabash companies, and the memorial of William Trent, in behalf of himself and other members of the Indiana company, had given them notice that they should, on Saturday last, confer with the agents of the said companies, on the subject of their several memorials; that the said delegates conceiving no claim ought to be received from the said companies adverse to the cessions of Virginia, or any other State, because if the lands to which pretensions made by those companies lie within the limits of such State, by its authority alone can the merits of their claims be enforced, because the jurisdiction of Congress in territorial questions, being confined to an adjustment of the confronting claims of different states, if the lands claimed by those companies lie without the limits of Virginia, or any other states, Congress are inderdicted by the Confederation from the cognizance of a State to be drawn into contest by an individual, or company of individuals, and therefore that is was not the intention of Congress to authorize the committee to confer with the said agents in such manner as to receive from them claims adverse to the cessions of any of the states abovementioned; the said delegates did request the committee to forbear such conference until the sense of Congress on the subject be know, and proposing that the question be now taken:

Produced by Union States Assembly

Whether it was the intention of Congress to authorize the committee to receive claims, and hear evidence in behalf of the said companies, adverse to the claims or cessions of Virginia, New York or Connecticut:

The previous question was moved by the State of Rhode Island, &c. and seconded by the State of Maryland; and on the question to agree to the previous question,

The yeas and nays being required by Mr. [Edmund] Randolph, so the question was lost.

October 24, 1781 –

1) A letter, of 19, from General Washington, was read, giving information of the reduction of the British army under the command of the Earl of Cornwallis, on the 19th instant with a copy of the articles of capitulation; Whereupon,

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

Resolved, That Congress will, at two o'clock this day, go in procession to the Dutch Lutheran church, and return thanks Almighty God, for crowning the allied arms of the United States and France, with success, by the surrender of the whole British army under the command of the Earl of Cornwallis.

Ordered, That the letter, with the papers enclosed, be referred to the Committee of Intelligence.

Resolved, That the letter of General Washington, of the 19, enclosing the correspondence between him and the Earl Cornwallis, concerning the surrender of the garrisons of York and Gloucester, and the articles of capitulation, be referred to a committee of four: the members, Mr. [Edmund] Randolph, Mr. [Elias] Boudinot, Mr. [James Mitchell] Varnum, Mr. [Daniel] Carroll.

Resolved, That it be an instruction to the said committee, to report what in their opinion, will be the most proper mode of communicating the thanks of the United States in Congress assembled, to General Washington, Count de Rochambeau and Count de Grasse, for their effectual exertions in accomplishing this illustrious work; and paying respect to the merit of Lieutenant Colonel Tilghman, aid-de-camp of General Washington, and the bearer of his despathces announcing this happy event.

Ordered, That the secretary of foreign affairs communicate this intelligence to the honorable the Minister Plenipotentiary of France.

November 1, 1781 –

Produced by Union States Assembly

1) The committee ||consisting of Mr. Hanson, Mr. Varnum, Mr. Clymer,|| to whom was referred a letter of September 1, from Major General Greene, with the copy of his letter to Colonel Campbell, and his commission to sundry persons to negotiate a treaty of peace with the Cherokee and Chickasaw Indians delivered in a report; Whereupon,

Resolved, That the appointment of commissioners by Major General Greene to negotiate a treaty of peace with the Cherokee and Chickasaw Indians, and by that means to put a stop to the ravages of those nations, was necessary and prudent measure, and that Congress approve the same.

November 3, 1781 –

1) A petition from the supreme executive council of the Commonwealth of Pennsylvania was read, stating a matter of dispute between the said State and the State of Connecticut, respecting sundry lands lying on the east branch of the River Susquehanna, and praying a hearing in the premises, agreeably to the 9th article of the Confederation.

2) The committee to whom were referred the cessions of New York, Virginia and Connecticut, and the petitions of the Indiana, Vandalia, Illinois and Wabash companies, delivered in their several reports.

November 14, 1781 –

1) *Ordered*, That the President write to the executives of the states, requesting the attendance of delegates from such states as are not represented, and urging the necessity of sending forward and keeping up a representation in Congress for conducting the affairs of the United States.

2) A motion was made by the delegates of Virginia,

That the first Tuesday of December next, be assigned for the consideration of the report of the committee, to whom were referred the cessions of New York, Virginia, Connecticut, and the petitions of the Indiana, Vandalia, Illinois, and Wabash companies.

3) On a report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [Elias] Boudinot, Mr. [Daniel] Carroll, appointed to prepare the form of notice to be given to the legislative or executive authority of the State of Connecticut, on the petition from the supreme executive council of Pennsylvania, respecting a dispute between the two states: Congress agreed to the following resolutions:

Whereas the president and supreme executive council of the State of Pennsylvania, have presented a petition to the United States in Congress assembled, stating, that a controversy has

Produced by Union States Assembly

long subsisted between the said State of Pennsylvania and the State of Connecticut, respecting sundry lands lying within the northern boundary of the State of Pennsylvania, and praying a hearing, in pursuance of the 9th article of Confederation:

Resolved, That the fourth Monday in June next, be assigned for the appearance of the said state of Pennsylvania and Connecticut, by their lawful agents, at the place in which Congress then be sitting.

Resolved, That the form of the notice be as follows, to be transmitted by the secretary agreeably to the Articles of Confederation:

By the United States in Congress assembled, in the city of Philadelphia, on the 14th day of November, in the year of our Lord one thousand seven hundred and eighty-one, and the sixth year of independence:

To the legislative authority of the State of Connecticut:

It is hereby made known, that pursuant to the ninth article of the Confederation, the supreme executive council of the State of Pennsylvania, have presented a petition to Congress, stating that a controversy has long subsisted between the State of Pennsylvania and the State of Connecticut, respecting sundry lands lying [within the northern boundary] of the said State of Pennsylvania, and praying for a hearing in pursuance on the ninth article of the Confederation; and that the [4th Monday June] next, is assigned for the appearance of the agents, at the place in which Congress shall then sit, to proceed in the premises as by the said Confederation is directed.

By the order of Congress,

CHARLES THOMSON, *Secretary*

<u>November 16, 1781</u> –

1) A motion was made by Mr. [James Mitchell] Varnum, seconded by Mr. [George] Partridge,

That is be resolved, that the resolution of 25 of May last, establishing a general rule of promotion, precludes the United States in Congress assembled, from promoting any officer, on account of extraordinary merit or eminent services, contrary to the rule of succession therein mentioned.

And on the question to agree to this, the yeas and nays being required by Mr. [James Mitchell] Varnum, so it passed in the negative.

<u>November 23, 1781</u> –

Produced by Union States Assembly

1) On a report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [James] Duane, Mr. [John] Witherspoon, appointed to prepare a recommendation to the states to enact laws for punishing infractions of the laws of nations:

The committee, to whom was referred the motion for a recommendation to the several legislatures to enact punishments against violations of the laws of nations, report: That the scheme of criminal justice in the several states does not sufficiently comprehend offenses against the laws of nations:

That a prince, to whom it may be hereafter necessary to disavow any transgression of that law by a citizen of the United States, will receive such disavowal with reluctance and suspicion, if regular and adequate punishment shall not have been provided against the transgressor:

That as instances may occur, in which, for the avoidance of war, it may be expedient to repair out of the public treasury injuries committed by individuals, and the property of the innocent be exposed to reprisal, the author of those injuries should compensate the damage out of his private fortune.

Resolved, That is be recommended to the legislatures of the several states to provide expeditious, exemplary and adequate punishment:

First. For the violation of safe conducts or passport, expressly granted under the authority of Congress to the subjects of a foreign power in time of war:

Secondly. For the commission of acts of hostility against such as are in amity, league or truce with the United States, or who are within the same, under a general implied safe conduct:

Thirdly. For the infractions of the immunities of ambassadors and other public ministers, authorized and received as such by the United States in Congress assembled, by animadverting on violence offered to their persons, houses, [carriages] and property, under the limitations allowed by the usages of nations; and on disturbance given to the free exercise of their religion: by annulling all writs and processes, at any time sued forth against an ambassador, or other public minister, or against their goods and chattels, or against their domestic servants, whereby his person may be arrested: and,

Forthly. For infractions of treaties and conventions to which the United States are a party.

The preceding being only those offences against the law of nations which are most obvious, and public faith and safety requiring that punishment should be co-extensive with such crimes:

Produced by Union States Assembly

Resolved, That it be farther recommended to the several states to erect a tribunal in each State, or to vest one already existing with power to decide on offences against the law of nations, not contained in the foregoing enumeration, under convenient restrictions.

Resolved, That it be farther recommended to authorize suits to be instituted for damages by the party injured, and for compensation to the United States for damage sustained by them from an injury done to a foreign power by a citizen.]

On the 23rd of November, 1781, the secretary for foreign affairs laid before Congress the following "heads of a verbal communication" made to him by the minister of France:

(See pages 1138-1140).

December 4, 1781 –

1) The ordinance being read a third time, was passed as follows:

An ordinance, ascertaining what captures on water shall be lawful.

(See pages 1153-1158).

December 17, 1781 –

1) A letter to the states reported and agreed to, urging them to comply with requisitions for men and money.

The committee, consisting of Mr. [Edmund] Randolph, Mr. __, reported the draft of a circular letter to the states, which was agreed, and is as follows:

GENTLEMEN,

We are happy to observe that the present year hath been distinguished by the reduction of a powerful British garrison in Virginia, and that our arms have also been prosperous in other parts of the United States. But to infer that our inexorable foe is subdued beyond recovery, may be attended with ruinous consequences. These events will yield but momentary advantages, unless supported by vigorous measures in the future.

From an assurance that peace Is best attained by preparations for war, and that in the cabinet of negotiations those arguments carry with them the greatest weight which are enforced not only with a retrospect of important victories, but by a well grounded prospect of future successes, we have called upon you for eight millions of dollars, and for your respective deficiencies of the military establishment.

Produced by Union States Assembly

Seven years have nearly passed since the sword was first unsheathed. The sums expended in so long a period in a just and necessary war must appear moderate; nor can any demand for pecuniary aid be deemed exorbitant by those who compute the extent of the public exigencies and the proportion of the requisition to the abilities of the states.

Suppose not that funds exist for our relief beyond the limits of these states. As the possessions of the citizens constitute our natural resources, and from a sense of their sufficiency the standard of war was erected against Great Britain, so on them alone we now rely. But even if loans were attainable, their amount would be merely commensurate with our ability and inclination to repay; and by nothing can both be more satisfactorily evidenced than by a generous exertion amidst the languor of public credit. Arguing from the former dilatoriness of supplies, the enemy, after having abandoned serious expectation of conquest, by the arms, anticipate it in imagination from the dissolution of our public credit.

They cannot however deny the firmness of the basis on which it may be placed, when they survey the wide limits of this confederate country, the fruitfulness of its soil, and the industry of its people.

But the want of money is not the only source of our difficulties; nor do the enemy gather consolation from the state of our finances alone. We are distressed by the thinness of our battalions. So vulnerable does the boldness of navigation render the very bosom of these states, so dispersed in some parts is the population, and so rapid our enemy in transportation, that they seize and exhaust large districts before their ravages can be checked. The requisition for the completion of your battalions is therefore not only reasonable, but indispensable.

Tardiness in the collection of our troops has constantly encouraged in our enemy a suspicion that American opposition is on the decline, Hence money from time to time I scoured into the coffers of our enemy; and the lender is perhaps allured by the prospect of receiving it with an usurious interest from the spoils of confiscation.

To whom then rather than yourselves, who are called to the guardianship and sovereignty of your country can these considerations be addressed? Joint labourers as we are, in the work of independence, duty impels us to admonish you of the crisis. We possess no funds which do not originate with you. We can command no levies, which are not raised under acts. Well shall well acquit ourselves to the world, should peace, towards the acquisition of which so illustrious a point hath been gained, now escape our embraces, by the inadequacy of our army, or our treasure: for an appeal to this exposition of your affairs will demonstrate our watchfulness of your happiness.

Produced by Union States Assembly

We conjure you to remember what confidence we shall establish in the breast of that great monarch, who has become a party in our political welfare, by a bold, energetick display of our ability.

We therefore trust in your attention and zeal to avail yourselves, at this important crisis, of the glorious advantages lately obtained, by a full compliance with these requisitions of men and money which we have made to you, and the necessity of which hath been pointed out to us by the matures consideration on the present circumstances of these United States.

By the order of Congress.

John Hanson, *President*

December 29, 1781 –

1) An ordinance for incorporating the subscribers to the national bank, was read a first time:

The Committee appointed to confer with the Bank upon the act of incorporation proposed to them by Congress.

Report,

That is does not seem probable, that an Act of incorporation could be obtained from the Legislature of Pennsylvania before the middle of next March.

That in the Meantime, the finances of the United States must suffer considerably without the aid of the Bank.

That the Bank cannot operate without an act of incorporation from Congress itself.

The Committee therefore –

Report the following act of incorporation (here read the act, and let a question be taken upon reading it a second time on Monday next) and the Committee beg leave to sit again,

Ordered, That Monday next be assigned for a second reading.

December 31, 1781 –

1) The ordinance to incorporating the subscribers to the Bank of North America, was read a second time, and ordered to be read a third time at two o'clock.

2) The ordinance being read a third time, was agreed to as follows:

An ordinance to incorporate the subscribers to the bank of North America.

Produced by Union States Assembly

(See pages 1187-1189).

3) *Resolved*, That it be recommended to the legislatures of each State, to pass such laws as they may judge necessary, for giving the foregoing ordinance its full operation, agreeably to the true intent and meaning thereof, and according to the recommendations contained in the resolutions of the 26th day of May last.

Produced by Union States Assembly

Summary of 1782

January 2, 1782 –

1) On a report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [William] Ellery, Mr. [Richard] Law, to whom was referred a motion of Mr. [Joseph] Jones, Congress came to the following resolution:

To render ore effectual the provision contained in the Ordinance, ascertaining what captures on water shall be lawful, for the capture and condemnation of goods, wares and merchandizes of the growth, produce or manufacture of Great Britain, or the territories depending thereon, in certain cases:

Resolved, That it be earnestly recommended to the legislature of each State to pass acts to be in force during the continuance of the present war, for the seizure and condemnation of all goods, wares and merchandizes of the growth, produce or manufacture of Great Britain, or of any territory depending thereon, which shall be found on land within their respective jurisdictions, unless the same shall have been imported before the first day of March, 1782, or shall have been captured from the enemy.

January 4, 1782 –

1) Whereas by the 9th Article of Confederation Congress has the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority or by that of the respective States: fixing the standard of weights, and measures &c. therefore

Resolved, That a Committee be appointed to ascertain the value and weights at which all foreign coins shall be rec'd in taxes by the Treasurer of these United States and to form such ordinance or ordinances as may be necessary to regulate the currency of the same.

January 8, 1782 –

1) The Ordinance for amending the "Ordinance, ascertaining what captures on water shall be lawful", was read a third time, and passed as follows:

(See pages 10-11).

January 9, 1782 –

1) A report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [Roger] Sherman and Mr. [George] Clymer, to whom was referred a plan of convention between his Most Christian

Produced by Union States Assembly

Majesty and the United States, for regulating the powers and duties of consuls and vice consuls, was agreed to by nine states.

Resolved, That the minister plenipotentiary of the United States at the Court of Versailles be authorized and instructed to enter into a convention with his Most Christian Majesty, on the part of the United States, for the establishment of consular powers and privileges, according to the scheme hereto subjoined.

(See pages 18-25).

January 10, 1782 –

1) The committee, consisting of Mr. [Ezekiel] Cornell, Mr. [James] Lovell, Mr. [Isaac] Motte, to who was referred a plan for conducting the inspector's department reported by the Secretary at War, delivered in their report, which being read, was agreed to as follows:

(See pages 30-33).

2) *Resolved*, That Major General Baron Steuben be, and hereby is, continued inspector general of the armies of these United States, and vested with power to appoint all officers necessary the aforegoing plan into execution, they being first approved of by the Commander in Chief.

January 22, 1782 –

1) *Resolved*, That the ministers plenipotentiary for negotiating a treaty of peace be instructed to contend [for an explicit acknowledgement of the common right of these United States to take fish in the North American seas and in particular on the banks of Newfoundland] with an earnestness becoming the importance of an object on which a great part of the United States absolutely depend not only for the foundation of their commerce but for the very means of their subsistance.

(That the said ministers be farther instructed to contend for the boundaries of the United States as described in the instructions given to Mr. John Adams on the 14 day of August, 1779, with equal earnestness.) and to represent to his Most Christian Majesty that although Congress having the highest confidence in his friendship have not made either of the above mentioned objects an ultimatum, yet they have the most sanguine expectations that his Majesty's friendship and influence will obtain for his faithful allies stipulations in their favour by which the peaceable enjoyment of their common right to take fish in the American seas, and particularly on the Banks of Newfoundland and the boundaries of the United States as described in the instructions above referred to, may be secured to them.

January 25, 1782 –

Produced by Union States Assembly

1) The plan of convention respecting consular powers being re-considered and amended, was read over, together with instructions to the minister plenipotentiary of these United States respecting it, and the same were agreed to by nine states.

(See pages 46-54).

2) *Resolved*, That it be recommended to the several legislatures of these United States, to provide by law for the establishment of a speedy mode of administering justice between subjects of his Most Christian Majesty and citizens of the United States: and for vesting persons in the neighbourhood of the sea-coast, with power to secure shipwrecked property in the most effectual manner.

January 28, 1782 –

1) A report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [Elias] Boudinot, and Mr. [Arthur] Middleton, was taken into consideration; Whereupon,

In order that the President may be relieved from the business with which he is unnecessarily incumbered, that officers at the head of the several executive departments lately established, may be enabled to execute the duties required of them, and that business may be conducted with regularity and despatch,

Resolved, That it shall be the business of the Secretary –

1st. To transmit to the Superintendant of finance, all papers referred to him by Congress; as well as an authenticated copy of every act, ordinance and resolution of Congress touching the finances of the United States: to the Secretary at War, app papers referred to him by Congress; as well as an authenticated copy of every act, ordinance and resolution touching his department: to the Secretary or agent of marine, or to the person entrusted with the duties of the office of Secretary or agent of marine, all papers referred to him by Congress; as well as an authenticated copy of every act, ordinance or resolution touching his department: and to the Secretary for foreign affairs, all papers referred to him by Congress; as well as an authenticated copy of every act, ordinance and resolution of Congress touching his department.

2nd. To keep a daily account of all memorials, petitions and communications received by Congress, noting therein their object and the steps taken respecting them; and lay the said account or register every day, on the table of Congress for the inspection of the members.

3. To return such answers as Congress shall direct to be given to memorials, petitions and communications, except where Congress shall judge it proper that the same be given by their President, or where it shall be the duty of any of the executive departments to return such answers:

Produced by Union States Assembly

4th. To attend Congress during their sessions, and, in their recess, to attend the committee of the states, to read the public despatches, acts, ordinances and reports of committees, and make the proper entries in the journals; to authenticate all acts and proceedings not specially directed to be authenticated by their President; and to keep a register of all treaties, conventions and ordinances:

5th. To cause to be made and laid upon the table for every State represented in Congress, a copy of every ordinance or report upon a matter of importance, and not of a secret nature, for the consideration of which a day is assigned:

6th. To keep the public seal, and cause the same to be affixed to every act, ordinance or paper, which Congress shall direct:

7th. To superintend the printing of the journals and publications ordered by Congress:

8th. To keep a book in which shall be noted in columns, the names of the several members of Congress, the State which they represent, the date of their appointments, the term for which they are appointed, and the date of leave of absence.

Resolved, That so much of the act of 22 March, 1777, as directs that attested copies of resolutions coming within the purview of this act, be sent to the President, to be transmitted by him, be, and hereby is repealed.

2) The report of the committee respecting the New Hampshire Grants, was debated and referred to a grand committee.

. . .

Resolved, That a Commissioner be appointed whose duty it shall be to repair to the district aforesaid and to communicate to and enforce upon the inhabitants thereof the following Resolutions:

Resolved, That the district of territory commonly called by the name of the New Hampshire grants by what name soever it may be called and shall be bounded Westward by a line beginning at the North West corner of the State of Massachusetts thence running Northward twenty miles East of Hudson's River as far as the said river runs North Easterly in its general course, then by the west boundary line of the Township granted by the late Government of New Hampshire to the river running from South Bay to Lake Champlain, thence along the said River to Lake Champlain, thence along the waters of Lake Champlain to latitude forty-five degrees North, including a neck of land between the Missiskoy Bay and the water of Lake Champlain, North by Latitude forty-five degrees North then Eastward by the West Bank of the Connecticut River from the forty-five degrees North to the Northern Boundary Line of the State

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of Massachusetts, and Southward by the said Northern boundary of the State of Massachusetts, from the said West bank of Connecticut River to the Northwest corner above mentioned.

That in case the inhabitants residing in the limits aforesaid shall within one month from the date hereof by an authenticated Act recognize the above described boundaries to be the limits and extent of their claim and shall accede to the Articles of Confederation and perpetual Union between the States of . . . , and shall thereupon the appoint Delegates on their behalf with full powers, instructions and positive orders immediately to repair to Congress and to sign the said Articles of Confederation and afterwards to represent them in the United States in Congress Assembled, their said Delegates shall be admitted to sign the same and thereupon the inhabitants of the above described District shall be acknowledged a free sovereign and independent State, by what name soever they shall choose to be called, and shall be considered as a component part of the federal Union and entitled to the advantages thereof.

But in case they do not desist from attempting to exercise jurisdiction over the lands guaranteed to New Hampshire and New York aforesaid and shall not within the time above limited comply with the terms specified in the foregoing propositions, Congress will consider such neglect or refusal as a manifest indication of designs hostile to these United States and that all their pretensions and applications heretofore made for admission into the federal Union were fallacious and delusive.

Resolved, That it be and hereby it is earnestly recommended to the States of New Hampshire and New York respectively to pass acts of indemnity in favour of all such persons residing without the limits above described who shall have taken part with the inhabitants residing within the same against the government of either of those States, upon their quietly and peaceably submitting themselves to the Government and Jurisdiction of those respective States to which they severally belong.

January 29, 1782 –

1) Minutes of a Communication made by the Minister of France to the Secretary of Foreign Affairs, and by him laid before Congress.

The minister of France informed me, that he was desirous of making some communications from letters received by the Sybil. Ten o'clock this day was appointed to receive them. He accordingly came, and read me the passages of a letter of Count de Vergennes to him, dated October 17, 1781, which contained in substance:

That France wished (as was evident from her going into the war on our account) to obtain every advantage for us. The powers at war must often be governed by circumstances. That if events

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would enable her to command them, we might depend on every thing she could obtain. That her political system depended not only on America, but on the other powers at war, That if France should continue hostilities merely on account of America, after reasonable terms were offered, it was impossible to say what the event might be, That his Majesty was however, at all events, determined to adhere to the true principles of the alliance, and would farther endeavor to obtain for us whatever we demanded, as far as events would justify.

He observed, that people in America appeared to be greatly deceived with respect to the disposition of the belligerent and mediating powers to the disposition of the belligerent and mediating powers, and to imagine that all were anxious for a peace; but this was so far from being the case, that Great Britain had not yet returned any answer to the overtures of the imperial courts; nor had any reply been made by the latter to the answer given them by France: from which delay it might be easily imagined peace was far distant. That from the present situation of Spain, there was strong reason to suppose she could not spare us any money, her own operations requiring all she had. That he hoped France would not be called upon to make up her deficiencies, as they were in no situation to make new grants. Besides, that in order to rid us of our embarrassments, that had already made efforts in our behalf, which they had reason to believe exceeded our expectations; and that what they had done for America this year entitled them to an exemption from further demands.

In a letter of October 20, 1781, from the Count de Vergennes to the minister of France, it is observed, that the United Provinces would not embarrass themselves at resent by an alliance with us; that in this they will follow the example of Spain; that, however, it will be prudent to keep an agent in Holland, and direct him to advise constantly with Dr. Franklin, that we may observe some consistency in our politicks. That he fears America hopes on the aid of Russia; that nothing can be ore groundless; that though he believes she is not adverse to the independence of America, yet we ought not to expect that she will move a step in our favour; that she has no particular interest in terminating the war; that as she means to assume the character of a mediator, she must reserve that of justice and impartiality; that nothing therefore can extort from her measures that are favourable to us, but a conviction that we cannot be brought back to the dominion of Great Britain. That this should lead us to think (a sentiment which he desires the minister to inculcate) that our success depends upon our exertions, and upon our relinquishing the inactivity into which false hopes, excited by success, do sometimes plunge us.

He repeated, That France could lend us no more money; that the ten millions borrowed upon our account in Holland were greatly sunk by advances made in France; that no bills would be paid in France which the minister did not authorise us to draw; that he hoped our officers would have too much prudence to risk the credit of the United States by drawing; that the

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negotiations are still inactive, and will remain so till events oblige one or the other of the parties to sue for peace. That the success of the expedition against Portsmouth (that being the supposed post of Cornwallis) might possibly have some effect. That the great object of England is America; that she will certainly make great exertions the ensuing campaign; that equal exertions are therefore necessary on our part. That Spain and Holland view America as the great obstacle to a peace, from which consequences may flow which people of judgment mat easily foresee.

(Signed) ROBERT R. LIVINGSTON

The minister of France sent to Congress a note of which the following is a translation:

NOTE

Philadelphia, January 28, 1782

The undersigned minister plenipotentiary of France to the United States has the honour to inform Congress, that the loan of ten millions of livres, opened in Holland for account of the United States, was in a great measure full in the month of October last, and that the interest is settled at four per cent. It is therefore now proper that the Congress should send Doctor Franklin the necessary instructions and power to pass acts binding the United States to his Majesty to pay this loan, as well as the interests and costs arising thereby. The undersigned has informed the Superintendant of Finance, that after deducting advances, which his Majesty has made on the credit of that loan, there would remain about four millions of livres at the disposition of the United States when it shall be fully completed.

Le Chev. De la Luzerne

Ordered, That the foregoing note, with the communications made to the Secretary for Foreign Affairs, be referred to him to report.

February 5, 1782 –

1) On the report of the Secretary of foreign affairs, to whom was referred the note from the honourable the Minister Plenipotentiary of France,

Resolved, That the following powers and instructions be given to the Minister Plenipotentiary of the United States of America at the Court of Versailles.

To the honorable Benjamin Franklin, Minister Plenipotentiary from the United States of America, to his Most Christian Majesty:

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Whereas the minister of his Most Christian Majesty hath informed the United States in Congress assembled, that the loan of ten millions of livres tournois, opened in Holland on account of these United States, was in a great measure completed in October last, and requested in consequence thereof, that full powers might be expedited to bind these United States to discharge the principal and interest of the said loan agreeably to the terms thereof, with such expenses as might have accrued in making such loan: You are hereby authorised, directed and empowered, to enter into such engagements with his Most Christian Majesty, with the States General of the United Provinces, with any particular state or province, or with any man or body of men whatsoever, with whom you may find it necessary to enter into engagements, for the purpose of binding these United States to discharge the said loan with the interest, agreeably to the terms thereof; and also for the repayment of such expenses as have arisen, or may arise by reason of said loan. And the said United States of America do hereby pledge their faith to confirm what you shall execute in pursuance of the above power.

Done at Philadelphia, the fifth day of February, in the year of our Lord, one thousand seven hundred and eighty-two, and in the sixth year of our independence.

By the United States in Congress assembled.

JOHN HANSON, President

CHARLES THOMSON, Secretary.

February 8, 1782 –

1) The Secretary for foreign affairs, to whom were referred sundry communications from the honorable the Minister Plenipotentiary of France, delivered in a report, part of which was agreed to, and the remainder referred to a committee.

The Secretary for Foreign Affairs having stated to Congress a verbal communication made to him by the Minister of France from letters lately received from the Count de Vergennes which contain among other things an opinion that his Catholick Majesty will not have it in his power to advance any money to the United States; and expressing, in strong terms, his hope that the United States will not imagine that France should make up the sums they expected from Spain, after the assistance they have already derived from France –

Resolved, That Congress are fully sensible of the frequent, friendly and generous interposition of his Most Christian Majesty in their behalf, and are led from thence to hope a continuation of his assistance, since nothing has been wanting on their part so to apply the aid he generously affords as to distress the common enemy, and lend to the great object of their alliance, a safe and honourable peace.

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Resolved, That Congress cannot, without injustice to themselves and their ally, withhold from him a knowledge of their present circumstances, or neglect to mention the ruinous consequences that may attend a refusal of those aids, which as well the friendly dispositions of his Most Christian Majesty, as the success that hath attended his interposition in their behalf, gave the reason to hope would be continued till the states, which have lately been ravaged by the enemy, had so far recovered their commerce and agriculture as to be able more effectually to contribute to the general expence; and that his Most Christian Majesty may be assured that their applications for this purpose shall not exceed what may be absolutely necessary for the support of the common cause.

Resolved, That the Secretary for foreign affairs, consulting with the Superintendant of finance, explain to the minister of the United States at the Court of Versailles the extensive advantages which have resulted from the moneys supplied by his Most Christian Majesty to these United States, and the engagements which have been entered into with a view to render the next campaign decisive, the consequence of failing in those engagements, and the little prospect there is of fulfilling them without an additional loan or subsidy, for the year 1782, of at least twelve millions of livres tournois, in order that the said minister may present a memorial on this subject to his Most Christian Majesty, and at the same time lay before him the several resolutions lately passed by the United States in Congress assembled, which evidence their unalterable resolution to make every exertion for a vigorous campaign which their present situation will allow.

Resolved, That the Minister Plenipotentiary of the United States of America at the court of Versailles be and he is hereby instructed and empowered to borrow, on account of these United States, the sum of twelve millions of livres tournois, and to enter into engagements on the part of the United States for the repayment of the same, together with the interest, which is not to exceed the terms allowed or given on national security in Europe.

Ordered, That the remainder of the report of the secretary for foreign affairs be referred to a committee.

<u>February 14, 1782</u> –

1) *Resolved*, That whensoever a motion is made for striking out one or more words in order that something may be inserted in its stead, the debate shall turn upon the propriety of the proposed insertion, and the question shall be *"Shall the proposed amendment be made?"* That whensoever a motion is made for striking out one or more words, but no proposition is made to insert any thing else, the question shall be upon the words proposed to be struck out, in the following manner, *"Shall these words stand?"*

<u>February 20, 1782</u> –

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1) The committee, consisting of Mr. [George] Clymer, Mr. [Samuel] Livermore, Mr. [Samuel] Osgood, Mr. [William] Ellery, Mr. [Richard] Law, Mr. [William] Floyd, Mr. [Abraham] Clark, Mr. [Daniel] Carroll, Mr. J[oseph] Jones, Mr. [Benjamin] Hawkins, Mr. [Nicholas] Eveleigh, and Mr. [Edward] Telfair, to who was referred the report of a committee on a letter from the Superintendant of finance, and a plan for the settlement of public accounts, delivered in a report, which was taken into consideration; and thereupon, Congress agreed to the following resolutions:

Whereas it is become indispensably necessary to settle and adjust, and finally to determine the proportions to be borne by the several states of the expences of the war, from the commencement thereof until the first day of January, 1782, except the moneys loaned:

And whereas, from the present situation of some of the states, the rule for fixing such proportions agreeably to the Articles of Confederation, to wit, a valuation of lands, buildings, and improvements, cannot, with any degree of certainty, be proceeded on; and as, from a consideration of the states having been variously affected by the war, the said rule, upon a valuation hereafter to be taken, might not, if strictly adhered to, without proper allowances for particular circumstances, produce that equal justice so sdesirable3 in this important object.

In order, therefore, that the aforesaid expences may be proportioned in a speedy and equitable manner,

Resolved, That it be earnestly recommended to the several legislatures of the respective states, without delay, to authorize and empower the United States in Congress assembled, in the final settlement of the proportions to be borne by each State, of the general expences of the war, from the commencement thereof until the first day of January, 1782, except the moneys loaned to the United States, for the security and discharge of the principal and interest of which Congress rely on a compliance with their requisition of the third day of February, 1781, to assume and adopt such principles as, from the particular circumstances of the several states, at different periods, may appear just and equitable, without being wholly confined to the rule laid down in the eighth Article of Confederation, in cases where the same cannot be applied without manifest injustice:

That it be recommended to the states respectively to obtain and transmit to Congress, as soon as may be, all such documents and information as they may judge most proper, to assist the judgment of Congress in forming just estimates of the value and abilities of each State at the close of every year within the aforesaid term, in order to settle the proportions before mentioned.

Resolved, That upon settling the annual proportions of the several states, of the expences of the war, up to the first day of January, 1782, where any of the states have exceeded their

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proportions, an interest of six per cent. Per annum shall be allowed thereon, and a deduction equal thereto made in the future annual proportions of those states; and where any states shall appear to have been deficient in advancing their proportions, a like interest shall be charged thereon, and such deficiency charged in the future proportions of such states.

And whereas it is necessary to make a settlement of all accounts between the United States and each particular State, and the creditors of the United States within the same,

Resolved, That a commissioner for each State [Scribe's notes: a de jure office created at the state level], for the purposes hereinafter expressed, be appointed as follows: he shall be nominated by the Superintendant of the finances of the United States, and approved of by the legislature or the executive of the particular State for which he shall have been nominated; and upon the death, refusal, or inability to act, of such commissioner, another person to supply his place shall be nominated by the Superintendant of the finances, and approved of by the executive or the delegates attending in Congress of the State for which he shall be nominated, as the legislature of the State shall direct; that the said commissioner so appointed shall have full power and authority finally to settle the accounts between the State for which he shall have been nominated, and the United States; that all accounts of moneys advanced, supplies furnished, or services performed, between the United States and a particular State. Shall be estimated according to the table of depreciation framed by the Board of Treasury on the 29th day of July, 1780, in consequence of the resolution of the 28 day of June preceding, to the time the same is extended: [provided always, that specific supplies, furnished pursuant to the requisitions of Congress, shall be settled agreeable to the prices mentioned in such requisitions;] that he be also fully empowered and directed to liquidate and settle, in specie value, all certificates given for supplies by public officers to individuals, and other claims against the United States by individuals for supplies furnished the army, the transportation thereof and contingent expences of equity and good conscience, in all cases which are not or shall not be provided for by Congress:]

That the said commissioner, in various branches of duty herein directed, shall in such matters of the form as regard merely the stating of his accounts, proceed agreeably to rules to be prescribed to him by the comptroller of the treasury; but in all other matters and things concerning the settlement with individual states, according to such modes and principles as Congress have directed or shall direct:

That each of the said commissioners be allowed a salary of fifteen hundred dollars per annum, and that he appoint his necessary clerks, with the salary of five hundred dollars per annum each, for the time they shall severally be employed in this service, which shall be in full for all services and expences.

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That the said commissioners respectively give public and early notices of the times and places of their settling, and the districts within which they settle accounts, that as well the public officers as the private individuals may have an opportunity to attend:

That each commissioner, before he enter upon the business for which he is appointed, shall take the following oath:

"I, A.B. do solemnly swear that I will truly and faithfully execute the office of commissioner to which I am appointed, according to my best skill and judgment, without favor or affection. So help me God."

That each clerk at his appointment shall also take an oath truly and faithfully to execute his duties of his office according to the best of his skill and understanding; and that certificates of these oaths be filed in the secretary's office of the State.

And it is hereby further recommended to the several legislatures of the respective states, to grant the commissioner, by a law to be enacted for that purpose, a power to call witnesses and examine them upon oath of affirmation, touching such claims and accounts as shall be produced for liquidation and settlement.

February 21, 1782 –

1) On the report of a committee of the states, consisting of Mr. [Samuel] Livermore, Mr. [George] Partridge, Mr. [Ezekiel] Cornell, Mr. [Oliver] Wolcott, Mr. [William] Floyd, Mr. [Abraham] Clark, Mr. [George] Clymer, Mr. [Daniel] Carroll, Mr. J[ospeh] Jones, Mr. [Benjamin] Hawkins, Mr. [Arthur] Middleton, Mr. [Edward] Telfair, to whom was referred a letter of 15 January, from the Superintendant of finance, touching the establishment of a mint:

Resolved, That Congress approve of the establishment of a mint; and, that the Superintendant of finance be, and hereby is directed to prepare and report to Congress a plan for establishing and conducting the same.

February 22, 1782 –

1) On the report of a committee, consisting of Mr. [William] Ellery, Mr. [Edmund] Randolph, and Mr. [Nicholas] Eveleigh, to whom was referred a letter of 25 January from the Secretary for foreign affairs, respecting his department,

The Committee to whom was referred the letter of the Secretary of Foreign Affairs respecting his Department, Report,)

The United States having risen to importance, and taken their place among sovereign and independent nations, are called upon to secure their extensive territories, and maintain their

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political interests by cultivating the friendship and alliance of other sovereigns and by guarding against the machinations of the designing and ambitious. In order to which, ministers and agents have been appointed, to stud the interests, views and designs of Courts at which they reside, to declare the principles of justice and moderation by which the United States propose to govern themselves, and to express on various occasions their sentiments. That these sentiments may be fully known to their ministers, some regular channel of communication should be opened; and that the governing power in the United States should not remain ignorant of the views and designs of foreign nations, which must regulate their conduct towards them, means should be fallen upon to direct the enquiries of their ministers, and so to collect and digest their information, as to render it useful to Congress.

These together with the various details, which are created by their connection with other nations, has induced the United Sates in Congress assembled to Resolve,

Resolved, That the department of foreign affairs be under the direction of such officer, as the United States in Congress assembled have already for that purpose appointed, or shall hereafter appoint, who shall be stiled, "Secretary to the United States of America, for the department of foreign affairs;" [shall reside where Congress or the committee of the states shall sit,] (and hold his office during the pleasure of Congress:)

That books, records and other papers of the United States, that relate to this department, be committed to his custody [to which (and all other papers of his office,) any member of Congress shall have access: provided that no copy shall be taken of matters of a secret nature without special leave of Congress:]

That the correspondence and communications with the ministers, consuls and agents of the United States in foreign countries, and with the ministers and other officers of foreign powers with Congress, be carried on through the office of foreign affairs by the said Secretary, who is also empowered to correspond with all other persons from who he may expect to receive useful information relative to his department: provided always, that letters to the ministers of the United States, or ministers of foreign powers, which have a direct reference to treaties or conventions proposed to be entered into, or instructions relative thereto, or other great national subjects, shall be submitted to the inspection and receive the approbation of Congress before they shall be transmitted:

That the Secretary for the department of foreign affairs correspond with the governors or presidents of all or any of the United States, affording them such information from his department as may be useful to their states or to the United States, stating complaints that may have been urged against the government of any of the said states, or subjects thereof, by

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the subjects of foreign powers, so that justice may be done agreeably to the laws of such State, or charge proved to be groundless, and the honor of the government vindicated:

He shall receive the applications of all foreigners relative to his department, which are designed to be submitted to Congress, and advise the mode in which the memorials and evidence shall be stated in order to afford Congress the most comprehensive view of the subject, and if he conceives it necessary, accompany such memorial with his report thereon: he may concert measures with the ministers of offices of foreign powers, amicably to procure the redress of private injuries, which any citizen of the United States may have received from a foreign power or the subjects thereof, making minutes of all his transactions relative thereto, making minutes of all his transactions relative thereto, and entering the letters at large which have passed on such occasions:

He shall report on all cases expressly referred to him for that purpose by Congress, and on all others touching his department, in which he may conceive it necessary:

And that he may acquire that intimate knowledge of the sentiments of Congress, which is necessary for his direction he may at all times attend Congress, and shall [particularly attend when summoned or ordered by the President]:

He may give information to Congress respecting his department, explain and answer objections to his reports when under consideration, if required by a member and no objection be made by Congress: he shall answer to such enquiries respecting his department as may be put from the chair by order of Congress, and to questions stated in writing about matters of fact which lie within his knowledge, when put by the President at the request of a member, and not disapproved of by Congress; the answers to such questions may, at the option of the Secretary, be delivered by him in writing:

He shall have free access to the papers and records of the United States, in the custody of their Secretary, or in the offices of finance and war or elsewhere; he may be furnished with copies, or extracts therefrom, when he shall find it necessary:

He shall use means to obtain from the ministers and agents of the said United States in foreign countries, an abstract of their present state, their commerce, finances, naval and military strength, and the characters of sovereigns and ministers, and every other political information which may be useful to the United States:

All letters to sovereign powers, letters of credence, plans of treaties, conventions, manifestoes, instructions, passports, safe conducts, and other acts of Congress relative to the department of foreign affairs, when the substance thereof shall have been previously agreed to in Congress, shall be reduced to form in the office of foreign affairs, and submitted to the opinion of

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Congress, and when passed, signed and attested, sent to the office of foreign affairs to be countersigned and forwarded,

If an original paper is of such a mature as cannot be safely transmitted without cyphers, a copy in cyphers, signed by the Secretary for the department of foreign affairs, shall be considered authentic, and the ministers of the United States at foreign courts may govern themselves thereby in the like manner as if the originals had been transmitted.

And for the better execution of the duties hereby assigned him, he is authorized to appoint a secretary [and one, or if necessary, more clerks, to assist him in the business of his office.]

Resolved, That the salaries annexed to this department shall be as follows: To the Secretary of the United States for the department of foreign affairs, [the sum of four thousand dollars per annum, exclusive of office expences,] to commence from the first day of October last: to the secretary one thousand dollars per annum: to the clerks each five hundred dollars per annum.

Resolved, That the Secretary for the department of foreign affairs, and each of the persons employed under him, shall take an oath before [a judge of the State where Congress shall sit,] for the faithful discharge of their respective trusts, and an oath of fidelity to the United States before they enter upon office.

2) *Resolved*, That the act of the 10th day of January, 181, respecting the department of foreign affairs, be, and hereby is repealed.

<u>February 23, 1782</u> –

1) On the report of the Secretary for foreign affairs, to who was referred a letter of 6th October, 1781, from Robert Smith, agent at the Havanna, so far as relates to the sending blank commissions to be filled up by him for the purpose of commissioning with letters of marque or general reprisals, such vessels sailing from the Havanna as might require the same:

Resolved, That the Secretary for foreign affairs be and hereby is directed to inform Robert Smith, that the United States in Congress assembled, do not at present think it expedient that he issue any letters of marque or general reprisals, under their authority.

2) A committee, consisting of Mr. [Elias] Boudinot, Mr. [Ezekiel] Cornell and Mr. [Thomas] Bee, to whom was referred a letter of 18 and one of 20 February, from General Washington, having delivered in a report:

The Committee to whom the letters of General Washington relative to the Exchange of prisoners were committed do report the following resolution

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Resolved, That the secret resolve of the ___ Inst. Relative to the exchange of Lt. Gen. Earl Cornwallis be, and is hereby repealed.

3) A motion was made by Mr. [Arthur] Middleton, seconded by Mr. [Edward] Telfair, in the words following:

"In order to prevent future controversy upon the subject of exchange, that Congress who represent the feelings as well as the sense of the union, do declare that Lieutenant General Charles Earl Cornwallis ought not to be exchanged by composition at this time, not from any apprehensions of his influence or superior abilities; but because they look upon him not in the light of a British general, but a barbarian. In proof of their justice for classing him in so degrading a predicament, they appeal to the impartial history of his conduct his command in the southern and middle states, where his progress may be traced by blood wantonly spilt, by executions unwarranted even by military regulations, and by the indiscriminate plunder of the property and destruction of the inhabitations of the widow and the orphan, circumstances disgraceful to the arms of any enlightened people: because he has governed himself solely upon the principles of eastern tyranny, has broken the faith of treaty solemnly pledged in the capitulation of Charlestown, by ordering the seizure of the property and persons of the capitulants, by the confinement of others to St. Augustine, and the banishment of their wives and children: because he has authorized and countenanced the enlistment of upwards of five hundred American soldiers into the British service, or rather suffered them to be compelled cruelties and hard usage to take arms against their country, and in numberless other instances has infringed every rule of war established among civilized nations: that it be also resolved, that unless the Honorable Henry Laurens, Esq. be enlarged within months, upon his parole until exchanged, the Commander in Chief be directed to recall the said Charles Earl Cornwallis: that unless the accounts for the maintenance of prisoners be settled, the arrearages paid up and security given for their future maintenance, the British prisoners be compelled to work for their livelihood, or otherwise disposed of for the public benefit."

On this the previous question was moved by the State of New Jersey, and seconded by the State of Pennsylvania: and on the question to agree to the previous question, the yeas and nays being required by Mr. [Arthur] Middleton, so it passed in the affirmative.

On motion of Mr. [Abraham] Clark, seconded by Mr. [Elias] Boudinot,

Resolved, That the Commander in Chief be, and hereby is authorized to agree to the exchange of Lieutenant General Earl Cornwallis by composition; provided that the Honorable Henry Kaurens, Esq. shall be liberated, and proper assurances obtained that all accounts for the support of the Convention prisoners and all other prisoners of war, shall be speedily settled and discharged.

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February 26, 1782 –

1) The Ordinance being read a third time, was agreed to as follows:

AN ORDINANCE FOR FURTHER AMENDING THE ORDINANCE ASCERTAINING WHAT CAPTURES ON WATER BE LAWFUL.

(See pages 99-100).

February 27, 1782 –

1) On a report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Joseph] Montgomery, and Mr. [James] Madison, to whom was referred a letter of 18 from the Superintendant of finance:

Resolved, That five commissioners be appointed for the settlement of accounts under the direction of the Superintendant of finances, namely, one for the quartermaster's department, one for the commissary's department, one for hospital department, one for the cloathier's department, and one for the marine department, each of which commissioners shall have full power and authority to liquidate and finally settle the accounts of the departments respectively assigned to them, up to the last day of December, 1781, inclusive:

That the Superintendant of finance be, and is hereby authorized and directed to appoint the aid five commissioners; and that he report the names of the same to Congress, [in order that they may disapprove such appointment if they shall thin proper:]

That each of the said commissioners be allowed one clerk for his assistance in the execution of his trust, and in case more should be found necessary, that be authorised to add such number as the Superintendant of finance shall approve:

That a salary be allowed to each of the said commissioners, at the rate of fifteen hundred dollars per annum, during the time in which he shall be employed in the duties assigned to him; and that each clerk be allowed a salary, at the rate of five hundred dollars per annum during the time of his service, (to be in full to each of them for their services and expences:)

That it be recommended to the several legislatures of the states, to empower the said commissioners to call for witnesses and examine them an oath of affirmation touching such accounts as are respectively assigned to them for settlement; and that it be also recommended to the said legislatures, to make provision by law for the speedy and effectual recovery from individuals of debts due and effects belonging to the United States.

[Motion of Mr. James Varnum and Mr. John Sullivan]

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Whereas it is provided by article sixth of the act of Confederation "that no person shall be capable of being a Delegate for more than three years in any Term of six years," and whereas there are Delegates from some States within the above description; It is therefore recommended to the respective Legislatures to cause such vacancies to be filled as soon as may be, so that their States may be represented according to the true intent and meaning of said Act of Confederation.

March 8, 1781 –

1) *Resolved*, That Captain James Elliot be, and he is hereby appointed an assistant geographer to the United States. [Scribe's notes: This is appears to be a de jure office that was created].

March 11, 1792 –

1) On a report of a committee, consisting of Mr. [Joseph] Montgomery, Mr. [Samuel] Osgood, Mr. [Thomas] Bee, to whom was referred a letter of 27 February, from the postmaster general:

Resolved, That John Durham Alvey, appointed by the postmaster general with the main army, be, and he is hereby entitled to receive from the paymaster general, on warrant from the Commander in Chief, the sum of 35 dollars per month for his services, and that he shall also be entitled to one ration per day:

The said committee having reported an Ordinance for regulating the Post Office, the same was read a first time, and Thursday next was assigned for a second reading,

And be it farther ordained by the authority aforesaid

That the Post Master General for the time being, and his assistant, or Clerk, shall be under oath for the faithful performance of the Duties of their respective offices.

That it shall be the duty of the Post Master General to superintend the whole Department of the Post Office; to appoint such and so many Deputies (for whose fidelity in office he shall be accountable) as to him may seem proper and necessary (from a resolution/report dated July 26, 1775), to whom he is hereby authorized to allow such commission per cent upon all letters belonging to their offices (from a resolution/report dated Oct. 19, 1781), as he shall think their respective services merit, so as that the said commissions do not in the whole exceed Twenty per cent. To cause the mail to be carried with all Dispatch, at least once a week; to discontinue such post offices and Post Roads as he shall find to be unnecessary, and which increase the public expence without yielding a compensation (from a resolution/report dated Oct. 19, 1781) – to see that his deputies keep, and transmit to him, quarterly, regular accounts of the Incomes and Expenditures of their respective offices; and to keep regular and just accounts of the

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general state of the Post office as to receipts and expences, which he shall deliver annually to the Comptroller of the accounts for examination (from a resolution/report dated July 26, 1775).

That whereas it may be necessary for the Post Master General, or his assistant, to visit the several Post Offices in the United States or otherwise to travel for the performance of the duties aforesaid, the person so travelling shall be allowed, over and above his stated Salary, four dollars per day, during his necessary absence from home upon the business aforesaid; which said allowance, shall be in full for horse hire, travelling expences, and all other expences attending the transaction of the said business (from a resolution/report dated Dec. 17, 1777).

That there be an Inspector of Dead Letters, who shall be under oath for the faithful and impartial Discharge of the Duties of his office; It shall be his Duty to Inspect, at the expiration of each quarter the dead letters which shall be returned, to the General Post Office (from a resolution/report dated Oct. 17, 1777); to communicate to Congress, or to such persons as shall be by them appointed for that purpose, all such Letters as contain intelligence, the communication of which he may think will be advantageous to the Public; To preserve, very carefully all valuable Papers which he may find enclosed in any of the dead Letters, for which he shall be accountable; To keep a book containing an exact account of all such papers so found – the Date of the Letter accompanying them; from whence, and by whom written, and to whom directed, and at the expiration of each Quarter, to publish, in one of the Newspapers printed in such Place where Congress may be sitting, a notification that such papers are in his possession; to the end that they may be recovered by the owners of them; to whom they shall be delivered without the payment of any other Fee or Reward than the Postage due for such papers, and the Letters in which they were found, according to the rates established by Congress: and the said Inspector is hereby enjoined to take no Copy of any letter whatever. For the performance of the above Services he shall be allowed a Salary of Two hundred and fifty Dollars per annum.

That, Whereas it is necessary for the regular and Speedy Conveyance of Letters and Intelligence (from a resolution/report dated Aug. 8, 1776), that the business of the Post Office should be diligently attended (from a resolution/report dated Aug. 30, 1776), which cannot be if the persons employed in it are reliable to the performance of such public services as are incompatible therewith, the Post Master General, his assistant and Deputies, and all Post Riders shall be exempted from Military Duty, and from serving as Jurymen, and Constables (from a resolution/report dated May 12, 1776).

That, the Post Master General shall annually pay to the Treasurer of the United States the Profits of the Post Offices; and if necessary expences of this Establishment should exceed the Produce of it, the Deficiency shall be paid by ___ to the Post Master General, at the expiration of each Quarter, to enable him punctually to fulfill his Contracts with the Riders (from a resolution/report dated July 26, 1775).

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That no person whatsoever, except the stated Post Riders in Public Service, shall carry any Letters or Packets upon the Post Road, for which he shall receive Pay, upon penalty of one hundred Spanish Milled Dollars for each offence; and if any person in the Service of the United States who may occasionally employ an Express Rider, shall knowingly permit such Express Rider to carry with him any other letters than such as relate to the particular Business upon which he is sent (such Letters as shall be sent from the Post Office only excepted) the Person employing such Rider, and so offending shall forfeit three months pay, which the person from who he receives his pay is hereby authorised and directed to retain in his hands for the use of the United States, upon the offender's being legally convicted in any Court within the State where such offence shall happen (from a resolution/report dated Nov. 5, 1776).

That all Express Riders in the public service, which may be necessarily employed upon any emergent occasion shall (if a post office is established in the place) be hired by the Post Master General, or his deputy, and set out from and return to the Post office, to the end that the expence of several Expresses destined to the same place, at the same time, may be avoided, and the person desiring that an Express Rider may be employed, shall furnish the Post Master General or his Deputy with money to defray the expence.

That if any person shall rob the Post, or an Express Rider, of his Mail or Dispatches, upon the Road, or in a house, such Robber shall upon conviction, be adjudged guilty of Felony, and suffer accordingly.

That all Ferry Keepers and Ferrymen shall carry the Post Riders and Expresses without charge across their respective Ferries in preference to every other person, and immediately upon application for that purpose, or as soon after as is possible (from a resolution/report dated Nov. 5, 1776).

That to avoid danger from Enemies the Post go not out of his regular an usual course in order to pass by Head Quarters; but if Head Quarters should not be upon the stated Post Roads, the Post Master to the Main Army shall have authority to hire a Rider upon the best terms he can, whom shall carry the Mails to and from Head Quarters, from and to the nearest Post Office on each side of them, an shall report to the Post Master General his proceedings herein (from a resolution/report dated Oct. 17, 1777).

That all Masters of vessels having Commission from the United States, shall immediately upon their arrival at any port within the said States, lodge all Letters and Packets brought by them from abroad, in the Post Office of the said port (if a Post Office shall be established there) on Penalty of the forfeiture of their Commissions: and the Post Master at such port shall not demand or receive any greater reward for his care and trouble in receiving and delivering out

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such of the said Letters and Packets which shall belong to such Port, than one penny for each of them (from a resolution/report dated May 5, 1780).

That the same price to be paid for the Postage of Letters be the same as at the Commencement of the present War (from a resolution/report dated Oct. 18, 1781).

That the Salary of the Post Master General be 1250 Dollars per annum, and that of his assistant or clerk 800 Dollars per annum (from a resolution/report dated Oct. 17, 1781).

That as the Letters and Packets which are allowed to pass free of the Postage, are a great incumbrance upon the Post Office, and render it necessary for the Post aster General be furnished with Money (to pay arrearages) which is much wanted for the Supply of other Departments, all Acts, and Resolutions of Congress exempting Letters and Packages from the payment of Postage, be and they are hereby repealed.

That all Letters and Packets, to and from such member of Congress who have taken their Seats, and are actually attending their duty therein, shall pass and be Carried free of postage, the Members having engaged upon honor not to frank or enclose any Letters but their own (from a resolution/report dated Nov. 8, 1775).

That all Letters and Packets to and from the Commander in Chief of the American Army or the Commander of a Separate Army on public service pass and be carried free of postage.

That the Deputy Post Master at such place where Congress shall be sitting shall keep an exact account of the postage, which would be payable for the Letters and Packets to and from the Members of Congress, were they chargeable with postage, and at the expiration of each quarter, shall deliver it to the Post Master General: In like manner the Deputy Post Master in the Main Army shall keep an exact account of the postage of all Letters and Packets sent to and from the Commander in Chief, and shall transmit it at the expiration of each Quarter to the Post Master General and (Provided that the Incomes of the Post Office are not sufficient to defray the expences) the Post Master general shall apply to the Superintendant of Finance for a warrant to the Treasurer of the United States for the Payment of the amount thereof, which warrant the said Superintendant General of Finance Is hereby authorized and required to grant upon application as aforesaid.

That the Post Master to the Main Army, and the Rider to be employed by him when Head Quarters are not upon the stated Post Road, shall receive their pay from the Pay Master General or his Deputy.

That all prosecutions for Breaches of this ordinance, shall be commenced and carried on by the Post Master General, or some Person authorized by him for that purpose in writing under his

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hand and seal; and the United Sates will Indemnify the said Post Master General for all Costs, and necessary charges he may incur by doing his duty therein.

The penalties and forfeitures hereby declared and imposed shall be sued for and recovered on the State in which the Offence may be committed and all suits and prosecutions for recovery thereof shall be according to the Laws and Customs of such State in similar cases.

That all Acts and Resolutions of Congress, respecting the Post Office, which have heretofore passed, be, and they are hereby repealed.

2) The committee, consisting of Mr. [Elias] Boudinot, Mr. [Oliver] Wolcott and Mr. [George] Partridge, to whom was referred a petition of the Stockbridge or River Indians, delivered In a report; Whereupon,

Ordered, That the petition of the River or Stockbridge Indians, dated the 28 February, 1782, presented to Congress by Asa Douglas, their agent, be referred to the legislature of the State of New York; and that it be recommended to them to hear the said petitioners, and fully enquire into the matters by them stated in their said petition; and that the said legislature do thereon what shall appear to them reasonable and just in the premises.

April 4, 1782 –

1) *Ordered*, That the two papers referred to by the words "to wit", in the motion of yesterday, be fully entered in the journal as a part of that motion.

The papers are as follows: (See pages 164-173)

April 26, 1782 –

1) *Resolved*, That the Secretary at War take order for establishing good and sufficient magazines for the reception of the public ammunition at the following places, to wit: at Springfield, in the State of Massachusetts; at West Point, in the State of New York; at the Yellow Springs, in the State of Pennsylvania; and at New London, in the State of Virginia.

April 30, 1782 –

1) *Ordered*, That the Superintendant of finance do prepare and lay before Congress, a state of the monies borrowed and not repaid by the United States, prior to the first day of January last; and that he also lay before Congress every half year, computing from the said first day of January, a state of all monies borrowed and bills emitted during said periods respectively, that the same may be transmitted to the respective states pursuant to the direction contained in the 9 articles of the Confederation.

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2) On a motion of Mr. [James] Madison, seconded by Mr. [Joseph?] Hones,

Resolved, That the minister plenipotentiary of the United States at the Court of Madrid be informed, that Congress entirely approve of his conduct as detailed in his letter of the 3rd of October last; that the limitation affixed by him to the proposed surrender of the navigation of the Mississippi in particular, corresponds with the views of Congress; that they observe, not without surprise and concern, that a proposition so liberal in itself, and which removed the only avowed obstacle to a connexion between the United States and his Catholick Majesty should not have produced greater effects on the councils of the latter; that surrender of the navigation of the Mississippi was meant as the price of the advantages promised by an early and intimate alliance is to be procrastinated till the conclusion of the war, the reason of the sacrifice will no longer exist; that as every day which the proposed treaty is delayed, detracts from the obligation and inducement of the United States to adhere to their overture, it is the instruction of Congress, that he urge to the ministers of his Catholick Majesty the obligation it imposes on Spain to make the treaty the more liberal in her part, and that in particular he use his endeavors to obtain, in consideration of such delay, either an enlargement of her pecuniary aid to the United States, a facilitating of the use of the Mississippi to the citizens thereof, or some peculiar indulgences in the commerce of the Spanish colonies in America.

<u>May 1, 1782</u> –

1) The report being as follows:

"The committee, to whom the cessions of New York, Virginia, Connecticut, and the petitions of the Indiana, Vandalia, Illinois and Wabash companies, were referred, do report,

"That having had a meeting with the agents on the part of New York, Connecticut and Virginia, the agents of New York and Connecticut laid before your committee their several claims to the lands said to be contained in their several states, together with vouchers to support the same; but the delegates on the part of Virginia declining and elucidation of their claim, either to the lands ceded in the act referred to your committee, or the lands requested to be guaranteed to the said States by Congress, delivered to your committee the written paper hereto annexed and numbered twenty:

"That your committee have carefully examined all the vouchers laid before them, and obtained all the information into the state of the lands mentioned in the several cessions aforesaid, and having maturely considered the same, are unanimously of opinion, and do report the following resolutions:

"*Resolved*, That Congress do, in behalf of the United States, accept the cession made by the State of New York, as contained in the instrument of writing executed for that purpose by the

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agents of New York, dated the ___ day of ___ last past, and now among the files of Congress; and that the President do take the proper measures to have the same legally authenticated, and registered in the public records of the State of New York.

"The reasons that induced your committee to recommend the acceptance of this cession, are,

"1st. It clearly appeared to your committee, that all the lands belonging to the Six Nations of Indians, and their tributaries, have been in due form put under the protection of the Crown of England by the said Six Nations, as appendant to the late government of New York, so far as respects jurisdiction only.

"2d. That the citizens of the said colony of New York, have borne the burthen, both as to blood and treasure, of protecting and supporting the said Six Nations of Indians, and their tributaries, for upwards of one hundred years last past, as the dependents and allies of the said government.

"3d. That the Crown of England has always considered and treated the country of the said Six Nations, and their tributaries, inhabiting as far as the 45th degree of north latitude, as appendant to the government of New York.

"4th. That the neighboring colonies of Massachusetts, Connecticut, Pennsylvania, Maryland, and Virginia, have also, from time to time, by their public acts, recognized and admitted the said Six Nations, and their tributaries, to be appendant to the government of New York.

"5th. That by Congress accepting this cession, the jurisdiction of the whole western territory belonging to the Six Nations, and their tributaries, will be vested in the United States, greatly to the advantage of the union.

"*Resolved*, That Congress do earnestly recommend to the states of Massachusetts and Connecticut, that they do without delay release to the United States in Congress assembled, all claims and pretensions of claim to the said western territory, without any conditions or restrictions whatever.

"*Resolved*, That Congress cannot, consistent with the interests of the United States, the duty they owe to their constituents, or the rights necessarily vested in them as the sovereign power of the United States, accept of the cession proposed to be made by the State of Virginia, or guarantee the tract of the country claimed by them in their act of cession referred to your committee.

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"1st. It appears your committee from the vouchers laid before them, that all lands ceded or pretended to be ceded to the United States by the State of Virginia. Are within the claims of the states of Massachusetts, Connecticut, and New York, being part also part of that country of the said Six Nations and their tributaries.

"2d. It appeared that great part of the lands claimed by the State of Virginia, and requested to be guaranteed to them by Congress, is also within the claim of the State of New York, being also part of the country of the said Six Nations and their tributaries.

"3d. It also appeared that a large part of the lands last aforesaid are to the westward of the west boundary line of the late colony of Virginia, as established by the king of Great Britain, in council, previous to the present revolution.

"4th. It appeared that a large tract of said lands hath been legally and equitably sold and conveyed away under the government of Great Britain, before the Declaration of Independence, by persons claiming the absolute property thereof.

"5th. It appeared that in the year 1763, a very large part thereof was separated and appointed for a distinct government and colony by the king of Great Britain, with the knowledge and approbation of the government of Virginia.

"6th. The conditions annexed to the said cession are incompatible with the honor, interests, and peace of the United States, and therefore, in the opinion of your committee, altogether inadmissible.

"*Resolved*, That it be earnestly recommended to the State of Virginia, as they value the peace, welfare and increase of the United States, they re-consider their aid act of cession, and by a proper act for that purpose, cede to the United States all claims and pretensions of claim to the lands and country beyond a reasonable western boundary, consistent with their former acts while a colony under the power of Great Britain, and agreeable to their just rights of soil and jurisdiction at the commencement of the present war, and that free from any conditions and restrictions whatever.

"Your committee farther report, that they have had a conference with the agents for the several petitioners, calling themselves the Indiana, Vandalia, Illinois and Wabash companies, and also of Colonel Croghan, and have seen and carefully examined their several vouchers and deeds; to which conference your committee invited the delegates for Connecticut, New York, and Virginia, but the delegates for Virginia refused to attend.

"On the whole, your committee are of opinion, that the purchases of Colonel Croghan and the Indiana company were made *bona fide* for a valuable consideration, according to the then

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usage and custom of purchasing lands from the Indians, with the knowledge, consent and approbation of the Crown of Great Britain, the then governments of New York and Virginia, and therefore do recommend that it be

"*Resolved*, That if the said lands are finally ceded or adjudged to the United States in point of jurisdiction, that Congress confirm to such of the said purchasers, who are and shall be citizens of the United States, or either of them, their respective shares and proportions of the said lands, making a reasonable deduction for the value of the quit-rents reserved by the Crown of England.

"It appeared to your committee, that divers persons, residing in and being subjects of Great Britain, and mow enemies of these United States, together with divers citizens of these United States, (but bear a small proportion to the whole number of the company) applied to the Crown of England in the year ___ and agreed to purchase the tract of land called Vandalia, lying on the back of Virginia, from the Allegheny mountains west to the river ___ and which was agreed to be erected into a colony by the king and council; that the said agreement and purchase was completed all to affixing the seals and passing the usual forms of office, by which the said company were to put to very great expences in negotiating the same, as appears by the paper writings hereunto annexed. But as it is altogether incompatible with the interests, government and policy of these United States, to permit such immoderate and extravagant grants of lands to be vested in individual citizens of these states, they cannot, in justice to the United States, recomme3nd the confirmation and establishment of the said purchases, in case the said lands should be ceded or adjudged to the United States; but in order to do the strictest justice to such of said company who are and shall remain citizens of these United States, or any of them, your committee propose the following resolution:

"*Resolved*, That in case the said lands shall be ceded or adjudged to these United States in Congress assembled, that on the said purchasers, or such of them as shall remain citizens of these United States, releasing to Congress all their and each of their rights, title, claim, and demand, to all and every part of the said lands to and for the use of the United States, Congress will fully and amply reimburse to them and to each of them, their heirs or assigns, their and each of their full shares and proportions of all their purchase-money, expences and charges, accrued on the said lands, by distinct and separate grants of lands out of the said several tracts of land, to the full amount and value thereof.

"Your committee also having fully considered the petition of the Illinois and Wabash companies, do report the following resolution:

"*Resolved*, That the petition of the Illenois and Wabash companies be dismissed.

REASONS

Produced by Union States Assembly

"1st. It appeared to the committee by the confession of the agent for the company, that the said purchases had been made without license of the then government or other public authority, and as your committee conceive, contrary to the common and known usage in such case established.

"2d. That the said purchase were made of certain Indians without any public treaty or other proper act of notoriety.

"3d. That one of the deeds begins on the north side of the Illenois river, and contains only a number of lines without comprehending and land whatever.

"4th. The Wabash purchase has been made since the present revolution, when Congress had an agent for Indian affairs residing at Fort Pitt, who had no notice thereof.

"5th. That the Six Nations and their tributaries claim the same lands, in opposition to the Indians conveying the same in the deeds to said companies.

"Your committee having been convinced in the course of their investigations of this business, that many inconveniences will arise to the citizens of these United States, unless the jurisdiction of the United States in Congress assembled, with regard to Indian affairs, Is more clearly defined and established, do recommend the following resolutions for the consideration of Congress:

"*Resolved*, That the sole right of superintending, protecting, treating with, and making purchase of the several Indian nations situate and being without the bounds of any of the different states in union, is necessarily vested in the United States in Congress assembled, for the benefit of the United States, and in no other person or persons whatever within the said states.

"*Resolved*, That no person or persons, citizens of these Unites States, or any particular State in the union in their separate capacity, can or ought to purchase any unappropriated lands belonging to the Indians without the bounds of their respective states, under any pretence whatsoever.

"*Resolved*, That whenever the United States I Congress assembled, shall find it for the good of the union, to permit new settlements on unappropriated lands, they will erect a new state or states, to be taken into the federal union, in such manner that no one State so erected shall exceed the quantity of 130 miles square, that the same shall be laid out into townships of the quantity of about six miles square.

"*Resolved*, That whenever such a new state or states shall be erected by Congress, they will make good all reasonable engagements made to the officers and soldiers in the United States, or any of them.

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"*Resolved*, That whenever such new states shall be erected, that the *bona fide* settlers within the same, at the time of the erection of such states, shall be confirmed in their respective titles to their reasonable settlements, on the same terms as shall be allowed to other new settlers.

"*Resolved*, That Congress will reimburse all just and reasonable expences, that may have heretofore accrued to any of the states since the present revolution, in conquering, protecting or defending, any of the unappropriated lands so erected into a state or states.

"*Resolved*, That nothing herein before determined by Congress, shall be construed so as to suppose any claim or right in Congress, in point of property of soil, to any lands belonging to the Indian nations. Unless the same have been *bona fide* purchased of them by the Crown of England, or which may hereafter be purchased by the United States in Congress assembled, for the use of the United States, and that a public treaty to be held for that purpose.

May 14, 1782 –

1) The Superintendant of Finance pursuant to the order of the 4 of this month reported a State of the commerce of these United States and a plan for the protection thereof,

On motion of Mr. [James] Madison, seconded by Mr. [William] Ellery,

Resolved, That the Secretary of Foreign Affairs be and he is hereby directed to transmit the State of Commerce and plan for its protection, reported by the Superintendant of Finance, to the Minister Plenipotentiary of the United States at the Court of Versailles, to be by him communicated to that Court with an application for its concurrence in the said plan.

(See pages 264-271).

May 28, 1782 –

1) The Secretary for foreign affairs laid before Congress the following verbal communication made to Mr. Livingston:

(See pages 302-305).

June 20, 1782 –

1) On the report of the secretary, to whom were referred the several reports on the device for a great seal, to take order:

The device for an armorial atchievement and reverse of the great seal for the United States in Congress assembled, is as follows:

Produced by Union States Assembly

ARMS. Paleways of thirteen pieces, argent and gules; a chief, azure; the escutcheon on the breast of the American eagle displayed proper, holding in his dexter talon an olive branch, and in the sinister a bundle of thirteen arrows, all proper, and in his beak a scroll, inscribed with this motto, "*E pluribus Unum*".

For the CREST. Over the head of the eagle, which appears above the escutcheon, a glory, or, breaking through a cloud, proper, and surrounding thirteen stars, forming a constellation, argent, on an azure field.

REVERSE. A pyramid unfinished, In the zenith, an eye in a triangle, surrounded with a glory proper. Over the eye these words, "*Annuit Coeptis*." On the base of the pyramids the numerical letters MDCCLXXVI. And underneath the following motto, "*Novus Ordo Seclorum*."

Remarks and explanation:

The escutcheon is composed of the Chief and pale, the two most honorable ordinaries. The pieces, paly, represent the several States all joined in one solid compact entire, supporting a Chief which united the whole and represents Congress. The motto alludes to this Union. The pales in the Arms are kept closely united by the Chief and the Chief depends on that union, and the strength resulting from it for its support, to denote the Confederacy of the United States of America, and the preservation of their Union through Congress. The clouds of the pales are those used in the flag of the United States of America. White signifies purity and innocence. Red hardiness and valour and Blue the colour of the Chief signifies vigilance perseverance and justice. The Olive Branch and arrows denote the power of peace and war which is exclusively vested in Congress. The Constellation denotes a new State taking its place and rank among other sovereign powers. The escutcheon is borne on the breast of an American Eagle without any other supporters, to denote that the United States of America ought to rely on their own virtue.

Reverse: The Pyramid signifies strength and duration. The eye over it and the motto allude to many signal interpositions of providence in favour of the American cause. The date underneath is that of the Declaration of Independence, and the words under it signify the beginning of the new American Era, which commences from that date.

June 27, 1782 –

1) That when disputes and differences between two or more states, concerning boundary, jurisdiction, or any other cause whatever, are under the consideration of Congress, the delegates representing the several differing states may not, agreeably to the Confederation, sit and judge in any question to be decided by Congress relative to such dispute or difference.

Produced by the Union States Assembly

2) The order of the day being called for, to proceed on the business of the difference subsisting between the states of Pennsylvania and Connecticut, the delegates for Connecticut laid before Congress an instruction from their constituents, in the words following, viz.

"At a general assembly of the governor and the company of the State of Connecticut, holden at Hartford, in said State, by adjournment on the 10th day of January, Anno Domini 1782:

"*Resolved*, by this assembly, That the delegates of this State in the Congress of the United States, be, and they are hereby authorized and instructed to move Congress to postpone the appointment of Commissioners, to her and determine the case respecting the lands in controversy between the State of Pennsylvania and this State, until after the termination of the present war: because that sundry papers of importance in the care are in the hands of counsel in England, and cannot be procured during the war: nor is it convenient for the states to divert their attention from the great objects or the war to attend to private controversies."

And they are hereby further authorized, and Instructed to confer with such persons as may be authorized on the part of the State of Pennsylvania, respecting the quieting of the possessions of the people settled on the lands in controversy between the State of Pennsylvania and this State under the claim of either of said Sates, and also the lands that have been heretofore possessed and improved by persons, that have been driven off therefrom by the common Enemy, and on behalf of this State to confirm to such persons and claimants so much of said Lands, which have been by them so occupied and improved, and other lands adjoining thereto as the said Delegates shall judge just, and equitable, and as shall be agreed to on the part of the State of Pennsylvania, having a strict regard to principles of reciprocity therein and that they make report of their doings to this assembly.

And thereupon moved the following resolution:

That Congress postpone the appointment of commissioners to hear and determine the cause respecting the lands in controversy between the State of Pennsylvania and the State of Connecticut, until after the determination of the present war.

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [David] Howell, to postpone the consideration of this motion,

And on the question for postponing, the yeas and nays being required by Mr. [John Morin] Scott, so it was resolved in the affirmative.

July 16, 1782 –

1) James Wilson and Jonathan Dickinson Sergeant, esqrs. Agents for the Commonwealth of Pennsylvania, with Henry Osborne, esq. solicitor and agent, appeared in behalf of that

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Commonwealth; and Eliphalet Dyer and Jesse Root, esqr. agents for Connecticut, appeared in behalf of that State, in the cause depending before the United States of America in Congress assembled, between the said Commonwealth of Pennsylvania and the State of Connecticut.

The agents for Pennsylvania produced new powers, which were read in the words following: (see page 389)

The agents of Connecticut having objected against the powers of the agents of Pennsylvania, and moved that it may be shewn that the supreme executive council of Pennsylvania have a right to grant such powers and commission:

Ordered, That the agents withdraw.

On motion that the agents of Pennsylvania and Connecticut be called in and informed by the President, that the powers given to the agents of Pennsylvania and Connecticut are in the judgment of Congress sufficient.

The yeas and nays being required by Mr. [Thomas] Smith, so the question was lost.

A motion was then made by Mr. [Arthur] Lee, seconded by Mr. [James] Madison,

That agents be called in and desired to proceed.

And the yeas and nays being required by Mr. [Thomas] Smith, so it was resolved in the affirmative.

The agents being accordingly called in, and the parties having been fully heard:

On motion that the appointment presented to Congress by the agents for Pennsylvania is sufficient,

The yeas and nays being required by Mr. [Thomas] Smith, so it was resolved in the affirmative.

On a motion of Mr. [James] Duane, seconded by Mr. [Abraham] Clark,

Resolved, That the agents of Pennsylvania and Connecticut be and they are hereby, directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question, agreeably to the 9th Article of the Confederation.

July 27, 1782 –

1) The ordinance more effectually to prevent illicit trade with the enemy, was read a third time and passed as follows:

AN ORDINANCE MORE EFFECTUALLY TO PREVENT ILLICIT TRADE WITH THE ENEMY

Produced by Union States Assembly

(See pages 392-393).

August 5, 1782 –

1) That the instructions to the Minister Plenipotentiary for negotiating a peace of the ___ day of ___ be reconsidered and Committed.

OFFICE OF FINANCE, JULY 29TH, 1782

(See pages 429-447).

August 12, 1782 –

1) In pursuance of the resolution of the sixteenth day of July last, the agents for the Commonwealth of Pennsylvania and for Connecticut made report as follows:

To the honorable the Congress of the United States of America:

We the underwritten agents on the part of the Commonwealth of Pennsylvania, and the State of Connecticut, do humbly certify, that in pursuance of the resolution of Congress bearing date the sixteenth day of July last, we have met and conferred together, and by joint consent have appointed the following gentlemen as commissioners to constitute a court for hearing and determining the matter in question between the said states, that is to say, the Hon. William Whipple, esq. of New Hampshire; the Hon. Major General Nathaniel Greene, of Rhode Island; the Hon. David Brearley and William Churchill Houston, esqrs. Of New Jersey; the Hon. Cyrus Griffin and Joseph Jones, esqrs. of Virginia; and the Hon. John Rutledge, esq. of South Carolina, any five or more of whom we have agreed shall constitute a court, and have authority to proceed and determine the matter and difference between the said states. At the same time beg leave most humbly to request that Congress will be pleased to determine how much shall be allowed to the said commissioners as a compensation for their services, and also in what manner and by whom they shall be paid.

Dated the 8th day of August, in the year of our Lord one thousand seven hundred and eighty-two, and in the 7th year of our independence.

Signed,	WILLIAM BRADFORD, JUN.	
	JOSEPH REED,	Agents for
	JONATHON D. SARGEANT,	Pennsylvania
	H. OSBORNE,	
	ELIPHALET DYER,	Agents for

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2) *Resolved*, That the states of America which compose the union, being sovereign and independent, the laws respectively passed by them for their internal government and punishment of their offending citizens, cannot be submitted to the discussion of a foreign power, much less of an enemy.

3) *Resolved*, That it be, and it is hereby, recommended to the several states in the union, not to remit of their exertions for carrying on the war with vigor, as the only effectual means of securing the settlement of a safe and honorable peace.

August 20, 1782 –

1) That the ministers plenipotentiary for negotiating peace, or in case they should not be convened, the minister plenipotentiary at the Court of Versailles, be instructed to acquaint his Most Christian Majesty, that notwithstanding the occasion presented to the United States, by the signal and various advantages gained over the enemy, of enlarging their ultimatum for peace, the firm reliance which Congress have on the friendship and influence of his Majesty has determined them not to depart from their resolution of the ___ day of ___ last, by which all the objects of their desires and expectations, excepting only the independence of the United States and their alliance with his Majesty, are eventually submitted to his councils. But that in order to make him more fully sensible of the extent and foundation of these desires and expectations, have thought it expedient that some observations should be made to him relative to the several objects which are most likely to fall within the compass of negotiation.

One of these objects, and which is intimately connected with the independence of the United States, is the exterior boundary by which their extent is to be defined. On this occasion it is to be observed, that our contest will be with his Britannick Majesty alone. Under his authority the limits of these states, while in the character of colonies, were established; to these limits the United States, considered as independent sovereignties, have succeeded. Whatsoever territorial rights, therefore, belonged to them before the Revolution, were necessarily devolved upon them at the era of independence.

Those grounds support the assertion, that the United States are bounded as they are declared to be in the instructions given to Mr. Adams on the ___ day of August, 1779.

As the efforts of his Britannick Majesty will principally directed against the western and northwestern boundary, the observation on the subject may be confined thereto.

The Treaty of Paris of 1763, to which his Most Christian Majesty and the British king were parties, restricted those colonies, which were before extended by their charters to the sea, to

the river Mississippi. To this river then these states will still extend in the same manner, unless by some subsequent constitutional and rightful act their limits have been abridged.

The negotiations on this head will probably assume a variety of forms. None perhaps will be more strenuously urged than those which arise from his Britannick Majesty's proclamation on the 7th day of October, 1763, the treaty of Fort Stanwix, in 1768, between him and the Six Nations, and the British statute in 1774, establishing, among other things, the boundaries of Quebec.

1. If it can be supposed that the purpose of the proclamation was to affect the boundaries of the United States, it must be remembered to be the act of the very prince against whom we contend; that it preceded, a short time only, the manifestation of those wicked and oppressive measurers which gave birth to the Revolution; and that it directly interfered with the rights accruing to the colonies by the ancient and more solemn acts of his predecessors.

But by the prohibition to the governours of the other colonies than of Quebec, East Florida, or West Florida, to grant warrants of survey, or pass patents "for the present, and until his (British king's) farther pleasure should be known," for any lands beyond the heads or sources of any of the rivers, which fall into the Atlantick ocean from the west and northwest, is strongly shown an opinion that there were lands beyond the heads of those rivers within the grants of the governours.

By the prohibition too to grant warrants of survey, or pass patents for any lands whatever, which, "not having been ceded to or purchased by the British king, were reserved to the Indians, or any of them," a restriction of territory could not have been designed by a king, who granted the charters to the colonies, knowing that they would interfere with the rights of the Indians, who has always considered a cession, or purchase from the Indians, not so much the source of a title as a milder means of preventing their hostility, who, wince the date of the proclamation, has granted through the prohibited governour themselves large quantities of land beyond the heads of those rivers, and whose own geographer, in a map describing and distinguishing the British, Spanish and French dominions in America, according to the aforesaid treaty of Paris, carries the states of Georgia, North Carolina, South Carolina and Virginia, as far as the Mississippi.

In a word, this part of the proclamation seems to have been intended merely to shut up the land offices, not to curtail limits; to keep the Indians in peace, not to relinquish the rights accruing under the charters, and particularly that of pre-emption.

2. The treaty of Fort Stanwix is susceptible of a similar answer, by viewing it as an instrument of peace, not the conveyance of a title. For there is reason to believe, that the British king never

ratified it; and yet it is notorious that his governours have granted lands within the cession than made.

If it be said that the authority to grant these lands was derived from the treaty of Lancaster, in 1744, here then is a forcible illustration of our doctrine, For on what principle, but on account of peace, could the British king have attempted to procure a new cession of the same country? On the other hand, if the authority to grant those lands was not derived from the treaty of Lancaster, it can rest on no other foundation than that of his charters.

3. The Quebec act is one of the multiplied causes of our opposition, and finally of the Revolution. No stress, therefore, ought to be laid on it, even if in its operation it abridged the boundaries of the states. But the provision that nothing therein contained relative to the boundary of the province of Quebec should in any wise affect the boundaries of any other colony, excludes such an operation, and confirms chartered rights.

Should Great Britain retain that portion of the United States bordering on the Mississippi, the neighbourhood of her possession will be immediately dangerous to our peace. Should she also retain Canada and West Florida, or even Canada alone, by applying herself to the settlement of that country, and pushing on her trade there with vigour, a new nursery for her marine will speedily be established.

From a full confidence that the western territory now contended for lay within the United States, the British posts therein have been reduced by our citizens, and American government is now exercised within the same; large bounties of land have been promised to the army; and we have relied on it as an important source for discharging the debts incurred during the war.

For a considerable distance beyond the Apalachian mountains, and particularly on the Ohio, American citizens are actually settled at this day. By the surrender therefore of the western territory to Great Britain, a large number of fencible men, men too who have not been behind any of their fellow citizens in the struggle for liberty, would be thrown back within her power.

But a decisive objection exists against this mutilation of our country, that the principle by which it would be limited to the distance of a mile only from the Mississippi, would justify mutilations to an immense extent.

Another claim is the common right of the United States to take fish in the North American seas, and particularly on the banks of Newfoundland. With respect to this object, the said ministers are instructed to consider and contend for it, as described in the instructions relative to a treaty of commerce, given to John Adams on the twenty-ninth of September, 1779, as equally desired and expected by Congress with any of the other claims not made ultimate in the instructions given to the ministers plenipotentiary for negotiating a peace on the ___ day of ___ last, and

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are therein referred to as objects of the desires and expectations of Congress. They are also instructed to observe to his Most Christian Majesty with respect to this claim, within three leagues of the shores held by Great Britain or any other nation. That under this limitation it is conceived by Congress, a common right of taking fish cannot be denied to them without a manifest violation of the freedom of the seas, as established by the law of nations, and the dictates of reason; according to both which the use of the sea, except such parts thereof as lie in the vicinity of the shore, and are deemed appurtenant thereto, is common to all nations, those only excepted who have either by positive convention, or by long and silent acquiescence under exclusion, renounced that common right; that neither of these exceptions militate against the claim of the United States, since it does not extend to the vicinity of the shore, and since they are so far from having either expressly or tacitly renounced their right, that they were prior to the war, though indeed not in the character of an independent nation, in the constant, and even during the war, in the occasional exercise of it; and that although a greater space than three leagues has in some instances been, both publick treaties and by custom, annexed to the shore as part of the same dominion, yet as it is in the present aim of the maritime powers to circumscribe, as far as reason will justify, all exclusive pretentions to the sea, and as that is the distance specified in a treaty to which both Great Britain and his Majesty are parties, and which relates to the very object in question, it is supposed that no other distance could, in the present case, be more properly assumed; that if a greater or an indefinite distance should be alleged to be appurtenant by the law of nations to the shore, it may be answered, that the fisheries in question, even those on the banks of Newfoundland, being of so vast an extent, might with much greater reason be deemed appurtenant to the whole continent of North America than to the inconsiderable portion of it held by Great Britain; that Congress expect, with greater assurance, the concurrence of his Majesty in these ideas, since his own claim to the fisheries would, by a contrary doctrine, be suspended on the mere concession of Great Britain, instead of resting on the solid and honourable basis of the law of nations, and of right; that of Gre3at Britain cannot, by virtue of her occupancy of the shore, claim an exclusive use of the fisheries beyond the vicinity thereof, and a right to the common use is incident to the United States as a free and independent community, they cannot admit that they have no such right, without renouncing an attribute of that sovereignty which they are bound, as well by respect for his Majesty's honour as for their own interests and dignity, to maintain entire; that this right is no less indispensable in its exercise than it is indisputable in its principles, the inhabitants of a considerable part of the United States being independent thereon, both for a material proportion of their subsistence, and for the means of their commerce, and as they were in full employment of this resource prior to the Revolution, the loss of it by an event from which very different expectations have been cherished, and which ought to bestow, as far as possible, equal advantages on all who have labored equally for its accomplishment, could not fail to be attended with disappointment, and mortifying comparisons: that from these

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consideration, Congress have the most earnest desire as well as the most sanguine hope, that his Majesty's efforts will obtain for his allies a stipulation on the part of Great Britain, not to molest them in common use of the fisheries, as above stated; or, if insuperable difficulties should oppose a positive stipulation in their favour, that his Majesty will in every event find means to avoid a surrender of that common right; that whilst, however, this latter expedient Is suggested to his Majesty, it cannot escape his discernment that it is so pregnant with dangerous consequences, that the former cannot be contented for with too much urgency and zeal.

That with respect to the confiscated property of those who have adhered to the interests of the enemy, and which may possibly be claimed for the former owners, the aforesaid ministers are to observe to his Majesty, that these confiscations having taken place, more or less, in almost all the states; and having undergone various transfers from individual to individual, a specific restitution is absolutely impracticable; and when the vast amount of them is compared with the ravages and burdens which the war will leave behind it, an equivalent restitution would be little less than impracticable; that as the general usage of nations, as well as particular law of Great Britain, excludes aliens from holding real and movable estates, the moment our national independence was assumed, the titles of all those who, on prior to that event, espoused the side of the enemy, became, under strict construction, extinct; and that such as afterwards deserted to them, falling under the denomination of traitors, have forfeited not only their estates but their lives to their country; that although it were to be admitted that the peculiarity of circumstances which distinguish the present war between the United States and Great Britain, from a war between two nations separate and independent at its origin, affords some plea for reversing the confiscations, this consideration is far outweighed by the great value of which the citizens of these states have, contrary to the laws of war, been despoiled by the enemy, and the still greater losses which they have suffered from wanton destruction; in both which, those who have fled, or been expelled from their country, have been often the chief instigator and instruments; and by the first of which, many of them have enriched themselves greatly beyond their losses.

That the ministers further observe to his Majesty, that any stipulations authorizing such fugitives and exiles from their country to return into it, would not only be dishonourbale to the governments of these states, but so obnoxious to the people at large, and especially to such as have been the objects of their outrages, that it is the particular wish of Congress that it may be most strenuously opposed; that such a permission is the more to be dreaded, as it could only be intended for such as are totally devoid both of honour and sensibility, who alone would avail themselves of a privilege that would subject them to the indignation and resentments which they had provoked.

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That as it is not improbable the subject of commerce will, among others, be introduced in to the negotiation, the ministers be instructed to observe thereon to his Most Christian Majesty, that the United States, as a free and sovereign nation, being the absolute masters as well of their commerce as of their government, no claim of right can nor probably will, be pretended with respect to the former, by those whose relinquish such pretension with respect to the latter; that it is the wish and the policy of the United States to preserve their commerce as unfettered as possible with stipulations in favour of nations with which they are now unconnected, and particularly of that with which they are now at war; that this policy cannot but coincide with the sentiments of his Majesty, since it alone will leave to his allies the future opportunity if manifesting their preference of his interests to those of his enemies and rivals; that Congress do for these reasons most earnestly desire, expect and entreat that his Majesty will spare no efforts that may be necessary to exclude from a treaty every article which would restrain the United States from imposing on the trade of Great Britain any duties, restrictions or prohibitions which may hereafter be judged expedient; unless, and so far only, as a relaxation in this point may be essentially necessary for obtaining peace, or the several objects above mentioned.

2) on the 22d of January, 1782, the foregoing report was referred to another committee, consisting of Mr. [Daniel] Carroll, Mr. [Edmund] Randolph and Mr. [Joseph] Montgomery, who on the 16th day of August, 1782, reported, that they have collected facts and observations as follows, which they recommend to be referred to the Secretary for foreign affairs, to be by him digested, completed and transmitted to the ministers plenipotentiary for negotiating a peace, for their information and use.

Facts and Observations in support of the several Claims of the United States not included in their Ultimatum of the 15th of June, 1781.

1. Our common right to take fish in the North American seas, and particularly in that part of them which goes under the name of the banks of Newfoundland, has its origin in the natural incapacity of the sea to be appropriated.

The practice of nations hath, for the sake of safety and tranquility, abridged this freedom of the ocean, by annexing to the coast a reasonable tract of water; and Great Britain, by availing herself of this usage, may possibly arrogate the exclusive enjoyment of the banks, as appurtenant to the Island of Newfoundland.

These banks, the nearest point of which is thirty-five leagues distant from Cape Race, are too far advanced in the Atlantick to be a dependence of the shores.

[a] There has been great division among writer in determining to what extent the sea is to be considered as incidental to the territory which it washes. Some have apportioned one hundred

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miles, other sixty, and others as much as could be seen from land in a fair day. See Anderson's history of commerce, 2 vol. 17, appendix.

If we pass from theory to stipulations of treaties, we shall find better aid, but no means uniformity. By better aid, we mean British precedents; for against these, a British king surely will not struggle.

[b] In the second year of James the first, commissioners were appointed on the part of England and Scotland, to treat of and conclude a union between the two kingdoms. By the articles for regulation of trade, the sea, for the space of fourteen miles from the coast of Scotland, was reserved to Scotchmen only; and it was reciprocally provided in favour of Englishmen. See Spotswood's history of Scotland, 438, and 2 Anderson, Appendix 17.

Should this example be thought to lose the force of its application, from having been the agreement of the subjects of one and the same prince, a letter may be quoted from Secretary Staunton to Lord Carlton, the English ambassador at the Hague, bearing date the 21st of January, 1618. In it the ambassador is commanded to urge the States General, in the name of King James, to publish a placard prohibiting their subjects to fish within fourteen miles of his coasts until the main business should be finally accommodated by commissioners.

[c] The treaty of Paris, in 1763, to which his Most Christian Majesty as well as his Britannick Majesty was a party, excludes the French from the exercise of the fishery in the Gulf of St. Lawrence only within three leagues from the shore, extending the distance round Cape Breton to fifteen leagues.

[d] By inspecting the ancient treaties between England and the Dukes of Brittany and Burgundy, we shall find that the portion of the sea which is supposed to belong to the coast is so far from being increased beyond fourteen miles, or even three leagues, that the liberty of fishing in every part thereof is asserted. See treaties between Henry sixth, and the Duchess of Burgundy; Edward fourth, and Francis, Duke of Brittany; Henry seventh, and Philip fourth, Arch Duke of Austria; and Duke of Burgundy and Henry eight and Charles fifth, Emperor and Duke of Burgundy.

Had kings of England esteemed the fisheries the property of the crown, they would not have admitted aliens to a promiscuous fishing with their own subjects without some valuable consideration, or an acknowledgment by way of *salvo jure*. But, instead of a proceeding like this, they have in a succession of ages deliberately omitted to challenge to themselves the sole right of the fisheries.

[e] Queen Elizabeth too , being involved in a dispute with the king of Denmark concerning the fishery at Wardhuys, near the North Cape, instructs he plenipotentiaries to deny that "property

of the sea at any distance whatsoever is consequent to the banks." The king of Denmark does not attempt in his reply to establish what she has thus denied, but rests his exclusive claims upon authority of old treaties between the two crowns. See Rymer's Foedera, tom. 16th, p. 425.

Thus it appears that, upon strict principles of natural law, the sea is unsusceptible of appropriation; that a species of conventional law has annexed a reasonable district of it to the coast which borders on it; and that in many of the treaties to which Great Britain has acceded, no distance has been assumed for this purpose beyond fourteen miles.

Were these rules then allowed to influence the pretensions of Great Britain with respect to the banks of Newfoundland, they would be readily condemned. Nor could they be supported, were the sea appendant to the shore as far as thirty leagues, the greatest distance, perhaps, which has at any time been ceded to the king of England by treaty.

Nations may indeed, wither by positive contract, or by long and silent acquiescence under exclusion, renounce their privileges in the sea. But the United States have not only never disclaimed their right of fishing therein, but have been in the constant enjoyment of it during the existence of British government, and occasionally so ever since the Revolution.

It deserves attention, that the fisheries furnish the inhabitants of a considerable part of the United States with an important proportion of their subsistence, an every from which very different expectation have been cherished, and which ought to bestow equal advantages on all who have labored equally in giving birth to it, such loss cannot fail to be attended with disappointment and mortifying comparisons.

As it is the all of the maritime powers to circumscribe, as far as equity will suffer, all exclusive claims to the sea, we trust that his Most Christian Majesty will coincide with our present doctrines. Perhaps, however, the ninth and tenth articles of the treaty of amity and commerce may be supposed, from a little ambiguity in their language, to forbid us to insist on a participation of the fisheries on the banks of Newfoundland and in the Gulf of St. Lawrence, as being frequented and enjoyed by the subjects of France. But what is the genuine construction of these articles?

The ninth begins with a general stipulation, that the subjects of one party shall abstain from fishing in all places possessed or to be possessed by the other; interdicts those of France from fishing in the havens, bays, creeks, roads, coasts or places which the United States hold, or shall hereafter hold, as well as the inhabitants of the United States, from fishing in the havens, bays, creeks, roads, coasts or places which the United States hold, or shall hereafter hold, as well as the inhabitants of the United States, from fishing in the havens, bays, creeks, roads, coasts or places which the Most Christian King possesses, or shall hereafter possess. But this exclusion is

to take place only so long and so far as an exemption shall not in this respect have been granted to some other nation.

The tenth articles binds the United States and their citizens not to disturb the subjects of the Most Christian King in the exercise of the right of fishing on the banks of Newfoundland, nor in their indefinite and exclusive privileges on the coast of the island of that name, conformably to the true sense and meaning of the treaties of Utrecht and Paris. [f]

If it can be truly said, that the fisheries in the Gulf of St. Lawrence and on the banks of Newfoundland are possessed or holden by France, the citizens of the United States are entitled, according to the provision of the ninth article, to like access with the subjects of Great Britain.

But the sea cannot be holden or possessed, these terms implying appropriation. They accord well with havens, bays, creeks, roads or coasts; and also with "places," should this word be confined, as it ought to be in its interpretation, to waters susceptible of occupancy.

Had it been conceived that the ninth article debarred the United States from fishing on the banks of Newfoundland, it would have been unnecessary to guard in the tenth against the molestation of the French in fishing there. Besides, an engagement not to disturb, does itself import that the citizens of the United States may fish, if they do not disturb.

There seems too a remarkable antithesis between the right of fishing and the right derived from the treaty of Utrecht, as to the coast of the island of Newfoundland. The former is called simply the enjoyment and exercise of the right of fishing; but the latter is more pointedly denominated indefinite and exclusive. In a word, we are persuaded, from our experience of the candour and friendship of his Most Christian Majesty, that it was not his design to depress the United States by thrusting the from a share of the fisheries, which Providence appears to have destined for their use; but rather to secure the fisheries of his own country from encroachment, and his subjects from interruption in those of America.

2. With respect to the boundaries of the states.

The patent to the council of Plymouth, bearing the date the 18th of November, 1620, is the parent from which the eastern states proceed.

[g] New Hampshire claims under the royal commission appointing Benning Wentworth, esquire, governour of the province, [h] on the 13th July, in the fifteenth year of the reign of George the second.

Massachusetts claims under the charter granted by William and Mary, on the 7th October, 1691. The treaty of Paris fixes the Mississippi as the western limit of the old colony of Massachusetts

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Bay, which is one of the colonies incorporated by that charter. [i] See old charter of 4th March, 1628-9.

The charter of April 23, 1662, granted by Charles the second to Winthrop and others, is the ground of the territorial claims of Connecticut. The treaty of Paris is allowed to restrict that State also to the Mississippi. [j]

On the 8th July, 1662, the same prince granted the charter under which Rhode Island claims. [k]

New York assigns, as sources of her title, the grant from Charles the second to the Duke of York, in 1663-4, the capitulation of the Dutch in the same year, the treaty of Westminster, 1674, and the renewal or confirmation of the duke's grant immediately after the treaty. That States adds, that the lands on the west side of Connecticut river belong to it under farther title accruing by the subjection of the Five Nations, the native proprietors; and that the country, as far northward as the river St. Lawrence, and westward without known limits, is the property of New York, as having been formerly possessed by those tribes of Indians and their tributaries. The treaties with those nations in 1684, 1701, 1726, 1744, and 1754, are particularly referred to. [l]

On the 23rd June, 1664, the Duke of York conveyed, out of his aforesaid grant to Lord Berkeley and Sir George Carteret, the limits which New Jersey claims. Upon this ground, and resignation of the government in to the hands of the crown on the 14th August, 1703, is the title of this State built. [m]

Pennsylvania claims under the charter granted by Charles the second, on the 4th of arch, 1681-2, to William Penn. [n]

Delaware claims under two grants from the Duke of York to William Penn, on the 24th August, 1683. [o]

On the 20th June, 1632, Charles the first granted to Lord Baltimore the limits which Maryland claims. [p]

Virginia claims under the charter granted by James first, on the 23rd of May, 1609, to the treasurer and company, the resumption of the country into the hands of the king, and charter of Charles second to the colony of Virginia, on the 10th October, 1676. The treaty of Paris marks its western boundary. [q]

North Carolina and South Carolina claim jointly in the first instance under the charter of 1662, to Clarendon and others, and its confirmation in 1664, with an extension of limits. The British statute of 1729, enabling the king to pay the consideration of the surrender of the proprietors,

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makes a material point in their case. The separate claims of these two states depend upon the act which divided them. The treaty of Paris defines the western boundary of each. [r]

The first grant on which Georgia relies, is that made to the trustees on the 8th June, 1732, and limited to the west by the treaty of Paris. The second grant is the proclamation of 1763. [s]

Were then lands included within these limits merely such as were granted to individuals and settled, or granted and not settled, at the time of the Revolution, they could not be brought into controversy. For no question can arise concerning boundaries until the recognition of independence; and this event, by deposing the king of Great Britain from the rank of lord paramount and chief magistrate of America, destroys the only principles by which lands falling within the two preceding descriptions could return into his power. But the views, interests and conduct of his Britannick majesty forbid us to expect that he will acknowledge the territory remaining ungranted at the era of independence to be, in like manner, the property of the United States, or of the particular state within the limits of which it is comprised.

It is therefore incumbent on us to show –

First, That the territorial rights of the thirteen United States, while in the character of British colonies, were the same with those defined in the instructions given to Mr. J. Adams on the ___ day of August, 1779; and,

Secondly, That the United States, considered as independent sovereignties, have succeeded to those rights; or,

Thirdly, That of the vacant lands cannot be demanded upon the preceding grounds, that is, upon the titles of individual states, they are to be deemed to have been the property of his Britannick Majesty immediately before the Revolution, and to be now devolved upon the United States collectively taken.

First, So fair are our pretensions rendered by the united operation of the grants, charters, royal commissions and Indian cessions enumerated above, that we shall content ourselves with reviewing the objections which will most probably be urged against them, without entering into direct proofs of out titles.

First objection. Even upon the supposition that the charter of Massachusetts is valid, so as to cover the vacant lands, still it does not follow, that St. John's river is part of its eastern boundary. For that river is contended to be in Nova Scotia under the expression in the new charter of Massachusetts, in 1691, which conveys the country between the province of Maine and Nova Scotia. The southwest boundary of Nova Scotia, therefore, will regulate this claim. But it is well known that in the alteration between France and Great Britain upon this very

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subject, in 1751, Acadia, or Nova Scotia, was asserted by the latter to be bounded by the Pentagoet or Penobscot river.

Answer. It is to be observed, that when the boundaries of the United States were declared to be ultimate, it was not thought advisable to continue the war merely to obtain territory as far as St. John's river; but that the dividing line of Massachusetts and Nova Scotia was to be consigned to future settlement. It must be confessed also that this country, which is said in the new charter to border on Nova Scotia and the province of Maine, on opposite sides, and which goes under the name of Sagadahock, cannot be proved to ext3end to the river St. John, as clearly as to that of the St. Croix. But there is some reason, notwithstanding, to believe that Nova Scotia was never supposed by the British King, in any grant to his subjects, to come to the south of St. John's river, although he might have exacted from France a relinquishment of the lands to the river Penobscot, or even Kennebeck, as a part of Nova Scotia.

The first notice taken of Nova Scotia by the king of Great Britain was in a grant which he made of that country to Sir William Alexander, on the 10th September, 1621. According to this grant, it was to begin at Cape Sable, to extend towards St. Mary's bay, to cross the great bay between the Etchemins and Sourigois to the mouth of the river St. Croix, to run to the source of that river, and from thence by a strait line drawn northwardly to the great river of Canada. [t] On the 12th July, 1625, a patent issued to the same Sir William Alexander, confirming to him the same limits. [u]

These grants could not reach to the west of the St. Croix, "because" (say the English commissaries in their memorial of the 11th January, 1751, s. 42) "all the country westward of the river St. Croix had, in the year 1620, before the date of the first of them, been granted by King James to certain of his subjects, by the name of the council of Plymouth, of which grantees Sir William Alexander was one, and who, by virtue of an agreement among the said grantees, possessed the country lying between the river St. Croix and Pemaquid, a little to the westward of Pentagoet." [v]

Popple's map, which was undertaken, as the author related, with the approbation of the lords commissioners of trade and plantations, makes St. Croix the western limit of Nova Scotia, that the English commissaries themselves, in their reply of the 4th volume of Purchas's Pilgrim as the first ancient map of Nova Scotia and New England deserving notice; the latter of which they assert to be bounded northwardly, as is delineated in the map, by the river St. Croix. [x] The same commissaries afterwards remark that it is clear from history that the country between the rivers Sagadahock and St. Croix had been settled many years earlier than the date of the new charter of Massachusetts; and that Great Britain considered it part of the American colonies. It could not have been included within Nova Scotia, since it is expressly contradistinguished from it. [x] Sagadahock too is granted to the Duke of York under the description of "all that part of

the main land of New England beginning at a certain place called or known by the name St. Croix adjoining to New Scotland in America."

Should it be argued, that it was manifestly the opinion in England at the time of the granting the new charter the lands between the rivers Sagadahock and St. Croix were not included within the limits of Massachusetts, since the grants of them were not valid until confirmed by the crown; - an answer arises from two considerations. First, this charter incorporates these lands into the province of Massachusetts in unequivocal terms; and, secondly, one at least of the counsellors directed to be chosen yearly for the province at large, was to be from the inhabitants or proprietors of lands within this territory. [y] The board of trade and plantations on the 2th April, 1700, declared in a solemn act, that "New England ought of right to extend to St. Croix." [z] See the act.

It does not appear then, that Nova Scotia hath ever been carried to the west of the River St. Croix in any British grant, or in any British document relative to New England. We own that in the memorials of the Court of Great Britain to the French Court, after the peace of Aix-la-Chapelle, relative to the boundaries of Nova Scotia, Penobscot river is sometimes asserted to be one of its boundaries, and Kennebeck, at others. But nothing is proved from thence, but a desire in the British king to procure an absolute release from France of all her pretensions, howsoever distant. For a general discussion on this subject, see the British and French memorials on the occasion, and to the treaties of t. Germain, on the 29th of March, 1632, of Westminster, 3d November, 1655, and of Breda, 31st July, 1667.

As to the territory of Sagadahock, which is synonymous with the lands between the province of Maine and Nova Scotia, conveyed by the new charter, we can only observe upon the expression already cited from the grant thereof to the Duke of York, that the "place called St. Croix adjoining to New Scotland" must mean the territory which went by that name. Had the river only been designed, it alone would have been mentioned. It seems to have been the practice of those times to denominate a country from a river which bounded it. The river Sagadahock accordingly, at first glance, gave its own appellation to the whole country as far as the river St. Croix, and afterwards to the country from thence to the river St. John, which had before been called St. Croix. The *place*, therefore, called St. Croix, adjoining to New Scotland, was most likely intended to describe the lands between the rivers St. Croix and St. John. History does not inform us that any particular spot of them was known as St. Croix. But as the first course of the grant to the Duke of York plainly runs from Nova Scotia to Massachusetts along the seacoast, it is probable that it was to begin at the first point in the country of St. Croix on the coast. This must have been on St. John's river. And as the last line of the grant is not closed, it is more agreeable to the usage of those days to adopt a natural boundary. For this purpose, St. John's

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river was obvious as far as its head, and afterwards a line to the great river of Canada. [aa] See grant to the Duke of York for Sagadahock, 12th March, 1663-4.

We are obliged to urge probabilities, because in the early possession of a rough unreclaimed country accuracy of lines cannot be much attended to. But we wish that the northeastern boundary of Massachusetts may be left to future discussion, when we may be able to obtain evidence which the war has removed from us.

Second Objection. But we let the new charter of Massachusetts comprehend, by its expressions, the country from the river St. Croix to that of St. John, and the title papers of the other states cover by their terms ever so much land, they cannot be supposed, at this day, to justify such wide limit as are demanded in Mr. Adams instructions of August, 1779.

For 1. The charters of Massachusetts, Connecticut, Virginia, North Carolina, South Carolina and Georgia, never had any serious western limit, since the South Sea was thought to be nearer the Atlantick than it really is; and if its true position had been known, such a grant would have been too extravagant.

2. The charters of Virginia, North Carolina and South Carolina, were granted to proprietors, and that of Georgia to trustees, and were afterwards resumed into the king's hands. It is therefore incumbent on those states to show, either their right of succession to the proprietors and trustees, in opposition to the resumption of the crown, or an obligation on the crown to appropriate them, when changed into royal governments, the same boundaries which they held when propriety or fiduciary.

3. The treaties with the Five Nations under which New York claims, transferred to that colony no title to their lands.

4. The proclamation of 1763 abridged all the colonies which claimed beyond the sources of the rivers falling in to the Atlantick to their sources.

5. By the treaty of Fort Stanwix, in 1768, the king of Great Britain bought from the Six Nations, in his own name, a great part of the country claimed by Virginia to the west of the Apalachian mountains; and by the several other treaties with the Indian tribes, purchase have been made within its chartered limits, from which it may be inferred, that this colony was before destitute of right to the lands so purchased: And,

6. The statute of the British parliament, commonly called the Quebec act, in 1774, cuts the extensive claim of the United States.

Answer to objection second, first part. It cannot be admitted that even a miscomputation of the distance between the Atlantick and Pacifick oceans, vitiates the charters which extend from

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one to the other. In every contest among European powers concerning the soil of America, the validity of charters hath been conceded. [bb] See treaties of Germain, Westminster, and Breda, and the memorials of the commissaries above referred to.

The king of Great Britain will not fail to acknowledge their sacredness when he calls to mind the doctrine of the British laws, by which the charters of corporations are protected. Of how much more importance is a charter granted to the suffering explorers of the American wilderness.

It is also remarkable that during the rage for the sacrifice of American charters in the reign of Charles II. Some of them were vacated by the judgment of a court, by which their former legal existence was recognized; and that the arbitrary administration of a Stuart himself would not attempt to destroy a charter without the formality of legal process. An American charter then, being thus respectable in its nature, equity will not suffer it to be annulled on account of a misconception of its contents, when the grantees could not possibly have contributed to the mistake by fraudulently withholding information upon the subject, and when the king hath never pretended that he was deceived, or erred. But had the interval between these seas been precisely ascertained, it is not probable that the king of England would have divided the chartered boundaries now in question into more governments. For perhaps his principal object at the time was to acquire by that form of occupancy which originated in this western world, to wit, by charters, a title to the lands comprehended therein against foreign powers. The seacoast too was not in his opinion more than sufficient for the territory of a single colony, as is manifested in the charter to Virginia, in 1609; and the interior parts, overspread as they were by savages, and distant as they must be from relief from Europe, without which the new settlements would certainly have perished, would have been a pitiful instance of royal bounty, and no temptation to emigrants; nor is this merely conjectural. Let the charters which run to the South Sea be reviewed in chronological order. By this it will be found, that these extensive limits did not creep in through inadvertence, as they were repeated long after the errour had been removed as to the distance of that sea.

On the 23rd of May, 1609, James I. granted the charter under which Virginia claims.

On the 3d of November, 1620, the charter to the council at Plymouth was granted.

On the 4th of March, 1628-9, the charter of the old colony of Massachusetts was dated.

On the 20th of March, 1662, the first charter of Carolina was granted.

On the 20th of April, 1662, Connecticut received its charter.

On the 30th of June, 1664, the second charter of Carolina was granted.

On the 7th of October, 1691, the new charter of Massachusetts, which among other things re-established the old colony, was granted.

In 1732, Georgia was erected into a separate government.

If it be necessary to seek other illustrations, an appeal may be made to the act of the British parliament on 1729, (2 G. 2. Ch. 34.) which has been already noted, and recites the charter of Carolina as extending to the South Sea. Nay, as late as the year 1740, five commissioners were appointed on the part of the king, and five on that of Lord Carteret, to assign to his lordship his one-eighth of Carolina, which he had refused to surrender; and the South Sea was fixed as the western limit of the territory allotted to him. [cc] We cannot forbear to add a general concession from the crown in the several charters, that when doubts should arise, the construction should be strict against himself, and liberal in the behalf of the grantees.

Answer to the second part of the second objection. The facts related in this branch of the second objection are true; but we shall not attempt to prove that the colonies of Virginia, North Carolina and South Carolina, were lawful successors to the rights of the proprietors. We assume that the lands described by the charters of those colonies were, from their necessary operation, subjected to the jurisdiction of the governments of those colonies respectively; and therefore, that they would have constantly remained so subject during the existence of the proprietary administration, even if the proprietors had had a right to throw them off from that jurisdiction, unless some act of dismemberment had been done. But we protest against such a right of dismemberment being lodged in the proprietors, except with the assent of the people.

The charters of the abovementioned colonies were contracts, to which the king, the proprietors and the emigrants [for themselves] and their posterity were parties. The consideration paid by the king for the product of the mines and of future commerce, was the protection of the proprietors and emigrants. The proprietors disbursed money for the expences of the first settlement, and were the owners of the soil, and the managers of the government. The emigrants were the actual improvers of the country, promising to themselves and their descendants the superintending care of their sovereign, a mild government by the proprietors, and a continuance of the boundaries defined in their charters. We say a continuance of the boundaries: For there were good grounds why the first planters should be opposed to an alteration of the boundaries at the will of the proprietors.

1. A power to restrain the proprietors from separating them into different bodies, and obliging them to defray the charges of government in many feeble hamlets, was essential to their welfare, if not to their safety, and was therefore very probably in their contemplation.

2. The southern district of British America was believed to be fertile in the precious metals, the greater therefore the extent of territory was which lay within a government there, the happier was the prospect of obtaining wealth.

3. Had the proprietors been at liberty to disperse the inhabitants into distinct societies by cantoning the chartered limits into any number of new colonies, the opportunity for oppression would have been ruinous. They might have exacted some hard service, and threatened their tenants with a division of their country on failure of compliance; by which means they would have been exposed to severe alternative of acquiescing in the tyranny or undergoing the ravages of Indian warfare from the difficulties inevitably attendant upon concentrating the force of various communities.

4. The emigrants hoped that themselves and their posterity would find a facility of living unknown in Europe, and freedom in religion. How obviously might the former, connected as it is with agriculture and manufactures, and the latter, dependent as it also sometimes is upon the association of persons of a similar persuasion, have been prevented by an arbitrary and malicious contraction of limits.

5. These ideas are supported by the charters themselves. The proprietors and settlers of South Virginia had received a charter on the 10th April, 1606, of which, and the liberties and privileges contained therein, that of 23d of May, 1609, is declared to be an enlargement and explanation, and is an express confirmation. S. 27. [dd] These two charters then forming one system in the same manner with two laws, one of which enlarges and explains the other, it is correct to argue from both.

The first charter recites, that Sir Thomas Gates and his fellow adventurers were desirous of dividing themselves in to several colonies and companies. § 2. N section 3, the king commends the undertaking; in section 4, gives one hundred miles square to the first colony; and the like quantity in section 5, to the second. This cannot be said to favour any subdivisions of chartered territory. Sections 4 and 5. Every other subject was prohibited from planting, or inhabiting behind either of the two colonies. This prohibition was plainly dictated by the danger apprehended from the establishment of distinct governments. In no part of this charter is provision made for the government of more than two colonies. It was impossible then for the proprietors to institute different governments. A new and separate colony erected by their authority could not have a seal, establish a coin, and convey the franchises of British natives to persons born therein of British subjects, nor designate grantees of land, In short, the charter of 1606 does constantly discountenance divisions of the territory for the purpose of additional provinces.

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6. The transition I snow easy to the charter of 1609. [Section 2] It was granted not to the adventurers, that is, the proprietors only, but to the planters also; not from undue partiality, but from "respect to their great charges, and the hazard of their lives in the discovery and plantation of the country." Here is a valuable consideration paid by the planters, equal in dignity to the merit of the proprietors, and entitling them to demand that the territory be not impaired. Like observations to those on the charter of 1606 may be used on this occasion. Had the proprietors carved out a new government, it could have acquired rights, as such, only from a fresh grant from the crown, or the charter of 1609. If the crown must have been resorted to, the charter could not have authorized the measure. But the truth is, that the charter enabled the treasurer and company of adventurers and planters of the city of London for the first colony in Virginia only, [S. 5] to plead and be impleaded; [S. 6] to hold lands within the limit of the charter; [S. 7] to distribute lands under a common seal; [S. 8] to have a council resident in England; [S. 17] to search for mines; to [S. 18] encourage emigration from British dominions; [S. 19] to be free from certain subsidies for twenty years; [S. 21] to seize vessels trafficking without license within the precincts of the charter; [S. 23 and 24] and to dispense criminal and martial justice: nor are the liberties of natural subjects granted to any person born within the limits of the charter, but as those limits constitute the first colony of Virginia.

7. In a third charter passed to the treasurer and company of Virginia, on the 12th March, 1611-12, [ee] the same unity is preserved to the first colony throughout, and a separation is not alluded to in the most distant way. But it is an argument of real force with respect to Virginia, that charters of 1609 and 1611-12 were granted to the treasurer and company as a corporation, and that it is a firm principle of British law, that a corporation cannot exclude from their jurisdiction lands placed within it by the terms of its constitution.

8. Analogous to the charters of Virginia are those of the two Carolinas, or more properly of Carolina, respecting the indivisibility of their limits. The territory described therein, and the province of Carolina, are synonymous in many instances.

In the last clause but two in the second charter, the royal word is pledged to the proprietors, "their heirs and assigns, and to the tenants and inhabitants of the said province or territory, both present and to come, and to every of them, that the said province or territory and tenants and inhabitants thereof, shall not from henceforth be held or reputed any member or part of any colony whatsoever in America, or elsewhere, now transported or made, or hereafter to be transported or made; in any thing, but be absolutely separated and divided from the same." Nay, so little was the power of altering the limits conceived to be inherent in the proprietors, that the authority to divide the territory into counties was delegated to them in positive terms.

It must however be confessed, that before the surrender of the charter, in 1729, North and South Carolina had each a governor, council and assembly. But this separation of jurisdictions

was not the creature of the proprietors alone, but was effected with the approbation of the inhabitants, some of whom labored under great inconvenience from having the metropolis and the settled country around it distant from them three hundred miles and upwards. [ff] See Lawson's history of Carolina, p. 256.

The example of New Jersey cannot be cited against the right of the people to demand from the proprietors an entirety of territory. For the very grant upon which they rest expressly warrants an equal division between Lord Berkeley and Sir George Carteret. See the Duke of York's grant [to New Jersey]. The argument from hence would rather be, that when the power of division was intended it was specially mentioned.

It would be tedious to detail, in this place, the many passages in the charters to Lord Baltimore and Mr. Penn, which maintain the principle, that the first limits ought to be permanent. So opposite to private emolument was the office of the trustees of Georgia, that they enjoyed no right which was not for the benefit of the people. The limits granted to the trustees were in fact granted to them. [But we are unable at present to be more particular, not having access to grant itself.]

What change, then, was wrought by the conversion of the proprietary governments of Virginia, North Carolina and South Carolina, and the fiduciary one of Georgia, into royal?

Virginia. It is needless to inquire whether the charter of 1609 was abolished lawfully or not. Because, as its abolition was the act of the king, he cannot contend that it was produced by violence or injustice; and the company and their successors have yielded to the resumption from 1624 to this day, without bringing it to a forensick discussion, or endeavouring to reverse it by a petition to the crown. Either of these remedies was easy, and constitutional. But a superior reason is, that a dispute between the king and company, two of the three parties to the charter, ought not to prejudice the people of Virginia, who were the third, who stipulated with the proprietors for the territorial privileges in the charter with the privity, assent nay guarantee of the king, who could not profit from a rupture between him and the proprietors, and ought not therefore to be injured.

But what if the king had not been an immediate party? Surely his succession to the rights of the company brought with it a succession to their engagements respecting territory; unless James I. as king of England, was authorized to violate, in spoliation of his own subjects, that rule of natural law under the influence of which his Prussian Majesty bound himself, upon obtaining Silesia, to be answerable to the British king for the encumbrances imposed on that country by the Empress of Hungary in his favour.

It is a warrantable corollary from the inability of the proprietors to mutilate the limits in the charter of 1609, that the king standing in their place was alike incapable. This reasoning is not

impeached by the divisions which the chartered limits of Virginia have undergone. They were made at periods when the people could not feel an interest in opposing them; when extreme loyalty was the highest virtue; when they were weak. The quotation of their submission in this instance, as an evidence of their consciousness of the king's right, would be somewhat unnatural; since it would suppose, that other men in the same circumstances would probably have acted otherwise.

The objections springing from the proclamation and Quebec statute will be discussed hereafter.

That the king of England thought himself bound to consider the colony of Virginia as possessing the limits of the charter of 1609, except in those cases in which it had been abridged before 1669, appears from the charter of 10th October, 1676. There the colony of Virginia is mentioned in general terms without definite limits. To confine it to the country then settled, would be inconsistent with its professed design of encouraging the plantation, and would exclude nine tenths of the present inhabitants. Not to confine it thereto, would demonstrate that Virginia was believed by Charles II. to comprehend some vacant land, and consequently that she must hold all the vacant land within the charter of 1609; since a single foot could not be demanded through any other channel. Long ago would the people themselves have required some determinate limits, had they not imagined that the charter of 1609 described them. So far too has the king of England been from marking out the boundaries of Virginia in the charter of 1676, or in any instructions to his governours, that he has by various acts corroborated our principle, that after the extinction of the charter they remained the same as before. For near thirty years has the governour of Virginia, acting under his authority and with his knowledge, granted lands on the west side of the Alleghany mountains. In 1748-9 Sir Williams Gooch, governour of Virginia, was instructed to grant to the Ohio company lands far westward of the Alleghany mountains, but still as the instruction and letter enclosing says, "On the Ohio within his Majesty's colony of Virginia." [gg] In 1753, and act was passed by the assembly of Virginia for the encouragement of settlers on the waters of the Mississippi. To this act the royal agent was given. [hh] In 1754, an act was passed by the same legislature for a similar purpose, in which Virginia declared to possess lands on or near the waters of Mississippi. A very large sum of money has been levied upon the people of Virginia for the defence of that country. All this has been done with the knowledge and consent of the British king. [ii] In the year the governour and council of Virginia granted a tract of land at the confluence of the Ohio and Mississippi bounding upon both rivers. [kk] In 1754, Mr. Dinwiddie, governour of Virginia, promised, by his proclamation, a bounty of 200,000 acres of land on the western waters to the officers of the first Virginia regiment. [ll] The many land warrants issued by Lord Dunmore, governour of Virginia, were directed to be located on the lands lying on the western waters. In 1773, courts were holden beyond the Alleghany mountains under the authority and particular direction of the governour of Virginia.

Great sums have been expended by Virginia in the defence of the Western Country. [mm]

The present situation of the two Carolinas and Georgia deprives us of the information concerning them, with which we are anxious to furnish you in detail

The general observations applied to Virginia are applicable to the two Carolinas.

We shall endeavor to transmit to you such documents as may manifest the opinion of the British King to be that the chartered limits remained entire after the surrender. We assure ourselves that such will be found, especially as he has often interfered in the accommodation of their disputes about boundaries, and his ancestor George the 2nd directed a temporary line between North and South Carolina upon the principles of the Charter.

Of Georgia it may be said, that the proclamation of 1763 revived its chartered limits by annexing the lands between the Alatamaha and St. Mary's river to that province; for at the date of that edict a considerable part of the lands northward of Alatamaha was vacant; and to suppose that by Georgia was meant that territory alone which had been granted to individuals, would annex the country south of Alatamaha, and shut out the vacant part lying on the north side of that river.

But as no reasonable solution could be given of so whimsical an arrangement of territory, we may conclude, that the vacant land on the north of Alatamaha was comprised in the term of "Georgia." If so, since Georgia could claim vacant land only by virtue of the deed to the trustees, and that deed must have been conveyed full limits, or nothing, it follows, that its territorial rights were restored, if they were affected by the surrender. But it has been already seen in what predicament the trustees stood. They were, what their title imports, mere trustees for the benefit of the province. Strangely then it would sound, that upon the refusal of those benevolent men, who had no personal interest in the trust, to persevere in fostering this infant nation, it must lose every thing, or in other words, hang on the pleasure of the king for a restitution of former rights.

Answer to third part of second objection. New York derives its claim from the Five Nations, insisting, 1st. That the king of England was lord of their soil; 2d. That being so, he transferred his seignory to that then province.

1. The Five Nations (Iroquois, or Six Nations) had from ancient days put themselves and their lands under the protection of Great Britain. [nn] The Duke de Mirepoix, in his memorial of the 14th May, 1755, to the ministry of London, denies that the lands of the Five Nations became vested in his Britannick Majesty by the deeds; but the answer returned by that ministry on the 7th June, in that same year, contends, that the 15th article in the treaty of Utrecht subjects the Five Nations to the dominion of Great Britain. That such subjection according to the genuine

interpretation of treaties, relates to the country as well as to the person; and that France is precluded from altercating these points with Great Britain, because she has once acknowledged their propriety. It will not therefore be insisted that the territory of the Five Nations belongs to the ancient and just limits of Canada, as the foregoing assertions were urged to confront a pretension of France to this effect; nor will it be denied, that the king of Great Britain was, with respect to his subjects at least, lord of the soil of the Iroquois, by being their protector.

New York maintains, in the second place, that its legislative and executive proceedings from ___ to ___ prove that this very Iroquois territory has been supported by its blood and treasure; that this circumstance does of itself create an equitable title, which has ripened into an indefeasible one, by Great Britain having always treated the country of the Iroquois and their tributaries up to the forty-five degree of northern latitude as transferred from itself to the government of New York. [oo] See documents to be furnished by the delegates of New York.

Answer to fourth part of second objection. The prohibition announced to the govenours of all the colonies, except those of Quebec, East Florida and West Florida, to grant warrants of survey, or pass patents "for present and until his (the British king's) farther pleasure should be known." For any lands beyond the heads or sources of the rivers which fall into the Atlantick ocean from the west and northwest, strongly intimates an opinion, that there were lands beyond the heads of those rivers within the jurisdiction of those governours. Otherwise the prohibition would have been unnecessary. Again, by the injunction "not to grant warrants of survey, or to pass patents for any lands whatever which, not having been ceded to or purchased by the British king, were reserved to the Indians, or any of them," a restriction of territory could not have designed by a king, who granted charters to his colonies, knowing that they would interfere with the rights of the Indians, which has always considered a cession or purchase from them as a milder mean of anticipating their hostility rather than a source of title, who since the date of the proclamation has granted, through the prohibited governours themselves, large quantities of land beyond the heads of those rivers, and whose own geographer, Emanl. Bowen, in a map delineating "the British, Spanish and French dominions in America, according to the treaty to Paris" and this very proclamation, has carried Georgia, South Carolina, North Carolina and Virginia as far as the Mississippi. [pp] The single object of these parts of the proclamation was to suspend the business of the land offices, not to curtail limits; to keep the Indians in peace, not to annihilate the territorial rights of the colonies.

But it may be charged as an inconsistency to set up the proclamation as increasing the limits of Georgia, when it thereby plainly mutilates South Carolina. The fact is, that before and after the cession of Florida, South Carolina asserted a right to the lands between the rivers Alatamaha and St Mary's. Georgia contradicted. The dispute was ended by this proclamation of the crown and the title of Georgia is certainly confirmed. Could South Carolina do more than represent

her grievance? Having done this, did she confess the authority she did not fly to arms? Another reason might [perhaps] have induced South Carolina to relinquish its opposition with less reluctance. Peace and its incidents being the province of the chief magistrate of the British empire, and the land between Alatamaha and St. Mary's having rendered neutral by an agreement with Spain, they were separated from South Carolina. Now it might have the opinion of some, that this circumstance weakened the original title. [qq]] See treaty of Aix-la-Chapelle. Upon the prerogative of the crown to manage the affairs of peace, and rights of France, depends the justice of limiting the America colonies to the Mississippi, by the treaty of Paris.

Answer to the fifth part of the second objection. Nor can the treaty of Fort Stanwix, in 1768, militate against Virginia. For the purchase then ratified did not imply a want of right in the king, but was solely, as was observed of the proclamation, an instrument of peace. Nor yet did he render the ceded lands exclusively his own; because the relation between him and the American royal colonies required his name in all conventions with the Indians concerning territory, even when the benefit redounded to the alone; because the franchise of pre-emption had often been asserted by some of them, and particularly by New Jersey in 172--, by an act of the legislature approved by the royal governour; and because, in the exercise of that franchise, the wealth of the colony, within which the purchased lands lay, was commonly expended. [rr] It is true that Virginia, in 1769, asked permission to purchase a more extensive boundary; but the causes were, that the superintendant of Indian affairs, who had absolute guidance of the Indian councils, could be conciliated only through the medium of the crown; and the British governour would have withholden his assent to any vote, levying money for the purpose of such a purchase, without the approbation of his master.

Answer to the sixth part of the second objection. The Quebec act was one of the multiplied causes of our opposition, and finally of the Revolution. Even it if had been designed to abridge the boundaries of the colonies, the right of the British parliament to do so must be denied upon the grounds already shown. But the provision, that nothing therein contained relative to the province of Quebec should in any wise affect the boundaries of any other colony, destroy its operation with regard to those which are now required by us. [For this also we refer you to what has gone before.] Thus have we laid open the grounds of our claims to the boundaries specified in the instructions to Mr. J. Adams.

We undertook to prove in the first place, that they belonged to the thirteen Colonies. In doing this we avoided a regular and punctilious deduction of our rights because our pretensions appeared sufficiently fair, unless some defect could be discovered in them. The objections which stood foremost as being the most plausible were 1. Against the North Eastern Boundary of Massachusetts, and 2ndly against the claim of the United States being so extensive as the

strict construction of their title papers would justify; because 1. The charters running to the South Sea were granted through mistake, and at any rate were chimerical. 2. The charters of four of the Colonies had been surrendered. 3. New York cannot maintain her right under the six nations. 4. The Proclamation abridged our limits. 5. The Treaty of Fort Stanwix militates against them, and, 6, the Quebec act contracted them. To these objections and their different branches answers have been given. We are now proceed to the second point.

The second point, to wit, that the United States have succeeded as independent sovereignties to the territorial rights of colonies.

The states claiming vacant lands before the Revolution were, 1. Connecticut, a government belonging to the governour and company; 2. Pennsylvania, a government belonging to a few individuals; 3. Massachusetts, possessing an express charter as a royal government; and 4. Virginia, North Carolina, South Carolina and Georgia, which were originally proprietary governments, and afterwards became royal, but received no special charter as such.

1. Charles II. relinquishes, in his charter to Connecticut, all title to the lands therein described. Grants did not issue in his name, nor did escheats fall to him as lord paramount. The extinction therefore of the British jurisdiction in Connecticut cannot vest in the king of England a territorial right which he never enjoyed before, but must strip him of every possible authority in that State.

2. We affirm, without repeating the proofs, that the State of Pennsylvania retains its provincial limits. At the Revolution one fourth of the ungranted soil was the property of Mr. J. Penn, and three fourths of W. Penn. Since that era the whole has been seized into the hands of the State. Mr. J. Penn, being a citizen of Pennsylvania, the king of Great Britain would grossly intrude on the sovereignty of the State, were he to interest himself in the restitution of his share. Prudential and equitable considerations ought always to curb licentious invasions of private right; but in the breast of the legislature resides the application of the property within its jurisdiction. An injured citizen must acquiesce in the dispensations of the sovereign authority, or seek redress from remonstrances, or the last expedient of oppressed freemen. Mr. W. Penn was a British subject at the Revolution, has continued to be so to this day, and is therefore an alien. His prince may advocate his interest without an infringement of decorum, and will probably be strenuous in his behalf. He will plead that alienage produced by the severance of an empire differs from birth under a foreign allegiance. It will not be denied, that at the time of acquiring his landed rights he was not an alien. But the Revolution has placed him in an opposite predicament. As he was then a friend, so he is now an enemy; and upon the restoration of peace, no other relation will subsist between the State of Pennsylvania and him, than what might have subsisted between the State and a subject of Russia. Since therefore he must share at the end of the war the disability to which aliens are liable upon principles of

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general as well as English law, as to the holding of immoveable property; since during the war it would be dangerous to tolerate remittances of its profit, specific restitution is untenable upon any ground. Nor can compensation be solicited, although it should be absurdly thought that Pennsylvania is indebted to Great Britain for favours. Has not England set us an example of her business? While she possessed territory on the coast of France, within which it was lawful for French subjects to acquire and hold lands upon the same terms with the English, was it not her habit to wrest them from the former immediately upon a declaration of war against their prince? Did she make compensations? It is remarkable too that the concessions of Mr. Penn, the original grantee to the province, allot to settlers nine tenths of the lands within the limits of the charter. Soon should we behold a new British colony composed of the choicest tools of tyranny emerge in the very bosom of Pennsylvania, were Mr. W. Penn permitted to grant vacant country. And shall we reward him because we unnerve his faculty of doing harm?

3. At this stage of our inquiry we take for granted, that the king of Great Britain could not rightfully alter the limits assigned to Massachusetts limits new charter. Perhaps, however, it may be questioned whether Massachusetts can with propriety bottom its claims as an independent sovereignty upon a charter granted to it as a dependent colony. The charter appropriated to Massachusetts, as a society, certain limits. Let the supreme power be modified as it may, as the society remains the same, so do its rights. The argument of the objection extended one step farther implies, that the royal patents for land granted to individuals can convey no title at this day. What is the effect of this doctrine, but that a people must groan under every tyranny, or lose every privilege. [But let us quit the cavil.] All the lands in this colony were holden of the king in free and common soccage, the well known tenure in Great Britain; and grants to individuals ran in his name. In other words, he was lord paramount. In tracing the consequences of this paramountship, analogy will justify us in pursuing as the prototype the paramountship of Great Britain. The king is lord paramount there, merely because he is the eking. For even the ancient barons, with numerous vassals and formidable force, never affected this character. Accordingly, if any time during or since the vigour of the feudal system, the immediate tenant of a baron had aliened lands to an alien, they were forfeitable to the king. The same was and is the doctrine where he committed treason. These forfeitures could not be founded on a defect of heritable blood; because it would commence in the life of the alien or traitor, and because such a defect would restore the lands to the immediate lord of whom they were holden. But the forfeiture hath always devolved on the king, whose office it was as chief magistrate to guard against the residence of persons disaffected, as aliens generally are, and as traitors ever are, to the publick good. That the qualities of king and lord paramount are inseperable, appears from these facts: 1st. A king of Great Britain upon his accession to the throne receives no special investiture of power as lord paramount, but exercises it as a derivative from that of chief magistrate. 2d. The coronation oath relates to the functions of the lord paramount; but the sanction from religion for the due

discharge of them in comprehended in that for the faithful administration of the government. 3d. Upon the abdication of James second, the throne was declared vacant; and neither his successor nor the people imagined it to be necessary to tear the paramountship from him by express words. Hence it follows, that he who ceases to be king, ceases to be lord paramount. Again, in dealing out the lands of the kingdom, the British nation have conducted themselves with respect to the king, as a bare trustee for publick benefit. When William, the third, was squandering upon his minion the Duke of Portland profuse grants of the land, the parliament interposed, and put a stop to them. Hence it also follows, that if George, the third, should become incapable of being the trustee, he would be also disqualified as lord paramount. If analogy be a faithful guide on this occasion, the inference is clear, that as George, the third, was obeyed in Massachusetts as king of Massachusetts, not as king of Great Britain, and has ceased to be its chief magistrate, and in the nature of the thing cannot be its trustee, he is also extinct as lord paramount. For the justness of the analogy we appeal to that clause in the new charter of Massachusetts which grants to its colonists the immunities of British subjects. We defy those who shall undertake to show that the charter placed the rights of British American subjects with regard to the paramountship, upon a different footing from those of their fellow subjects of Great Britain; and we venture the identity of the tenure. We may here add another inference, that as the paramountship was an indissoluble concomitant of the chief magistracy, and the State of Massachusetts succeeds to those powers which the British king formerly exercised as king of that then colony, that State does also succeed to the paramountship.

4. This last division of the second point requires for its proof nothing more than a recapitulation of what has been already shown, to wit, that the proprietors could not separate the colonies of Virginia, North Carolina, South Carolina and Georgia; that the king upon the resumption of their charters succeeded to the obligations of the proprietors, not only from the nature of the contract with the people, but from his own acts and those of his governours; that these colonies became thereby royal governments standing in the same rank with Massachusetts; that consequently the king of Great Britain was lord paramount of these colonies by being the chief magistracy, having fallen to them, carries with it the paramountship. Upon the whole, a decisive objection exists against the mutilation of the charters running to the Mississippi according to the treaty of Paris, namely, that the principle by which they would be limited to the distance of a mile only from the river, would justify mutilations to any extent.

The third point. But if the vacant lands cannot be demanded upon the titles of individual states, they are to be deemed to have been the property of his Britannick Majesty, as sovereign of the thirteen colonies immediately before the Revolution, and to be devolved upon the United States collectively taken. In agitating the3 case for these lands under this head, his Britannick Majesty will be very forward in asserting that he was seized of them; so that proof will be superfluous. The character in which he was so seized was that of king of the thirteen

colonies collectively taken. Being stript of this character, its rights descended to the United States for the following reasons: 1. The United States are to be considered in many respects as one undivided independent nation, inheriting those rights which the king of Great Britain enjoyed as not appertaining to any one particular state, while he was what they are now, the superintending governour of the whole. 2. The king of Great Britain has been dethroned as king of the United States, by the joint efforts of the whole. 3. The very country in question hath been conquered through means of the common labours of the United States.

What has heretofore been observed regards only the title of the United States. There are other considerations deserving attention. Should Great Britain retain that portion of the United States which borders on the Mississippi, the neighbourhood of her possessions will be imminently dangerous to our peace. Should she at the same time retain Canada and West Florida, or even Canada alone, by applying herself to the settlement of that country and pushing on her trade there with vigour a new nursery for her marine will speedily be established.

From a full confidence that the western territory now contended for lay within the United States, the British posts therein have been reduced by our citizens, and American government is now exercised within the same; large bounties of land have been promised to the army; and we have relied on it as an important fund for discharging the debts incurred during the war. For a considerable distance beyond the Apalachian mountains, and particularly on the Ohio, American citizens are actually settled at this day. By the surrender therefore of the western territory to Great Britain, a large number of fencible men, men too who have not been behind any of their fellow citizens for their struggle for liberty, would be thrown back within her power.

France [ss] A memorial from Mr. Gerard to Congress on the 22nd of May 1779 excites in us some degree of uneasiness. At the beginning he uses these expressions . . . (they're in French)

He goes on to enumerate several inferences from the positions contained in the memorial among which is the following . . . (they're in French)

The 11th and 12th Articles are in the following words [insert them verbatim]

A rupture then having taken place between France and England, the reciprocal Guarantee declared in the 11th Article has for a long time been in full force and effect. For although this article fixes the guarantee of the whole as the possession shall be assured to the United States at the moment of the cessation of their present war with Great Britain; yet the 12th specifies two areas at either of which the guarantee should commence, a rupture between France and Great Britain, or the termination of the war without such a rupture.

The word "*possessions*" will certainly comprehend the lands actually occupied by Individuals. For the Independence of the United States involves of necessity a territorial idea, since to guarantee the Independence of a number of men would, if they were to be expelled from their Country, have been too futile to enter into the wish of the United States, or the meaning of France. "*Possessions*" must also imply lands not in immediate occupation but granted merely to individuals. The term bears this signification in Europe, and in an infant country, like America, in which improvement cannot be coextensive with grants; but on the contrary, in which grants are made of large tracts of waste land, as an incentive to improvement, it must particularly have this signification. The term also describes the vacant lands, which were ungranted at the Revolution. For although they were not possessed by individuals yet they were possessed by the society. In the 6th Article the Most Christian King renounces forever the *possession* of the Islands of Bermudas. In this place "*possessions*" is extended to a bare right, as it cannot import actual occupancy.

How strange would it seem, had we been solicitous about Bermudas, and regardless of a territory which we always claimed, which is incorporated with our Country, and on which we counted as a source of revenue!

Had not war been waged by France with Great Britain, there was good reason why the former should not guarantee to the United States any other territory than what might be secured to them at the cessation of hostilities. The single arm of America unassisted by France might not be sufficient for the vindication of all her territorial rights. But upon a positive guarantee France would have been obliged to preserve the whole of them even by a declaration of war; a circumstance which she plainly studied to avoid, by her stipulating no aid in favor of the United States, but on the event war of a war between herself and Great Britain. In actual war France could answer for the event.

Spain. We cannot persuade ourselves that any opposition will be made to the claims of the United States on the part of Spain. We do not deny that she has subdued some small posts within these vacant lands, but when it is remembered, that the United States have unfolded a title, which is substantial against the King of Great Britain, that the conquests of Spain are small in themselves and diminutive indeed when compared with those of the United States, her pretensions will vanish.

There are other objects that will undoubtedly occur in the course of negotiation.

The confiscation of the property of those who preferred an adherence to the old empire rather than to follow the fortunes of the new, was founded on those principles which have been discussed. The confiscation of the property of those who have committed treason against the United States, and are since become British subjects, has a foundation in the institutes of

forfeiture in the British criminal code. Should restitution be urged in either of these cases, in defiance of the support which the measure of America derive from similar practices in England, it will be proper to represent the impossibility of making specific restitution of the personal property; the various transfers which the real has undergone from individual to individual, the great value of which the citizens of these states have, contrary to the laws of war, been despoiled by the enemy; the still greater losses which they have sustained from their wanton havock; the burdens which the war will leave behind it; and the share which the claimants have borne in this spoliation and havock, and by the former of which they have enriched themselves far beyond their losses.

Of absentees from their country there are three classes. 1. Those who left it before the Declaration of Independence. 2. Those who left it after having become citizens. And 3. Those who were expelled. -- It must be readily seen how dishonourable and troublesome a stipulation for their return would be to the governments which they have deserted; how obnoxious the persons answering to this description would be to the people at large, and especially such as have suffered from their outrages; and how much more this stipulation is to be dreaded, as none but those who are totally devoid of both honour and sensibility would avail themselves of a privilege, which would expose them to the indignation and resentments which they had provoked. Nor is it unworthy the circumspection of His Most Christian Majesty to reflect, whether the restoration of these persons may not produce an unequal competition with his subjects in trade; many among them, besides the advantage which they possess from the knowledge of our language, having accurately informed themselves of the nature of our commerce from actual experience.

The report being under debate for referring the foregoing facts and observations to the secretary for foreign affairs, to be by him digested, completed and transmitted to the ministers plenipotentiary of the United States for negotiating a treaty of peace –

A motion was made by Mr. [John] Rutledge, seconded by Mr. [Hugh] Williamson, to postpone the consideration of the report to make way for a motion, which he read in his place by way of an argument.

On the question for postponing, the yeas and nays were required by Mr. [Edward] Telfair. So the question was lost.

A motion was made by Mr. [John] Witherspoon, seconded by Mr. [Joseph] Montgomery, “that the report be committed:”

And on the question for commitment, the yeas and nays being required by Mr. [Theodorick] Bland, so it was resolved in the affirmative.

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August 23, 1782 –

1) The agents for the Commonwealth of Pennsylvania and the State of Connecticut, represent to the United States in Congress assembled, as follows:

"That having met and conferred together, and being informed that there is not any reason to hope for the attendance of Major General Greene as one of the commissioners for determining the dispute subsisting between us, we have mutually appointed the Hon. Thomas Neilson, esq. of Virginia, and Welcome Arnold, esq. of Rhode Island, as commissioners in their stead; and we do pray that they, together with the other five, may be commissioned for that purpose.

Dated the 21 August, 1782.

Signed,	WILLIAM BRADFORD, JUN.	
	JOSEPH REED,	Agents for
	JAMES WILSON,	Pennsylvania
	JONATHON D. SARGEANT,	
	ELIPHALET DYER,	Agents for
	JESSE ROOT,	Connecticut

The said agents also laid before Congress the following instrument of agreement:

"It is agreed between the agents for the Commonwealth of Pennsylvania and the State of Connecticut, that Congress be requested to approve the appointment by the said agents of the Hon. William Whipple, Welcome Arnold, David Brearley, William Churchill Houston, Cyrus Griffin, Joseph Jones, and Thomas Neilson, esqrs. And constitute them, or any five or more of them, a court of commissioners to hear and finally determine the dispute between the said States, relative to their respective claims and possessions, agreeably to the 9th Article of Confederation; and that a commission be made out for them under the seal of the United States and signed by the President of Congress; that each commissioner be allowed ten dollars a day for the time he shall be employed in the said business, for his services and expences, to be paid in the first instance, one half by the State of Pennsylvania, and one half by the State of Connecticut: that the commissioners, or any five or more of them, do meet at Trenton, New Jersey, on Tuesday, the 12th day of November next, and have power to adjourn, from time to time, and place to place, as they shall judge it necessary, until they shall make a final decision in the said cause; and that a copy of their resolutions be transmitted to each of the said commissioners, and their attendance on the said business requested.

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Dated 21 August, 1782

Signed, WILLIAM BRADFORD, Jr.

JOSEPH REED,

JAMES WILSON,

JONATHON D. SARGEANT,

ELIPHALET DYER,

JESSE ROOT."

Whereupon, *Ordered*, That the secretary prepare and report a draught of a commission of the said William Whipple, Welcome Arnold, David Brearley, William Churchill Houston, Cyrus Griffin, Joseph Jones and Thomas Neilson, or any five or more of them, as commissioners or judges nominated by the states of Pennsylvania and Connecticut, to determine the dispute between the said states, agreeably to the 9th Article of Confederation.

August 28, 1782 –

1) The secretary, pursuant to order, prepared the draught of a commission, which was agreed to as follows:

THE UNITED STATES IN CONGRESS ASSEMBLED.

To all whom it may concern:

Whereas the 9th Article of Confederation . . .

This commission is to determine the dispute between the States of Pennsylvania and Connecticut.

(See pages 533-536).

September 17, 1782 –

1) On a report of a committee, consisting of Mr. [John] Rutledge, Mr. [James] Duane and Mr. [James] Madison, to whom were referred a motion of Mr. [John] Rutledge, and a letter of 30 May from the Hon. H. Laurens, wherein he informs that "on the 10th of that month he received from Dr. Franklin a formal notification of his appointment in the commission for treating with Great Britain, and also a copy of the said commission; that he left London on the 11, and arrived

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at Ostend on the 15, from whence he informed Dr. Franklin that he declined the hounour of that office."

Resolved, That the Hon. Henry Laurens be informed, in answer to his letter of the 30th May, 1782, that the reasons which induced the United States in Congress assembled, to appoint him to be one of their ministers plenipotentiary for negotiating a peace still existing, his services in the execution of that trust cannot be dispensed with.

On the question to agree to this, the yeas and nays being required by Mr. [Ralph] Izard, so it was resolved in the affirmative.

Resolved, That the Hon. John Adams, Benjamin Franklin, John Jay and Henry Laurens, be respectively informed, that it is the pleasure and express direction of Congress, that they punctually attend and assist in the negotiations for peace; and that each of them be instructed, upon receiving information of the time and place appointed for opening the negotiations, immediately to give notice thereof to the rest that may be in Europe, in order that each may have a seasonable opportunity to take part in the trust reposed by the said commission, and earnestly enjoined by this act.

<u>September 18, 1782</u> –

1) Mr. [James] Madison, Mr. [Ralph] Izard, Mr. [John] Witherspoon and Mr. [George] Clymer, four of the committee appointed pursuant to the resolution of the 17 June last, to enquire fully into the proceedings of the department of foreign affairs, having executed the business of their appointment, reported the result of their enquires, which was read.

See pages 586-589, which include a listing of various reports, papers, books, etc.

<u>September 19, 1782</u> –

1) On a report of a committee, consisting of Mr. [Arthur] Lee, Mr. [Ralph] Izard and Mr. [James] Duane, to whom was referred the letter of the 25th and 29th of June, 1782, from Dr. Franklin, and of the 25th of June, from Mr. Jay,

Resolved, That a commission and instructions issue to ___ for negotiating a treaty of amity and commerce with the King of Sweden.

Resolved, That a committee be appointed to prepare a commission and instructions and a draft of a treaty. Agreeable to the above resolution.

The committee --- Mr. [Arthur] Lee, Mr. [Ralph] Izard and Mr. [James] Duane.

<u>September 24, 1782</u> –

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1) The committee consisting of Mr. [James] Duane, Mr. [Daniel] Carroll, Mr. J[ospeh] Jones, Mr. [Ralph] Izard and Mr. [Theodorick] Bland, appointed to hold a conference with the honourable Chevalier de la Luzerne, minister of France, in pursuance of his note to Congress of the 23d report ---

That yesterday your committee held a conference with the minister of France, agreeably to the said appointment; the substance of which consisted in the communication of advices lately received by the said minister of France, from his Excellency the Count de Vergennes, as follows:

The minister informed the committee he had received several despatches from his court, of which he thought it his duty to communicate an extract to Congress.

The first was dated 9th April last. It expressed the opinion of the Count de Vergennes, that the Court of St. James had informed a design to make a separate peace with one or more of the powers at war with it. That France was perfectly easy with respect to the disposition of Congress; and that the uniformity and steadfastness of their conduct did not leave the least doubt with regard to the part they would take in this circumstance. That the steps the king had taken on a similar occasion, and the disappointment of several British emissaries, was already known to Congress. That they had met with the same reception at Madrid; and there was the greatest probability that their intrigues would not be more successful at the Hague. The minister of France observed, that the glory and honour of the present confederacy, of which his Majesty was the centre, would be their having been inaccessible to artifice; and this extraordinary instance would be crowned with success if the four powers persisted invariably in a firm attachment to their union, and if, one the one hand, making the greatest exertions to produce the completest satisfaction, they, on the other hand, confined themselves within such bounds of moderation as would give no umbrage to any one of the powers at war with Great Britain. That the king had in different circumstances taken the proper measures to deprive the enemy of all hopes which they might have formed of introducing dissentions between his Majesty and his allies. That it was to be wished that the Court of London was fully convinced of the impossibility of treating separately with America. That this had always been the chimerical and favourite idea of England; and that so long as it subsisted there would perhaps be no possibility of treating seriously about the conditions of a peace. That their negotiations would only be an artifice to scatter divisions among the allies, and retard their exertions for continuing the war. That the shortest way to put a stop to their intrigues would be to let it be known publickly in the most explicit manner, that the United States neither can nor will make any peace without the concurrence of their ally; and that if England has any overtures for peace to make to them, the American plenipotentiaries are sufficiently empowered to receive them, and to negotiate a peace if those overtures are admissible. That this peremptory language would free Congress from all the embarrassments which the English ministers could throw in the way;

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that it would bring them to a sincere disposition to make peace; put an end for ever to their machinations with the mediating powers; deprive them of the means of feeding the parliaments and people of England with the hopes of a separate peace; and finally save the Americans from all the difficulties which would infallibly take place if England were allowed to negotiate in America. It would convince England that the United States are not less attached to their engagements with their ally than sensible of the respect due to the Courts of Vienna and Petersburg, whose mediation Congress have accepted. The minister added, that though the situation of the belligerent powers, the distance of America, and the slowness and difficulty of communication made it advantageous that the seat of negotiation should be Europe, and that the enemy should be informed of this resolution, yet Congress had the fullest liberty to follow they system which France had pointed out in her answer to the mediating powers, in consequence of which the American ministers might negotiate immediately and directly conformably to the instructions they had received from Congress; but the negotiations of France and America would be carried on in an equal progression, a continual and reciprocal communication would be given, and the two treaties signed at the same time, and done be ineffectual without the other.

The Count de Vergennes in the same dispatch, gave information of the Dutch having acknowledged the independence of America, of which Congress are already informed.

The letters of 2d May and 29th June, urged the same point of referring the British negotiators in America plenipotentiaries in Europe, with this addition in the letter of 2d May, that it was now evidently the object of Great Britain to lessen their exertions on the continent as much as in their power, and to adopt a defensive mode of carrying on the war; that being unable to support a double war by land and by sea, she proposed to suspend the one in order to carry on the other more effectually; and in case of success, to return against the United States with redoubled efforts.

The minister mentioned the attempts that had been alternately made at the Court of Versailles, and with the American plenipotentiaries, for a separate peace, and said, that Doctor Franklin had communicated his and Mr. Adam's answers to the British emissaries; that the king thought them firm and consistent with the principles of the alliance, and wished that Congress might be informed of the satisfaction they afforded him. That to remove forever such expectations it behooved the wisdom of Congress to declare, that no peace but a general one would be attended to; that when negotiations are entered into with sincerity, the king would most readily employ his good offices in support of the United States in all points relating to their prosperity; that Congress were themselves sensible of the distinction between the conditions of justice and rigour, and those of convenience and compliance which depended on the good or bad situation of affairs; that though the circumstances of the allies were very promising, such

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events might happen as might make it advisable to adopt the part of moderation. But the best way to obtain every possible advantage was to preserve a perfect connexion, and to let them know that the United States would not only reject a separate peace, but that they would continue the war against the common enemy by all manner of ways, until their allies should also conclude a peace; that this declaration would convince the British ministers that they would not get rid of the Americans by merely acknowledging their independence; and that though they removed their troops from the continent, they would be attacked wherever found.

The dispatch of the 28th June dwelt chiefly on the negotiation; and contained details which the Count de Vergennes directed the minister to make to Congress, but which have in a great measure been already transmitted to them by their ministers in Europe. These details related to the emissaries sent to Doctor Franklin and Mr. Adams and their satisfactory answers. Mr. Oswald, in an interview with the Count De Vergennes, hinted to him the desire of the Court of London, and the necessity it was under the make peace; and received for answer, that the king was equally disposed to make an honourable and solid peace. Mr. Oswald went to London to carry this information; returned soon, and was immediately followed by Mr. Grenville, the intimate friend of Mr. Fox. Mr. Oswald repeated to Mr. Franklin the assurance of the disposition of the cabinet of St. James; and Mr. Grenville, in answer to his overtures to the Count de Vergennes respecting the disposition of the king of Great Britain, was informed by the express order of the king. *That his Majesty was disposed to negotiate for peace, provided it was general one, and the allies and friends of his Majesty were satisfied*. This answer was just given when the news of the action of the 12th of April reached Europe. Nevertheless, the king of Great Britain sent full powers to Mr. Grenville to negotiate the peace with his Majesty. In communicating to them the English declared, *That the king of England, in order to facilitate peace, was disposed to treat of the independence of the United States with his Majesty, provided all other matters were put upon the footing of the treaty of 1763*.

To this the king answered – 1st. *That the powers of Mr. Grenville were insufficient, as they did not mention the allies of his Majesty*. 2d. *That his Majesty could not himself negotiate for the interests of America, having no powers to this purpose; and that it became the dignity of the king of England and of the United States to open a direct negotiation on this subject*. 3d. *That in order to conclude a solid and lasting peace, it ought not to be founded upon the treaty of Paris, but upon justice and the dignity of all contracting powers*.

The British ministry adopting these observations, sent new powers to Mr. Grenville, authorizing him to treat with all the belligerent powers. Mr. Grenville presented to the Count de Vergennes a copy of these powers, declared, *that the king of England, being disposed to acknowledge and declare directly the independence of America, it would no longer be a conditional article of peace*. And as to France, the English plenipotentiary proposed *to take the*

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treaty of Paris for the basis, not of the peace itself, but of the negotiations which were to be entered into.

The Count de Vergennes, on the 21st June, communicated to Mr. Grenville the answer of the king. On this communication his Majesty declared his wishes for the restoration of peace, and his satisfaction that the king of Great Britain was disposed to treat with all the belligerent powers, and that he intended to make a direct acknowledgement and declaration of the independence of the United States of America, and that this point would no longer be a conditional article of a general pacification. That the king consents to adopt, according to the proposition of the king of England, the treaty of Paris for a basis of the negotiation, not as a confirmation of all its stipulations, but with exceptions and alterations respecting the East Indies, Africa, the fisheries of Newfoundland, and commercial regulations in Europe to mutual advantage. Restitution and compensation to be treated of, when the negotiation shall be established with respect to which the king will be governed by the principles of justice and moderation, which are the basis of his policy. If these overtures are agreeable to the king of England, his Majesty will explain himself precisely on the different points. His Majesty expects that his Britannick Majesty will make to all the belligerent powers and states, without delay, such overtures as he may think conductive to promote the negotiation as far as it respects their interests. That no doubt may be left with respect to his Majesty's sentiments, he declares anew, that he will neither treat nor terminate any negotiation, unless the interests of his allies and friends shall be conjunctly discussed and determined, or separately, according to the wishes of his Britannick Majesty and the allied and friendly powers of his Most Christian Majesty.

Such was the states of affairs on the 28th of June, at which time there appeared some obstructions to the negotiation, owing, as it was believed, to the misunderstanding which prevailed among the British ministers. Terviversations were discovered on the part of the English negotiator. The bill authorizing the king of England to treat the colonies of America had then passed. These uncertainties made it essential to guard against British emissaries on the continent of America; and to prevent with all care their admission; and to recommend the same measure to the several legislatures.

The minister finished the conference by informing the committee of the fortitude of the king on receiving the news of the action of the 12th of April. He immediately gave orders for constructing twelve ships of the line, the greater part of the first date. The city of Paris and several other cities and corporations had offered some others, and it was expected that the king would, in the course of next campaign, have twenty ships to oppose the enemy. His Majesty was resolved not to make the least alterations in his plans for the future negotiation; and he exhorted his allies to the same resolution and to the same exertions.

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Ordered, That the foregoing communications be referred to a committee of five to report.

The committee – Mr. [James] Duane, Mr. [John] Rutledge, Mr. [Joseph] Montgomery, Mr. [James] Madison and Mr. [Daniel] Carroll.

September 28, 1782 –

1) On a report of the committee, consisting of Mr. [Arthur] Lee, Mr. [Ralph] Izard and Mr. [James] Duane, appointed to prepare a commission and instructions, and a draft of a treaty of amity and commerce with the king of Sweden, Congress, by the vote of nine states, agreed to the following

PLAN OF A TREATY OF AMITY AND COMMERCE BETWEEN THE UNITED STATES AND THE KING OF SWEDEN

(See pages 610-621).

2) COMMISSION TO THE HONOURABLE B. FRANKLIN, ESQUIRE, FOR NEGOTIATING A TREATY OF AMITY AND DOCMMERCE WITH THE KING OF SWEDEN.

(See pages 621-624).

October 4, 1782 –

1) On a report of a committee, consisting of Mr. [James] Duane, Mr. [John] Rutledge, Mr. [Daniel] Carroll, to whom were referred despatches from the Hon. J. Jay, of the 25 June, and from the Marquis de la Fayette, of the 25 and 29 of the same month, Congress agreed to the following act:

Whereas by the Articles of Confederation and perpetual union, the sole and exclusive right of making peace is vested in the United States in Congress assembled; and by the treaty of alliance between his Most Christian Majesty and these United States, it is declared that neither of the contracting parties shall conclude peace or truce with Great Britain without the consent of the other; and the ministers plenipotentiary of these United States in Europe are vested with full power and authority in their behalf, and in concert with their allies, to negotiate and conclude a general peace. Nevertheless it appears that the British court still flattered itself with the vain hope of prevailing on the United States to agree to some terms of dependence upon Great Britain, or at least to a separate peace; and there is reason to believe that commissioners may be sent to America to offer propositions of that nature to the United States: or that secret emissaries may be employed to delude and decisive. In order to extinguish ill founded hopes, to frustrate insidious attempts, and to manifest to the whole world the purity of the intentions and the fixed and unalterable determination of the United States:

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Resolved, unanimously, That Congress are sincerely desirous of an honourable and permanent peace; that as the only means of obtaining it, they will inviolably adhere to the treaty of alliance with his Most Christian Majesty, and conclude neither a separate peace or truce with Great Britain; that they will prosecute the war with vigor, until, by the blessing of God on the united arms, peace shall be happily accomplished, by which the full and absolute sovereignty and independence of these United States having been duly assured, their rights and interests, as well as those of their allies shall be effectually provided for and secured.

That Congress will not enter into the discussion of any overtures for pacification, but in confidence and in concert with his Most Christian Majesty: That to guard against the secret artifices and machinations of the enemy, it be, and hereby is, recommended to the respective states, to be vigilant and active in detecting and seizing all British emissaries and spies, that it be enjoined on all officers of departments charged with persons coming from the enemy under the protection of flags of truce, to take special care that such persons do not abuse their privileges, but be restrained from all intercourse with the country and inhabitants, which is not necessary for transacting the public business on which they may be sent: and lastly, it is recommended [to the several states that no subjects of his Britannick Majesty, coming directly or indirectly from any part of the British dominions, be admitted into any of the United States during the war].

Ordered, That the Honourable the minister plenipotentiary of France be furnished with a copy of the above act, and that copies be transmitted to the ministers of these states at foreign courts, and that in the mean time it be published.

<u>October 17, 1782</u> –

1) On the motion of Mr. [James] Madison, seconded by Mr. [James] Duane,

Resolved, That the Secretary for Foreign Affairs inform the several ministers of the United States in Europe that it is the desire and express direction of Congress that they transmit full frequent communications as well of their proceedings with the courts at which they respectively reside as of those which relate to negotiations for peace, and also of all such other transactions and events as may in any manner concern the United States.

2) The Committee to whom was referred the letter of Gov. Clinton together with the Deposition of Joel Bigalow relative to certain acts of Hostility which had taken place in the County of Cumberland by an armed force under the arms of Ethan Allen beg leave to report:

That it appears to them from the said letter and deposition, that disturbances have arisen in a certain District called New Hampshire Grants claiming to be an Independent Sovereign State by the stile of State of Vermont which District together with the States of New Hampshire and

Produced by Union States Assembly

New York, have voluntarily submitted their claims to the decision of Congress and that the said dispute is now depending before Congress undecided.

Your Committee therefore do not think themselves at liberty to advise any measure to be taken by Congress which might prejudge such decision as Congress may think proper to take on the matter thus submitted to them.

But your Committee esteem it highly necessary for the welfare of the Union, and for giving vigor to the operations of the United force of America against the common enemy that internal peace should be preserved as well between the respective members of the Union as within each District thereof and therefore submit the following Resolution:

Resolved, That Congress recommend to the Inhabitants of the District called State of Vermont to desist from all measures which may tend to the disturbance of the peace and tranquility of the Union, which if not strictly adhered to must inevitably produce the most serious consequences as well to the Union in general as to the good people inhabiting the said State.

And in order that an effectual stop may be put further animosities and disturbances among the States of New York, New Hampshire and Vermont and the people claiming to be Citizens of those States your Committee recommend the following resolve, viz.

Resolved, That tomorrow week be appointed to take into consideration and finally determine on the report of the Committee of the 17th April last relating to the dispute concerning the Jurisdiction of the said District called New Hampshire Grants.

October 18, 1782 –

1) The ordinance for regulating the Post Office was read a third time, and passed as follows:

AN ORDINANCE FOR REGULATING THE POST OFFICE OF THE UNITED STATES OF AMERICA.

See pages 670-678

October 23, 1782 –

1) On a report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [Ralph] Izard, Mr. [Theodorick] Bland, and Mr. [James] Duane, appointed to consider and report the most and just practicable means of reducing the expenditures of the United States:

Resolved, That the establishment of the quartermaster's department, by resolution of Congress of the 15 July, 1780, be, from and after the first day of January next, repealed, and the following regulations then adopted in its stead:

Produced by Union States Assembly

Resolved, That there be one quartermaster general; the present quartermaster general to be continued in office, and hereafter, as vacancies arise, to be appointed by Congress:

That the quartermaster general, with the approbation of the Commander in Chief, appoint the following officers for the armies of the United States, viz.

For the main army. One deputy quartermaster; one waggonmaster; one commissary of forage; one director, and one sub-director, of a company of artificers:

For the southern army. One deputy quartermaster; one deputy commissary of forage; one deputy waggonmaster; one director, and one sub-director, of a company of artificers: and as many assistants as the service may require in the main and southern army, to perform the duties of quartermasters of brigades, storekeepers, clerks, and such other duties in the quartermaster's department as the service may require, and also as many wagon conductors . . .

2) *Resolved*, That the quartermaster general, with the approbation of the Secretary at War, shall appoint so many assistants to reside in several states as the public service may require.

That all officers in the quartermaster general's department, of denomination, shall take the oaths of allegiance and the oath of office prescribed by Congress, before they enter on business.

That the quartermaster general make a return of the names and station of each person to be appointed in his department.

That in settling the accounts of officers in the said department, no pay or allowance whatever be granted to any person employed therein, whose name and employment, together with a certificate of his having taken the aforesaid oaths, shall not have been returned within two months after his acceptance of such office.

<u>October 26, 1782</u> –

1) The supplemental ordinance for regulating the Post Office of the United States of America, was read a third time, and passed as follows:

A SUPPLEMENTAL ORDINANCE FOR REGULATING THE POST OFFICE OF THE UNITED STATES OF AMERICA

(See pages 688-689).

<u>November 2, 1782</u> –

Produced by Union States Assembly

1) The committee, consisting of Mr. [James] Duane, Mr. [David] Ramsay and Mr. [Samuel] Wharton, to whom was referred a letter a 1, from Secretary at War, report,

That they have had a conference with the two deputies of the Catawba nation of Indians: that their mission respects certain tracts of lands reserved for their use in the State of South Carolina, which they wish may be so secured to their tribe as not to be intruded into by force, nor alienated even with their own consent; Whereupon,

Resolved, That it be recommended to the legislature of the State of South Carolina, to take such measures for the satisfaction and security of the said tribe as the said legislature shall in their wisdom think fit.

Ordered, That in consideration of the fidelity of the said tribe in the cause of the United States, the Secretary at War make the said two deputies presents, not exceeding the value of two hundred dollars.

November 5, 1782 –

1) On motion of Mr. [David] Howell, seconded by Mr. [Samuel] Osgood,

Resolved, That all committees appointed by the last Congress, and having business before them, be, and they are hereby, authorized to proceed in the same, and that they make report as soon as may be.

2) That the preliminary required of the people, inhabiting the territory called Vermont, by a resolve of August 20, 1781, as indispensably necessary to the recognition of their independence, has been complied with on their part.

A division was called for, and on the questions to postpone the consideration of the resolution proposed by the committee, and the yeas and nays being required by Mr. [James] Duane, so it was resolved in the affirmative.

November 12, 1782 –

1) On a motion of Mr. [James] Madison, seconded by Mr. [Theodorick] Bland,

Resolved, That the appointment of Thomas Jefferson, Esquire, as a minister plenipotentiary for negotiating peace, made on the fifteenth day of June, 1781, be and the same is hereby renewed, and that on his acceptance thereof he be invested with all the powers and be subject to all the instructions which have been or may be issued by Congress to the ministers plenipotentiary for negotiating peace in the same manner as if his original appointment had taken effect.

Produced by Union States Assembly

November 25, 1782 –

1) On a report of a committee, consisting of Mr. [Hugh] Williamson, Mr. [James] Madison and Mr. [Richard] Peters, to whom was referred a motion of Mr. [James] Madison:

Resolved, That the Secretary for foreign affairs be, and he is hereby authorized to communicate to the ministers of foreign powers, who may reside near Congress, all such acts and resolutions of Congress, and all such articles of intelligence received by Congress, as he may judge proper, those only excepted which Congress may specially require to be kept secret, [in which cases he shall make previous application to Congress].

December 5, 1782 –

1) A motion made by Mr. [Thomas] McKean, seconded by Mr. [Alexander] Hamilton, in the words following:

Whereas it appears to Congress, by authentic documents, that the people inhabiting the district of country on the west side of Connecticut river, common called the New Hampshire Grants, and claiming to be an independent State, in contempt of the authority of Congress, and in direct violation of their resolutions of the 24 of September, 1779, and of the 2 June, 1780, did, in the month of September last, proceed to exercise jurisdiction over the persons and property of sundry inhabitants of the said district, professing themselves to be subjects of, and to owe allegiance to the State of New York, by means whereof divers of them have been condemned to banishment, not to return on pain of death and confiscation of estate; and others have been fined in large sums and otherwise deprived of property; therefore

Resolved, That the said acts and proceedings of the said people, being highly derogatory to the authority of the United States, and dangerous to the Confederacy, require the immediate and decided interposition of Congress, for the protection and relief of such as have suffered by them, and for preserving peace in the said district, until decision shall be had of the controversy, relative to the jurisdiction of the same:

That the people inhabiting the said district claiming to be independent, be, and they are hereby, required, without delay, to make full and ample restitution to Timothy Church, Timothy Phelps, Henry Evans, William Shattuck and such others as have been condemned to banishment and confiscation of estate, or have otherwise been deprived of property since the first day of September last, for the damages they have sustained by the acts and proceedings aforesaid; and that they be not molested in their persons or properties, on their return to their inhabitants in the said district:

Produced by Union States Assembly

That the United States will take effectual measures to enforce a compliance with the aforesaid resolutions, in case the same shall be disobeyed by the people of the said district:

That no persons holding commissions under the State of New York, or under the people of the said district claiming to be independent, exercise any authority over the persons and properties of any inhabitants in the said district, contrary to the aforementioned resolutions of the 24 September, 1779, and the 23 June, 1780:

That a copy of the aforegoing resolutions be transmitted to Thomas Chittenden, esq. of Bennington, in the district aforesaid, to be communicated to the people thereof.

December 12, 1782 –

1) On the report of a committee, consisting of Mr. [Daniel] Carroll, Mr. [Samuel] Osgood and Mr. [John Taylor] Gilman, to whom were referred the letter and report of the Secretary at War, on the subject of future promotions of colonels or lieutenant colonels commandant to the rank of brigadiers:

Resolved, That for the purpose of promotions of colonels or lieutenant colonels commandant in the army of the United States, to the rank of brigadiers, the army of the United States shall be considered as classed in the following divisions: the eastern, the middle, and the southern: the troops of New Hampshire, Massachusetts, Rhode Island, and Connecticut, shall form the eastern: those of New York, New Jersey, Pennsylvania, Delaware and Maryland, the middle: and those of Virginia, North Carolina, South Carolina and Georgia, the southern division.

That whensoever it shall be deemed necessary for the command of troops in service, to appoint brigadiers in any state or states, where the number of troops in the field are sufficient to form one or more brigades, the brigadiers shall be appointed from the senior colonels or lieutenant colonels commandant in the lines of such states; and when brigadiers shall be wanted to command brigades within any of the divisions composed of the troops of such states who have not individually numbers in the field sufficient to form a brigade, the brigadiers shall be appointed from the senior colonels or lieutenant colonels commandant in such brigades.

December 16, 1782 –

1) The committee, consisting of Mr. [Alexander] Hamilton, Mr. [James] Madison and Mr. [Thomas] Fitzsimmons, to whom was referred the letter, of 30 November, from the Hon. William Bradford, Speaker of the lower house of the Assembly of the State of Rhode Island, containing under three heads the reasons of that State for refusing their compliance with the recommendation of Congress for a duty on imports and prize goods, report,

(See pages 798-810).

Produced by Union States Assembly

December 17, 1782 –

1) The committee, consisting of Mr. [Alexander] Hamilton, Mr. [James] Madison and Mr. [Thomas] Fitzsimmons, to whom was referred a motion of Mr. [Abraham] Clark, report as their opinion, that the deputation appointed to go to the State of Rhode Island, ought to proceed as soon as possible.

Resolved, That Congress agree to the said report.

December 23, 1782 –

1) The committee consisting &c. to whom was referred the motion of Mr. [Richard] Peters with respect to keeping information received by Congress or the proceedings of Congress secret so far as the same may be directed submit the following report.

That it has heretofore been thought expedient by a former Congress that each member on taking his seat should subscribe a Declaration binding him in the most solemn manner to keep the secrets committed to him as Member of Congress, and your Committee are of opinion that a similar practice is at least as necessary at this time as in any former period. They therefore propose the following declaration to be signed by each Member of the United States in Congress assembled at present acting therein and by all persons who shall hereafter take their seats as such.

I, A.B., do most solemnly pledge my faith and sacred honour, that I will on no account whatsoever divulge in the whole or in part any information received by Congress or any of their proceedings specially directed to be kept secret, or shall be by them declared to be in their nature secret, without previously obtaining the leave of Congress for that Purpose either by a general or special order; and that I will hold any person who shall violate this declaration as unworthy the society of men of honour and probity and of course an improper and faithless member of a Body whose political influence and weight of character so much depends on the individual reputation of its members – and I so hold myself bound by this declaration as well while I shall remain a member of that body as after I shall become a private citizen.

Ordered, That all matters specially directed to be kept secret shall be noted particularly in the journals by the Secretary, that no mistakes may arise on the subject.

That all informations from or communications to ministers of these States in foreign Parts and all Plans Designs or Information respecting intended military expeditions shall be in their nature deemed secret and not to be communicated without special license of Congress.

December 24, 1782 –

Produced by Union States Assembly

1) The supplementary ordinance for regulating the Post Office was read a third time, and passed as follows:

AN ORDINANCE FOR AMENDING AN ORDINANCE FOR REGULATING THE POST OFFICE OF THE UNITED STATES OF AMERICA.

(See page 830).

2) On motion of Mr. [John] Rutledge, seconded by Mr. [Thomas] Fitzsimmons,

Resolved, That the Postmaster General be directed to continue the southern post to Savannah, in Georgia; and that the Superintendant of finance furnish the money necessary for that purpose.

3) Congress having received information that the State of Virginia has repealed its law agreeing to the duty on imports and prizes:

Resolved, That the deputation to Rhode Island be for the present suspended; and that a committee be appointed to report such further measures as it may be proper for Congress to take upon the subject at large.

December 30, 1782 –

1) His Excellency, the President having informed Congress that the honorable T. Jefferson was arrived in town:

Ordered, That Mr. Jefferson have access to the several offices of Congress, in order that he may gain a knowledge of the affairs of the United States, and prepare himself for the execution of the trust reposed in him.

December 31, 1782 –

1) On a report of a committee, consisting of Mr. [James] Madison, Mr. [John] Rutledge, Mr. [Abraham] Clark, Mr. [Alexander] Hamilton and Mr. [Samuel] Osgood, to whom was referred a letter of 14 October last from the minister plenipotentiary at the Court of Versailles,

Resolved, That the ministers plenipotentiary for negotiating peace be instructed in any commercial stipulations with Great Britain, which may be comprehended in a treaty of peace, to endeavor to obtain for the citizens and inhabitants of the United States a direct commerce to all parts of the British dominions and possessions, in like manner as all parts of the United States may be opened to a direct commerce of British be extended to all parts of the British dominions and possessions in Europe and the West Indies, and the said ministers are informed that this stipulation will be particularly expected by Congress, in case the citizens and subjects

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of each party are to be admitted to an equality in matters of commerce with the natives of the other party.

Notes taken in debate by James Madison:

1) November 14, 1782 –

The proceedings were confined to the Report of the Committee on the case of Vermont entered on the Journals. As it was notorious that Vermont had uniformly disregarded the Recommendation of Congress, of 1779, the Report which ascribed the evils prevalent in that district to a late act of N.Y. which violated that recommendation was generally admitted to be unjust & unfair. Mr. Howel was the only member who openly supported it. The Delegates from N.Y. denied the fact that any violation had been committed on the part of that State. The temper of Congress on this occasion as the yeas and nays shew, was less favorable to Vermont than on any preceding one, -- the effect probably of the territorial Cession of N. York to the U.S. In the course of debate Mr Howel cited the case of Kentucky as somewhat parallel to that of Vermont, said that the late erection of a separate Court by Virg for the former resembled the issuing of Commissions by N.Y. to the latter that the jurisdiction would probably be equally resisted & the same violences would follow as in Vermont. He was called to order by Mr. Madison. The President & plurality of Congress supported and enforced the call.

Produced by Union States Assembly

Summary of 1783

January 1, 1783 –

1) On a report of the Secretary for foreign affairs:

The minister plenipotentiary of his Most Christian Majesty having communicated to Congress, through the Secretary for foreign affairs on the 7th instant the resolution taken to embark the army under the command of the Count de Rochambeau, and on the 29th, their having actually embarked and sailed; together with his Majesty's intention to direct them to return whenever an object should offer, in which they might effectually co-operate with the troops of the United States:

Resolved, That the Secretary for foreign affairs inform the Minister of France, that though Congress cannot see without regret, the departure of an army to whose bravery and good conduct they are so greatly indebted for the reduction of the enemy's force in this country, yet that they have too much confidence in the attention of his Majesty to the interests of the alliance, not to be persuaded that the order for their departure was dictated by a conviction that they could elsewhere be more usefully employed against the common enemy:

That they wish him to make known to his Majesty the grateful sense they entertain of his attention to their immediate interest, manifested in the important aid thus long afforded them, and in his generous determination to direct his troops to return to this country whenever circumstances will admit of an advantageous co-operation with the arms of the United States.

Resolved, That the President make acknowledgments of Congress in a particular manner to this Excellency the Count de Rochambeau, and signify to him the high sense they entertain of the distinguished talents displayed by him with so much advantage to these states, in the most important conjunctures, as well as of the strict and exemplary discipline which have been uniformly conspicuous in the troops under his command, and which have deservedly acquired the admiration and esteem of the citizens of these states, by whom his signal services, and the delicate attention at all ties paid to their private rights, will ever be held in affectionate remembrance.

January 3, 1783 –

1) On a report of the Secretary for foreign affairs, to whom was referred a communication from the Hon. The Minister Plenipotentiary of France:

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The minister plenipotentiary of France transmitted to the Secretary for foreign affairs a note, of which the following is a translation:

NOTE

PHILADELPHIA, December 31, 1782.

The minister plenipotentiary of France underwritten, has had the honour to communicate to the Secretary for the department of Foreign Affairs several facts and circumstances relative to the negotiation that has been opened, at Paris, between the belligerent powers, in order to effect a general peace. That minister will communicate it to Congress; but the undersigned minister plenipotentiary has likewise received orders to express himself to that assembly the satisfaction which the King his master has felt for the conduct they have held on the overtures that were made at different periods by the British commissioners commanding at New York, to bring about a partial negotiation with the United States, or any of them. The King has seen with pleasure the resolutions taken by his allies in those circumstances, and has been pleased to see how much they agree with those he has taken himself. He has observed with an equal satisfaction the unanimity which has subsisted among the different states in the union, who have thought proper to express their sentiments on the subject of a partial peace. The determination they have expressed to reject with abhorrence every proposition of that kind, has fully confirmed his Majesty in the opinion he had formed of their fidelity to fulfil their engagements, and of the wisdom that presides over their councils. The communications made to the secretary for the department of foreign affairs give room to presume, that this just and wise as well as prudent and advantageous conduct will soon bring the allies to a happy termination of the present war. The undersigned minister believes, however, that it is his duty to inform Congress, that at the time British ministry manifested those pacific disposition, they entertained just apprehensions about the fate of several naval operations, which have, on the contrary, had a much more favourable issue than the Court of London seemed to expect. It is possible that those unexpected successes may alter their dispositions; on this supposition the undersigned minister thinks that it becomes the wisdom of the United States not to slacken in their efforts and preparations for an ensuing campaign.

Congress may rest persuaded that his Majesty will, on his side, take all the necessary measures to carry it on with vigor, and that all his resources will be applied to this important object.

(Signed) LE CHR. DE LA LUZERNE

Resolved, That the Secretary for foreign affairs inform the Minister of France, that Congress learn with great pleasure that the steps taken by Congress and the respective states, their constituents, in opposition to the attempts of the British Court to bring about a partial negotiation, has been satisfactory to his Most Christian Majesty: that his Majesty's conduct, in

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the progress of the negotiations commenced in Europe, as it has been communicated to Congress, is sufficient to inspire a just abhorrence of every act derogatory to the principles of the alliance, and serves to fortify the resolutions which his repeated acts of friendship, and a sense of their honour and dignity, had dictated to the United States in Congress assembled, and the states they represent.

2) The court constituted in pursuance of the 9th Article of Confederation, to hear and finally determine the dispute between the states of Pennsylvania and Connecticut, respecting certain lands, having heard and adjudged the said dispute, returned to Congress their proceedings and final sentence and decree:

Ordered, That in pursuance of the said Articles of Confederation, the proceedings and final sentence and decree of the said court be lodged among the acts of Congress.

The commission to the judges was returned with the following endorsement:

"The execution of this commission appears by the schedule to the same annexed.

WM. WHIPPLE, (L.S.)

WELCOME ARNOLD, (L.S)

WM. C. HOUSTON, (L.S)

CYRUS GRIFFIN, (L.S.)

DAVID BREARLEY, (L.S.)

The schedule annexed is in the following words and figures following:

Proceedings of the court of commissioners, holden at Trenton, in the State of New Jersey, 12 November, 1782, to determine a controversy subsisting between the State of Pennsylvania and the State of Connecticut, relative to a disputed territory.

At a court of commissioners, holden in Trenton, in the State of New Jersey, on the twelve day of November, in the year of our Lord one thousand seven hundred and eighty-two, agreeably to the ninth Article of Confederation, and by virtue and in pursuance of the commission and letters patent of the United States in Congress assembled, given under their seal, and dated the twenty-eight day of August, in the year aforesaid, constituting and empowering the persons therein named, to hear and finally determine a controversy subsisting between the states of Pennsylvania and Connecticut, relative to their respective rights and claims to certain disputed lands;

Produced by Union States Assembly

TUESDAY, 12 NOVEMBER, 1782

Present, the honorable David Brearley, and William Churchill Houston, esqrs.

Proclamation for silence being made,

The commission from the United States in Congress assembled, directing the sitting court, was read in the words following, viz.

(Here follows the commission as recited in the Journal of the 28 August last).

The commissioners present took the oath prescribed by the ninth Article of Confederation, and recited in the commission, before the honorable Isaac Smith, esq. one of the justices of the supreme court of judicature of the State of New Jersey, a certificate of which was endorsed on the commission.

Adjourned till to-morrow morning of ten of the clock.

The certificate endorsed on the commission is as follows:

I, Isaac Smith, esquire, one of the justices of the supreme court of judicature of the State of New Jersey, do hereby certify, that on the twelfth day of November, in the year of our Lord one thousand seven hundred and eighty-two, personally appeared before me the honourable David Brearley and William Churchill Houston, esquires, and were severally sworn well and truly to hear and determine the matter in question between the States of Pennsylvania and Connecticut, agreeably to the tenor within the commission, according to the best of their judgment, without favor, affection, or hope of reward. Dated at Trenton, the day and year above.

ISSAC SMITH

WEDNESDAY, 13, NOVEMBER, 1782

Then met, pursuant to adjournment, the honourable David Brearley and William Churchill Houston, esquires, and being a quorum to proceed on business, adjourned till to-morrow morning ten of the clock.

THURSDAY, NOVEMBER 14, 1782

Then met, pursuant to adjournment, the honourable David Brearley and William Churchill Houston, esquires. Adjourned till to-morrow morning ten of the clock.

FRIDAY, NOVEMBER 15, 1782

Produced by the United States Assembly

Then met, pursuant to adjournment, the honourable David Brearley and William Churchill Houston, esquires. Adjourned till to-morrow morning ten of the clock.

SATURDAY, `16 NOVEMBER, 1782

Then met, pursuant to adjournment, the honourable David Brearley and William Churchill Houston, esquires. Adjourned till to-morrow morning ten of the clock.

MONDAY, 18 NOVEMBER, 1782

The court met in pursuant to adjournment, and opened in form. Present, the honorable William Whipple, Welcome Arnold, David Brearley, William Churchill Houston, and Cyrus Griffin, esquires.

The honourable William Whipple, Welcome Arnold, and Cyrus Griffin, esquires, took the oath prescribed by the 9th Article of Confederation, and recited in the commission, before the honourable David Brearley. Esquire, chief justice of the State of New Jersey, a certificate whereof endorsed on the commission.

John Neilson, esquire, was appointed clerk.

The court adjourned till to-morrow morning at ten of the clock.

The certificate endorsed in the commission is as follows:

I, David Brearley, esquire, chief justice of the State of New Jersey, do hereby certify, that on the eighteenth day of November, in the year of our Lord one thousand seven hundred and eighty-two, personally appeared before me the honourable William Whipple, Welcome Arnold, and Cyrus Griffin, esquires, and were severally sworn well and truly to hear and determine the matter in question between the States of Pennsylvania and Connecticut, agreeably to the tenor within the commission, according to the best of their judgment, without favor, affection, or hope of reward. Dated at Trenton, the day and year above.

DAVID BREARLEY

TUESDAY, 19 NOVEMBER 1782

The court met pursuant to adjournment. Present, the honourable William Whipple, president; Welcome Arnold, William Churchill Houston, Cyrus Arnold and David Brearley, esquires.

John Neilson, esquire, took the oath of office as clerk of the court.

Proclamation was made for all persons confirmed to attend the court and be heard.

Produced by the Union States Assembly

William Bradford, jun. Joseph Reed, James Wilson, and Jonathon Dickinson Sergeant, esquires, appearing as agents, and Henry Osborne, esquire, as solicitor for the State of Pennsylvania, produced their credentials and powers as recited in the journals of Congress, in these words:

(Here follows the powers as recited in the Journal of Congress of 16 July, 1782:)

Which being read, were accepted by the court, and their appearance accordingly entered for the State of Pennsylvania.

Eliphalet Dyer, William Samuel Johnson, and Jesse Root, esquires appearing as agents for the State of Connecticut, produce their credentials and powers as they here follows:

Be it known, that we, the governor and company of the State of Connecticut, in America,

(L.S.) have authorised, constituted and appointed, and by these presents do constitute, authorize and

Appoint the honorable Eliphalet Dyer, William Samuel Johnson, and Jesse Root, esquires our agents, procurators and attorneys, in our name and behalf to appear, and as to represent, before the honorable court of commissioners, constituted, appointed and commissioned by the Congress of the United States, pursuant to the ninth Article of Confederation to be holden at Trenton, New Jersey, on the twelfth day of November instant and at all other times and places where said court may be holden, to hear, judge and determine the controversy between the State of Pennsylvania and the State of Connecticut, respecting the title, jurisdiction, possession and claim, to a certain territory of country, contained within the bounds and limits of the royal charter and patent of his Majesty King Charles the second, to the Governor and company of the late English colony of Connecticut, claimed by the State of Pennsylvania. And we do by these presents give and grant to our said agents and attorneys, the said Eliphalet Dyer, William Samuel Johnson, and Jesse Root, esquires, or either of two of them, full and ample powers of attorney and procuration, for us and in our name and stead to pursue, implead, answer and defend, in all and singular, the questions, matters and things that shall be moved, or any way come before said court, relative to the controversy aforesaid; and to solicit, move, act and transact, in all things whatsoever which shall be found requisite and fitting, on the part of us the said Governor and company of the State of Connecticut, as fully and in as ample a manner as we ourselves might or could do, until final judgment shall be had and rendered in the premises. And we do hereby engage to hold good and valid in the law, what our said attorneys shall do in the premises in pursuance of the powers herein given to them, and the instructions they may, from time to time, receive from us, and to ratify and confirm the same, with power to employ counsel learned in the law as they shall judge needful. In testimony whereof, the

Produced by the Union States Assembly

governor has signed these letters of attorney and procuration, and caused the seal of our said State to be affixed to them.

Done at Lebanon, in our State, this first day of November, in the year of our Lord one thousand seven hundred and eighty-two, and in the seventh year of our independence of the United States of America.

JONATHON TRUMBULL

By his Excellency's command:

GEORGE WYLLYS, *Secretary*.

Which being read, were accepted by the court, and their appearance accordingly entered for the State of Connecticut.

A motion was made by the agents for the State of Connecticut, that the petition preferred by the executive council of the State of Pennsylvania to the United States in Congress assembled, praying that a court might be appointed for deciding the controversy subsisting between the said State and the State of Connecticut, or an authentic copy thereof, should be produced and read; which after argument was over-ruled by the court.

A motion in writing was then offered by the agents of the State of Connecticut, in the words following:

TRENTON, *NOVEMBER, A.D. 1782*

State of New Jersey, ss.

At a court of commissioners for the trial of the cause between the States of Connecticut and Pennsylvania, relative to the jurisdiction and property in certain lands lying west of Delaware river, within the charter boundaries of said States.

The agents for the State of Connecticut, saving to themselves all advantages of other and further defence in said cause, beg leave to suggest, inform, and give the court to understand that there are many persons who are tenants, in possession of the lands in controversy, holding, improving and claiming large quantities of said land under titles from the States of Pennsylvania and Connecticut respectively, particularly the two large companies of Delaware and Susquehanna, consisting of more than two thousand persons, many of whose people are in, possessing, improving and holding large tracts of said lands in controversy, under title from the State of Connecticut, whose titles under said States respectively will be material affected by the decision in this case, yet have not been cited or any way legally notified to be present at

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said trial to defend their titles respectively, which, by the rules of proceeding in a course of justice, ought to be done before and farther proceedings are had in said case; and thereupon said agents move this honourable court to cause said companies of Delaware and Susquehanna, and other tenants in possession, holding under title from either of said states, to be duly cited in some proper and reasonable manner, to appear and defend at said trial, if they see cause, before any farther proceedings are had in said cause; and of this they pray the opinion of this honorable court.

E. DYER,

Wm. S. JOHNSON,

J. ROOT

Agents for Connecticut.

After argument, the court adjourned till to-morrow ten of the clock.

WEDNESDAY, 20 NOVEMBER, 1782

The court met; present as yesterday.

The court gave their opinion on the motion yesterday, made in writing by the agents of Connecticut.

That the same cannot be admitted according to the construction of the ninth Article of Confederation, and the tenor and design of the commission under which they may act.

A motion was made by the agents for the State of Pennsylvania, in the words following.

The agents of Pennsylvania, apprehending that the agents of Connecticut design to move the court to postpone or put off the determination of the cause now depending before them, do give notice to the said agents for Connecticut, in the presence of the court, that they, the said agents of Pennsylvania, will oppose any motions of that nature being made after the evidence on the part of Pennsylvania has been opened, or the merits of the cause entered upon; and if the said agents for Connecticut propose to make any such motion, the agents for Pennsylvania do express their willingness that time be given them for that purpose.

Wm. BRADOFRD, Jun.

JOS. REED,

JAMES WILSON,

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JONA. D. SERGEANT.

The court adjourned till to-morrow morning ten of the clock.

THURSDAY, 21 NOVEMBER, 1782

The court met, present as before.

A motion was made by the agents for the State of Connecticut, in these words:

TRENTON, NEW JERSEY, *November, 1782*

Court of Commissioners, case Pennsylvania, v. Connecticut.

And now the agents of the State of Connecticut, unwilling to give any unnecessary delay, but considering the magnitude of this cause, its length and intricacy, and the high importance that it should be thoroughly investigated, and not only justly determined, but in a manner satisfactorily to the partied concerned; and the State of Pennsylvania, not having yet filed any declaration or state of their claim in this court, whereby the agents for Connecticut can know what the demands of Pennsylvania, or what they have to answer to, and knowing there are many exhibits and proofs which will be essentially necessary in the course of said cause, which we have not, nor hath it been in our power to procure, viz. a certain original deed from the Indians, of a large parcel of the lands in dispute, obtained from their chiefs and sachems at their council fire in Onondaga, in A.D. 1763, which is now in England, left there before the commencement of the present unhappy war, and which we have never since been able to obtain; and other necessary evidence and proofs, which on examination we find we are not at present possessed of, which may be wanted in the course of said trial, and not yet knowing what concessions may be made on the part of Pennsylvania, do consent to proceed in the trial of the said cause; at the same time reserving to ourselves the right of moving in any stage of said trial, to have the same postponed, as the nature and exigencies of the case may require, and that the agents of Pennsylvania have on their parts the same advantages, and that this motion be made parcel of the files of this honorable court.

E. DYER,

W.S. JOHNSON,

J. ROOT,

Agents for Connecticut.

Whereupon, the agents for the State of Pennsylvania moved as follows:

The agents of Pennsylvania, in answer to the written motion preferred by the agents of Connecticut, do say, that they are now ready, and have been for some time, to exhibit their claim on the part of Pennsylvania, but have been delayed by the expectation founded on the promise made in the presence of the court by the agents of Connecticut, to file their claim at the same time. Yet they say in answer to that part of the said motion which claims the right of moving in any stage of the trial to have the same postponed, that the court ought not to hear and admit any motion to postpone the trial after the same has begun and proceeded to a hearing of the merits of the cause; and this they pray the opinion of the court.

Wm. BRADOFRD, Jun.

JOS. REED,

JAMES WILSON,

JONA. D. SERGEANT.

21 November, 1782.

After argument the court adjourned till to-morrow ten of the clock.

FRIDAY, 22 NOVEMBER, 1782

The court met: present as before.

The court orders the motions now before them in writing to be filed.

The agents for Pennsylvania laid before the court the following state and representation:

To the honorable the commissioners and judges appointed to hear and finally determine the controversy subsisting between the State of Pennsylvania and the State of Connecticut. The agents of the State of Pennsylvania beg leave humbly to state and represent in behalf of the said State,

1st. That King Charles the Second, then king of Great Britain, on the 4th of March, in the year of our Lord one thousand six hundred and eighty-one, by his letters patent, dated on the same day and year aforesaid, did grant to William Penn, his heirs and assigns, "all that tract or part of land in America, with the islands therein contained, as the same is bounded on the east by the Delaware river, from twelve miles distance northwards of Newcastle town, unto three and fortieth degree of northern latitude, if the said river doth extend so far northward; but if the said river so far as it doth extend, and from the head of the said river the eastern bounds are to be determined by a meridian line to be drawn from the head of the said river unto the said forty-third degree; the said land to extend westward five degrees in longitude, to be computed

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from the said eastern bounds; and the said lands to be bounded on the north by the beginning of the three and fortieth degree of northern latitude, and on the south by a circle drawn at twelves miles distance from Newcastle, northward and westward unto the beginning of the fortieth degree of northern latitude, and then by a straight line westwards to the limits of longitude abovementioned." By which letters patent the jurisdiction and right of government within the limits aforesaid, and also the right of soil were conveyed, and under which Pennsylvania hath been held, settled and possessed.

2d. That the said William Penn, and the succeeding proprietaries of Pennsylvania, at different periods, purchased from native Indians their right of soil within different districts of the limits aforesaid, and received deeds from them for the same, and particularly on the twenty-fifth day of October, in the year of our Lord one thousand seven hundred and thirty-six, the said Indians conveyed to Thomas Penn and Richard Penn, the then proprietaries of Pennsylvania, the full and absolute right of preemption of and in all lands not before sold by them to the said proprietaries within the limits aforesaid.

3d. That the southern bounds of Pennsylvania, so far as the same adjoins Maryland, have long since settled; and the same, so far as the State adjourns upon Virginia, have also been settled of late by a line, called Mason and Dixon's line, continued to the end of five degrees of longitude from the river Delaware; that the northern bounds have always been deemed to extend to the end of the forty-second degree, where the figures 42° are marked on the map, the river Delaware being found to extend so far north, and farther; that the said river, pursuing the east or main branch thereof above the forks at Easton, hath ever been deemed to be one boundary of Pennsylvania, from 12 miles above Newcastle, on the said river, to the said end of the forty-second degree, and that a straight line, from thence to the place where the same southern line boundary of Pennsylvania, commonly called Mason and Dixon's line, continued to the extent of five degrees longitude from the river Delaware, is another boundary of the said State of Pennsylvania.

4th. That the late province of Pennsylvania, on the forth day July, in the year of our Lord one thousand seven hundred and seventy-six, did join with the other twelve, late provinces, now states, in the Declaration of Independence, and soon after established a constitution and government founded on the authority of the people, which they continue still to exercise and enjoy; and they did also join in the Articles of Confederation of the United States; and that being so independent and sovereign, on the twenty-seventh day of November, in the year of our Lord one thousand seven hundred and seventy-nine, they did by an act of their legislature, consisting of the representatives of the freemen of the said Commonwealth of Pennsylvania in general assembly met, duly made and passed according to the directions of their frame of government, vest the right of soil and estate of the late proprietaries of Pennsylvania in the said

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Commonwealth; and that by means thereof, and of the several matters and things herein before set forth, the said Commonwealth, or State of Pennsylvania, is entitled to the right of jurisdiction, and right of soil within the limits aforesaid.

5th. That, nevertheless, sundry persons pretending to claim under the late colony, now State of Connecticut, before the Revolution, have violently settled themselves within the limits aforesaid, and the colony of Connecticut by an act of their legislature, made and passed a short time before the Revolution, have encouraged the said violent settlement and intrusion, and asserted their claim as a colony to a large part of the lands within the limits aforesaid, as well in the point of jurisdiction as territory; and that since the Revolution, the said intrusions are continued and daily increased by the said persons pretending to claim under the State of Connecticut, and the claim of the said State is by the said State still continued and persisted in, and the jurisdiction of the said State actually asserted and exercised, within a part of the State of Pennsylvania, in defiance of all and justice.

Wherefore the said agents do humbly pray, that this honorable court taking into consideration the premises, as well as all other matters and proofs that may be alleged and shewn on the part of Pennsylvania and of Connecticut before you, you will proceed agreeably to the tenor of the ninth Article of Confederation, to determine and decide in the premises according as to right and justice shall be found to appertain.

WILLIAM BRADOFRD, Jun.

JOS. REED,

JAMES WILSON,

JONA. D. SERGEANT.

20 November, 1782.

The agents for Connecticut also exhibited to the court a state of the case on the part of Connecticut, as follows:

The state of the case on the part of Connecticut, exhibited to the honorable court of commissioners at Trenton, November, A.D. 1782.

A.D. 1497, Sebastian Cabot, a subject of England, was employed by Henry the seventh, King of England, to discover a north west passage to China, and in that service, in or about the year one thousand four hundred and ninety-seven, he discovered all the north east coast of America, from Cape Florida, in twenty-five degrees north latitude, to sixty-seven degrees and a half, by which the crown of England became entitled thereto, so far as the right of the first discovery

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could entitle. A.D. 1620, King James the first, in the eighteenth year of his reign, by letters patent, under the great seal of England, gave the name of New England, in America, to all that circuit, continent and limits in America, in breadth, from forty degrees of northerly latitude from the equinoctial line to forty-eight degrees of said northerly latitude, and in length, by all the breadth throughout the main land from sea to sea, with all the rivers, seas, &c. within the same degrees of latitude and longitude; and incorporated the Duke of Lenox, and divers other persons, by the name of the council established at Plymouth, in the county of Devon, for the planting, ruling, ordering and governing of New England, in America; and to them and their successors, grants all the lands, &c. viz. that aforesaid part of America, lying from the equinoctial line of forty-eight degrees of the said northerly latitude, inclusively, and in length, of and within all the breadth aforesaid throughout the main lands, from sea to sea, together also with all the firm lands, soils, grounds, &c. and all and singular other commodities, jurisdictions, royalties, privileges, franchises and pre-eminences, both within the said tract, upon the land upon the main, and also within the said islands and seas adjoining: Provided always, that the said islands or any premises herein before mentioned, and by these presents intended and meant to be granted, were not actually possessed or inhabited by other Christian prince or state, nor within bounds, limits or territories of that southern colony heretofore by us granted, to be planted by divers of our loving subjects in the south part. And did further command and authorize the said council and their successors, or the major part of them, to distribute, convey, assign, and set over such particular portions of said lands, tenements and hereditaments, to such subjects, adventurers and planters, as they should think proper, respect being had as well to proportion of the adventurers as to the special hazard, exploit or merit of any person to be recompensed, advanced or rewarded.

March 19, 1628. The said council of Plymouth granted to Sir Henry Roswell, &c. their heirs and assigns, and their associates forever, all that part of New England, in America aforesaid, which lies and extends between a great river, there commonly called Monomack, alias Merrimack, and a certain other river there, called Charles river, being in the bottom of a bay called Massachusetts, alias Mattachusetts, alias Mattatusetts, alias Massachusetts bay, and all and singular those lands and hereditaments whatsoever, lying within the space of three English miles, on the south part of the said Charles river, or of any or every part thereof, and also all and singular the lands and hereditaments whatsoever, lying and being within the space of three English miles to the southward of the southernmost part of the said bay, called Massachusetts, alias Mattachusetts, alias Mattachusetts Bay, and also all those lands and hereditaments whatsoever, which lie and be within the space of three English miles to the northward of the said river, called Monomack, alias Merrimack, or to the northward of any and every part thereof, and all lands and hereditaments , north and whatsoever, lying within the limits aforesaid, north and south, in latitude and in breadth, and In length and longitude of and within all the breadth aforesaid, throughout the main lands there, from the Atlantic and Western sea

and ocean on the east part, to the South sea, on the west part, and all the lands and grounds, &c. March 4, 1629, King Charles the first, by his letters patent, under the great seal of England, did grant and confirm unto the said Sir Henry Roswell, &c. their heirs and assigns, and their associates, all the said part of New England, in America, lying and extending between the bounds and limits in the said indenture expressed, &c. Provided always, that if the said lands, islands, or any the premises before mentioned, and by the said letters patent, last mentioned, intended and meant to be granted, were, at the time of the granting of the said former letters patent, dated the third day of November, in the eighteenth year of the reign of his late Majesty, King James the First, actually possessed or inhabited by any other Christian prince or state, or within the bounds, limits or territories of the said southern colony then before granted by the said king, to be planted by divers of his loving subjects in the south parts of America, that then the said grants should not extend to any such parts or parcels thereof, so formerly inhabited or lying within the bounds of the southern plantation as aforesaid. But as to those parts or parcels so possessed or inhabited by any such Christian prince or state, or being within the boundaries aforesaid, should be utterly void.

March 19, 1631. Robert Earl of Warwick, president of the council of Plymouth, by his deed, bearing the date of the 19th day of March, Anno Dom. 1631, did give, grant, bargain, sell and confirm unto the right honorable William Viscount Say and Seal, &c. their heirs and assigns, and their associates forever, all that part of New England, in America, which lies and extends itself from a river there called Narraganset river, the space of forty leagues upon a straight line, near the seat shore, towards the south-west, west and by south, or west, as the coast lieth towards Virginia, accounting three English miles to the league; and also all and singular the lands and hereditaments whatsoever, lying and being with the lands aforesaid, north and south in latitude and breadth, and in length and longitude, of and within all the breadth aforesaid, throughout the main lands there, from the Western ocean to the South sea, and all lands and grounds, havens, rivers, waters, fishings and hereditaments whatsoever, lying within the said space, and every part and parcel thereof, and also all islands lying in America aforesaid, in the said seas or either of the, on the western or eastern coasts, or parts of the said tracts of land by these presents mentioned to be given and granted; to have and to hold, until the said William Viscount Say and Seal, &c. their heirs and assigns, and their associates, to their only proper use and behoof for evermore.

The Connecticut people established government, and soon after proceeded to settle on the land aforesaid, upon the right and as associates of the lords Say and Seal, &c. under the patents aforesaid, which lands they were afterwards vested with, having obtained the native right by purchase and conquest, and having settled many towns in the eastern part of said patent, and as far west as the Dutch possessions near Hudson's river, they as early as A.D. 1650, extended

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their claims and possessions on the west side of the Delaware river, and made purchases of large tracts of lands of the Indians there.

In 1635, the said Plymouth company surrendered their patent to the crown.

April 23d, 1662. King Charles the second, by his letters patent under the great seal of England, bearing the date of the 23 day of April, Anno Dom. 1662, ordained, constituted, and declared John Winthrop, John Mason, Samuel Wyllis, and sixteen others by name, and all such others as then were or thereafter should be admitted and made free of the company and society of the colony of Connecticut, in America, should, from time to time, and for ever thereafter, be one body corporate and politic, in fact and in name, by the name of the governor and company of the English colony in Connecticut, in New England, in America, with certain powers, privileges and authorities; and therein granted to them and their successors, all that part of his dominions in New England, in America, bounden on the east by Narragansett river, commonly called Narragansett bay, where the said river falleth into the sea, and on the north by the line of Massachusetts plantation, and on the south by the sea, and in longitude, as the line of the Massachusetts colony, running from east to west, that is to say from Narragansett bay to the east to the South sea on the west, with the islands thereunto adjoining, together with all the firms lands, &c. to have and to hold the same unto the said governor and company, their successors and assigns for ever, upon trust, and to and for the use and benefit of themselves and their associates, freemen of the said colony, their heirs and assigns, to be holden of the king, his heirs and successors, as of his manor of East Greenwich in free and common Isoccage, and not in capite or by knight's service.

Whereby the said governor and company became vested with the right of jurisdiction over, and seized of the crown title, and of the exclusive right of pre-emption to all lands within the boundariesi n said patent mentioned and described, excepting only such part of the same as was then actually in the possession of the Dutch: and in fact the lands in controversy, between the states of Pennsylvania and Connecticut, in this case, are contained within the said limits of the said patent, viz. within a line drawn from the east side of a creek or river, called Momaroneck, where the fresh water falls in to the salt, at high-water mark, west parallel to the south line of the patents to the Massachusetts aforesaid.

March 12, 1664. King Charles, the second, by his letters patent, under the great seal of England, bearing the date of the 12th day of March Anno Dom. 1664, gave and granted unto his royal brother James, Duke of York, all that part of the main land in New England, beginning at a certain place, called and known by the name of Saint Croix, next adjoining to New Scotland, in America, and from thence extending along the sea coast, unto a place called Pennequie or Pennequid, and so up the river thereof to the furthermost head of the same, as it tendeth northward, and extending from thence to the river Kenebequie, and upwards, by the shortest

course, to the river called Canada, northward; and also all that island or islands, commonly called by the several name of names of Mattowacks, or Long Island, situate, lying and being towards the west of Cape Cod and the Narragansetts, abutting upon the main land between the two rivers there called and known by the names of Connecticut and Hudson's river; together also with the said river called Hudson's river, and all the land from the west side of Connecticut river to the east side of Delaware bay; and all the several islands, called or known by the names of Martin's Vineyard and Nantucks, otherwise Nantucket, together with all the lands, soils, islands, &c.

The Dutch and Swedes were at that time possessed of the lands belonging to the late colonies of New York and New Jersey, and had made considerable plantations and improvements there; which settlements aforesaid of the Dutch, &c. they contended were begun as early as in the year 1614, prior to the patent of the council of Plymouth.

April, 1664. King Charles the second, in April 1664, made a conquest of the Dutch at New York; and a settlement of the line between the Duke of York's governments, eastward, and the colony of Connecticut, became necessary.

April 26, 1664. His majesty having constituted and appointed Colonel Richard Nichols, Sir Robert Carr, knight, &c. his commissioners to visit the New England colonies, with full power and authority to hear, receive, examine and determine all complaints and appeals, and proceed in all things for providing for and settling the peace of said country; they did accordingly settle and determine as follows, viz.

November 30, 1664. By virtue of his Majesty's commission, we have heard the difference about the bounds of the patent granted to his royal highness the Duke of York, and to his Majesty's colony of Connecticut; and having deliberately considered the reasons alleged by Mr. Allen, senior, Mr. Gould, Mr., Richards and Captain Winthrop, appointed by the assembly held at Hartford, the 13th of October, 1664, to accompany John Winthrop, esq. the governor of his Majesty's colony of Connecticut, to New York, and by Mr. Howell and Captain Young, why the said Long Island should be under the government of Connecticut, which are too long to be recited. We do hereby declare, and order the southern bounds of his Majesty's colony, is the sea; and that Long Island is to be under the government of his royal highness the Duke of York, as is expressed by plain words in said charters respectively. And also by virtue of his Majesty's commission, and by the consent of both the governors and the gentlemen above named; we do also order and declare, that the creek or river which is called Monoromock, which is reputed to be about twelve miles to the east of West Chester, and a line to be drawn from the east point or side where the fresh water falls into the salt, at high-water mark, north north-west, to the line of the Massachusetts, be the western bounds of the said colony of Connecticut: and all plantations lying westward of that creek and line so drawn, shall be under his royal highness's

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government; and all the plantations lying eastward of that creek and line, to be under the government of Connecticut.

To this the commissioners therein mentioned from Connecticut, subscribed in the words following, viz. "We underwritten, on behalf of the colony go Connecticut, have assented unto the determination of his Majesty's commissioners, in relation to the bounds and, limits of his royal highness the duke's patent, and the patent of Connecticut."

June, 1673. In June, 1673, New York and its territories were recovered by the Dutch, and the government revived again. In 1674, on a treaty of peace between the English and Dutch, signed at Westminster, the English government was stored. June 29, 1674: June 29, A.D. 1674, the Duke of York obtained a renewal of his patent. The duke's governor being uneasy at the former settlement of the line, claimed a resettlement of the same; and after various negotiations and agreements, between November 23d, 1683, and 1733, the line between the duke's government, and the government of the colony of Connecticut, was finally settled, beginning at Biram river, at the sea, a few miles east of the former settlement of said line, and to extend northward to the line of the Massachusetts, as in said settlement is expressed.

King Charles the second, by his latters patent, bearing date the thirty-first year of his reign, gave and granted unto William Penn, his heirs and assigns, all that tract or parcel of land in America, with all the islands therein contained, as the same is bounded on the east of Delaware river, from twelve miles northward of New Castle town, unto the three and fortieth degree of northern latitude, if the said river doth extend so far northward, but if the said river doth not extend so far northward, then by the said river so far as it doth extend; and from the head of the said river the eastern bounds are to be determined by a meridian line, to be drawn from the head of the said river unto the said three and fortieth degree. The said lands extends westwards five degrees in longitude, to be computed from the eastern bounds; and the said lands are to be bounded on the north by the beginning of the three and fortieth degree of northern latitude, and on the south by a circle drawn at twelve miles distance from New Castle, northwards and westwards, unto the beginning of the fortieth degree of northern latitude, and then by a straight line westward to the limits of longitude above-mentioned: to have, hold, possess and enjoy, unto the said William Penn, his heirs and assigns, &c., the northern part of the bounds and limits of which grant interferes with and spread over some parts of western lands before granted to the colony of Connecticut, and confirmed by the renewed charter or patent aforesaid, from King Charles the Second, for about the space of one degree of latitude through the whole breadth of the said grant, being nearly the forty-second degree of north latitude, which occasions the present controversy; of which interference the said William Penn had notice at the time of taking out his patent aforesaid.

The colony of Connecticut, in A.D. 1753, having located and settled all their lands within their patent east of New York, and being in a condition to extend their settlements on the other part of their patent aforesaid, to the westward of the Delaware river, which lay in a wilderness state, and possessed only by Indians; certain companies of adventurers, chiefly from said colony, agreed together to purchase the native right to said lands of the Indians, and to extend the settlements of the colony of Connecticut on the western parts of said patent, and accordingly did, under countenance of the authority of said colony, at different times, make sundry purchase of large tracts of lands of the Indians, native proprietors of said lands, on the Susquehanna and Delaware river, within the limits and bounds of the patent to the governor and company aforesaid; and in A.D. 1754, said companies of adventurers proceeded to and made settlements on said lands so purchased as aforesaid, and ever since have, though with various interruptions, continued to hold and possess the same under the title of the colony of Connecticut. And the legislature of the colony of Connecticut have approved of the purchase and settlements of the adventurers aforesaid, and have actually erected and exercised jurisdiction in and over the said territory, as part and parcel of said colony.

All which rights, powers, privileges and jurisdictions aforesaid, of the colony of Connecticut, on the late happy Revolution, remained as before, vested in the State of Connecticut.

And thereupon the agents for the State of Connecticut pray the judgment of this honorable court in their favour, that they may be quieted in the jurisdiction and property in and over the lands in dispute aforesaid.

ELIPHALET DYER,

Wm. S. JOHNSON,

J. ROOT,

Agents for Connecticut.

The agents for the State of Pennsylvania having further prayed the opinion of the court on the written motions this morning ordered to be filed, the same was given as follows:

The court cannot determine what motions may or may not be proper to be made hereafter; at the same time they think it proper to inform the agents on both sides, that they mean to govern themselves by the principles of law, so far as they ought to apply in the present case.

The court adjourned till to-morrow ten of the clock.

SATURDAY, 23 NOVEMBER, 1782

The court met: present as before.

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A motion was made by the agents for the State of Connecticut, in the words following:

TRENTON, *November 23, 1782*.

Pensylvania v. Connecticut

The agents for the State of Connecticut, sensible that in the course of this trial they will have occasion to make use of man depositions, taken before a justice of the peace according to the laws of the State in which they were taken, respecting the purchase of the Indian sachems, native proprietors of said lands, their deeds and the execution of the settlements that have been made on said lands and sundry other matters which will be necessary in said trial, beg leave now to move for the opinion of the court, whether such depositions, taken as aforesaid, will be admitted as evidence in the case.

DYER,

JOHNSON,

ROOT,

Agents.

Which being followed by a motion from the agents for the State of Pennsylvania, in these words:

NOVEMBER 23, 1782

The agents for Pensylvania, in reply to the written motion just filed by the agents for Connecticut, praying the opinion of the court respecting the admissibility of testimony, before the court proceeds upon a hearing of the cause, and before the testimony be regularly offered, humbly beg leave to object to the same motion, as irregular and unprecedented, and such as the court ought not to decide upon, and of this they pray the opinion of the court.

WM. BRADOFRD, Jun.

JAMES WILSON,

JONA. D. SERGEANT.

The court determined, that they can give no opinion upon the admission of testimony until regularly offered.

The agents for the State of Pensylvania, gave the following notice in writing, viz.

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Pensylvania v. Connecticut

The agents for Pensylvania, anxious for the speedy determination of this cause, and desirous that the agents for Connecticut may have no reason to complain of hardship or surprise, do hereby, in the presence of the court, give notice to the said agents for Connecticut, that they shall conceive it their duty to oppose the admission of any ex parte depositions, as evidence in this cause; and that they shall object to any application for a commission to take the examination of witnesses, and to any motion for delaying this cause on the account of the absence of witnesses, unless such motion or application be forthwith made, so as to avoid unnecessary delay.

WM. BRADOFRD, Jun.

JAMES WILSON,

JONA. D. SERGEANT.

23 November, 1782.

The court adjourned until Monday morning next, ten of the clock.

MONDAY, NOVEMBER 25, 1782

The court met pursuant to the adjournment: present as before.

The agents for the State of Connecticut made the following answer to the notice given by the agents of the State of Pensylvania, on Saturday last, viz.

Pensylvania v. Connecticut

Now the agents for Connecticut, in answer to the notice given them by the agents for Pensylvania on the 23d instant say, that they being desirous of a just as well as a speedy decision of this cause, and that they, relying on the wisdom, equity and justice of this honorable court, that all questions and motions which shall come before them will be righteously determined, are ready to proceed. And that the agents for Pensylvania may not suffer any disadvantage by the first disclosing their exhibits and evidence, the agents of Connecticut are willing, and now offer to go forward in their exhibits and proofs.

ELIPHALET DYER,

JESSE ROOT,

Wm. SAMUEL JOHNSON,

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Agents for Connecticut.

November 25, 1782.

Ordered, That the agents for the State of Pensylvania proceed with their proofs and exhibits.

Whereupon, Mr. Bradford opened the cause, and proceeded accordingly.

The court adjourned till to-morrow morning ten of the clock.

TUESDAY, 26TH NOEVMBER, 1782

The court met: present as before.

The proofs and exhibits continued on the part of Pensylvania.

The court adjourned till to-morrow morning ten of the clock.

WEDNESDAY, 27TH NOEVMBER, 1782

The court met: present as before.

The proofs and exhibits continued on the part of Pensylvania.

The court adjourned till Friday morning next, ten of the clock.

FRIDAY, 29TH NOVEMBER, 1782

The court met: present as before.

The agents for Connecticut proceeded to the proofs and exhibits on the part of the said State.

The court adjourned till to-morrow morning ten of the clock.

SATURDAY, 30TH NOVEMBER, 1782

The court met: present as before.

The proofs and exhibits continued on the part of Connecticut.

The court adjourned till Monday morning next, ten of the clock.

MONDAY, 2D DECEMBER, 1782

The court met: present as before.

On motion of the agents for the State of Pensylvania,

Produced by Union States Assembly

Ordered, That a commission do issue to take the deposition of the right honorable William, Earl of Stirling, the agents of Connecticut having notice thereof.

Farther proofs and exhibits on the part of Connecticut.

The court adjourned till to-morrow morning ten of the clock.

TUESDAY, 3D DECEMBER, 1782

The court met: present as before.

The agents of Pensylvania, in order to remove the doubts which were suggested by the agents of Connecticut, and entertained by some of the members of the court, as to their former powers, produced a new commission of agency, which is in the words following:

Pensylvania, ss.

In the name and by the authority of the freemen of the Commonwealth of Pensylvania:

The president and supreme executive council of the said Commonwealth:

To William Bradford, jun. esquire, attorney-general of the said Commonwealth, Joseph Reed, James Wilson, Jonathon Dickinson Sergeant, and Henry Osborne, esquires.

We, reposing especial trust and confidence in your prudence, integrity and abilities, do by these presents constitute and appoint you, the said William Bradford, jun. Joseph Reed, James Wilson and Jonathon Dickinson Osborne, our solicitor and agent, in the cause now depending before the honorable the commissioners and judges, appointed by the virtue of the ninth Article Confederation of the United States of America, to hear and finally determine the controversy subsisting between the Commonwealth of Pensylvania and the State of Connecticut: hereby ratifying and confirming all, and whatsoever you our said counsellors and agents, or any two of you, shall lawfully do or cause to be done, or heretofore have lawfully done or caused to be done, touching the said cause between the said states of Pensylvania and Connecticut.

Given in council, under the hand of the president and the seal of the State, at Phildelphia, this thirtieth day of November, in the year of our Lord on thousand seven hundred and eighty-two.

Attest:

T. MATLOCK, *Secretary*.

The agents for the State of Connecticut continued their proofs and exhibits.

The court adjourned till to-morrow morning ten of the clock.

Produced by the Union States Assembly

WEDNESDAY, 4th DECEMBER, 1782

The court met: present as before.

The proofs and exhibits, on the part of Connecticut, continued.

The agents for the State of Connecticut, having offered in evidence the proofs or attestation annexed to a certain deed, signed by Kahick Toton and other Indians, dated 11 July, 1754; which deed had yesterday been admitted to be read; the agents for the State of Pensylvania objected to the reading of the said proofs and attestation, alleging that they contained sundry circumstances relating to the manner of obtaining the said deed, which were improper to be given in evidence, whereupon, after argument, the court ruled that the same be read.

The court adjourned till to-morrow morning ten of the clock.

THURSDAY, 5th DECEMBER, 1782

The court met: present as before.

The proofs and exhibits, on the part of Connecticut, continued.

On motion of the agents for the State of Pensylvania,

James Van Acken, esq. of that State, was sworn to give evidence in the cause.

The court adjourned till to-morrow morning ten of the clock.

FRIDAY, 6th DECEMBER, 1782

The court met: present as before.

The proofs and exhibits, on the part of Pensylvania, resumed.

The court adjourned till to-morrow morning ten of the clock.

SATURDAY, 7th DECEMBER, 1782

The court met: present as before.

Proofs and exhibits, on the part of Pensylvania, continued.

The court adjourned until Monday morning next, ten of the clock.

MONDAY, 9th DECEMBER, 1782

The court met: present as before.

Produced by Union States Assembly

Proofs and exhibits, on the part of Pensylvania, concluded.

Proofs and exhibits, on the part of Connecticut, resumed and concluded.

The court adjourned till to-morrow morning ten of the clock.

TUESDAY, 10th DECEMBER, 1782

The court met: present as before.

The proofs and exhibits, on the part of Pensylvania, and on the part of Connecticut, being finished,

Ordered, That the agents proceed in the arguments alternately, and that once conclude on the part of the State of Pensylvania.

Mr. Root, one of the agents for the State of Connecticut, proceeded to argue the cause.

The court adjourned till to-morrow morning ten of the clock.

WEDNESDAY, 11th DECEMBER, 1782

The court met: present as before.

Mr. Sergeant proceeded with the argument on the part of the State of Pensylvania.

The honorable Samuel Wharton and Richard Peters, esquires, were produced as witnesses by the agents for the State of Pensylvania, and their evidence taken.

The court adjourned till to-morrow morning ten of the clock.

THURSDAY, 12th DECEMBER, 1782

The court met: present as before.

Mr. Sergeant continued the argument on the part of the State of Pensylvania.

His Excellency Governor Livingston was produced as a witness by the agents for the State of Pensylvania, and his evidence taken.

The court adjourned till to-morrow morning ten of the clock.

FRIDAY, 13th DECEMBER, 1782

The court met: present as before.

Mr. Dyer proceeded with the argument on the part of the State of Connecticut.

Produced by Union States Assembly

The court adjourned till to-morrow morning ten of the clock.

SATURDAY, 14th DECEMBER, 1782

The court met: present as before.

Mr. Dyer continued the argument on the part of the State of Connecticut.

Mr. Wilson proceeded with the argument on the part of the State of Pensylvania.

The court adjourned until Monday morning next, ten of the clock.

MONDAY, 16th DECEMBER, 1782

The court met: present as before.

The court adjourned till to-morrow morning ten of the clock.

TUESDAY, 17th DECEMBER, 1782

The court met: present as before.

The court adjourned till to-morrow morning ten of the clock.

WEDNESDAY, 18th DECEMBER, 1782

The court met: present as before.

The court adjourned till to-morrow morning ten of the clock.

THURSDAY, 19th DECEMBER, 1782

The court met: present as before.

Mr. Wilson continued the argument on the part of the State of Pensylvania.

The court adjourned till six o'clock this afternoon.

SIX O'CLOCK P.M.

The court met: present as before.

Mr. Wilson continued the argument on the part of the State of Pensylvania.

The court adjourned till to-morrow morning ten of the clock.

FRIDAY, 20th DECEMBER, 1782

Produced by Union States Assembly

Mr. Wilson continued the argument on the part of the State of Pensylvania.

The court adjourned till to-morrow morning ten of the clock.

SATURDAY, 21 DECEMBER, 1782

The court met: present as before.

Mr. Johnson proceeded with the argument on the part of the State of Connecticut.

The court adjourned until Monday morning next, ten of the clock.

MONDAY, 23 DECEMBER, 1782

The court met: present as before.

Mr. Johnson continued the argument on the part of the State of Connecticut.

The court adjourned till six o'clock this afternoon.

SIX O'CLOCK P.M.

The court met: present as before.

Mr. Johnson concluded the argument on the part of the State of Connecticut.

The court adjourned till to-morrow morning ten of the clock.

TUESDAY, 24 DECEMBER, 1782

The court met: present as before.

Mr. Reed proceeded with the argument on the part of the State of Pensylvania.

The court adjourned till six o'clock this afternoon.

SIX O'CLOCK P.M.

The court met: present as before.

Mr. Reed concluded the argument on the part of the State of Connecticut.

The court adjourned till to-morrow morning ten of the clock.

WEDNESDAY, 25 DECEMBER, 1782

The court met: present as before.

Produced by Union States Assembly

The court adjourned till to-morrow morning ten of the clock.

THURSDAY, 26 DECEMBER, 1782

The court met: present as before.

The commission for taking the deposition of the right honorable William, Earl of Stirling, being returned with the deposition annexed:

Ordered, That the same be filed.

The court adjourned till to-morrow morning ten of the clock.

FRIDAY, 27 DECEMBER, 1782

The court met: present as before.

The court adjourned till to-morrow morning ten of the clock.

SATURDAY, 28 DECEMBER, 1782

The court met: present as before.

The court adjourned until Monday morning next, ten of the clock.

MONDAY, 30 DECEMBER

The court met: present as before.

The agents attending, the court pronounced the following sentence or judgment:

This cause has been well argued by the learned counsel on both sides. The court are now to pronounce their sentence of judgment.

We are unanimously of opinion, that the State of Connecticut has no right to the lands in controversy.

We are also unanimously of opinion, that the jurisdiction and pre-emption of all territory lying within the charter boundary of Pensylvania, and now claimed by the State of Connecticut, do of right belong to the State of Pensylvania.

W. WHIPPLE,

WELCOME ARNOLD,

TRENTON, 30 December, 1782. Wm. C. HOUSTON

Produced by Union States Assembly

CYRUS GRIFFIN,

DAVID BREARLEY.

The court adjourned without day.

Wm. WHIPPLE, President.

Attest,

JOHN NEILSON, *Clerk*.

January 15, 1783 –

1) the honorable the minister plenipotentiary of his Most Christian Majesty having notified to Congress, that the term allowed to the capitulants of St. Christophers, Nevis and Montserat, for receiving cargoes from Great Britain, and for loading back the vessels under neutral colours, for that kingdom, is expired; and that the governor general of those islands is instructed to grant no more permits for such purposes.

Ordered, That the notification be published.

January 17, 1783 –

1) On the report of a committee, consisting of Mr. [John] Rutledge, Mr. [Thomas] Mifflin and Mr. [Hugh] Williamson, to whom was referred a letter of 19 December last, from Major-General Greene, giving information of the evacuation of Charlestown, by the British, and of our being by that event in complete possession of all the southern states:

Resolved, That the thanks of the United States in Congress assembled, be presented to Major General Greene, for his may signal and important services; and that he be assured that Congress retain a lively sense of the frequent and uniform proofs he has given of prudence, wisdom and military skill, during his command in the southern department.

Resolved, That General Greene be desired to present the thanks of the United States in Congress assembled, to the officers and private soldiers under his command, who, in all the vicissitudes of season, under numerous inconveniences of long and rapid marches in a country plundered and desolated by an enemy greatly superior in force, have surmounted every difficulty and danger, and manifested such bravery, perseverance and fortitude, as to do honor to themselves and the cause they have so zealously and successfully supported.

January 21, 1783 –

Produced by Union States Assembly

1) A letter of 8 October, 1782, from the honourable J. Adams, was read, accompanied with a certified copy of a treaty of amity and commerce, and of a convention respecting re-captured vessels, agreed to between their High Mightinesses the States General of the Netherlands, and the United States of America, on the 8th day of October, 1782.

January 22, 1783 –

1) The form of a ratification being brought in and agreed to, the contract between his Most Christian Majesty and the United States of America, entered into on the 16th July, 1782, was ratified as follows:

[Scribe's notes: See pages 51-64. This is about the repayment of 18 million livres that has been borrowed, with a due date of repayment, with 5 percent interest, of the first of January 1788].

January 23, 1783 –

1) On a report of a committee, consisting of Mr. [James] Madison, Mr. [Alexander] Hamilton, and Mr. [Oliver] Ellsworth, to whom were referred the letter of the 8th of October, 1782, from the minister plenipotentiary at The Hague, with copies of a treaty of amity and commerce, and a convention concerning vessels recaptured. (See page 65 for report).

2) *Resolved*, That the said treaty of amity and commerce, and the said convention concerning vessels recaptured, between their High Mightinesses of the States General of the Netherlands, and the United States of America, dated at The Hague, the 8th day of October, 1782, be accepted and ratified, and that the forms of the ratifications be as follows:

(See pages 66- 82).

January 24, 1783 –

1) The committee [Mr. James Madison, Mr. Hugh Williamson and Mr. Thomas Mifflin] instructed on the motion of Col. [Theodorick] Bland to report a list of books proper for the use of Congress, recommend that the Superintendent of Finance and the Secretary of Congress be empowered to take order for procuring the books enumerated below: the same when procured to be under the care of the said Secretary.

(See pages 83-92).

January 27, 1783 –

1) The delegates of Virginia laid before Congress an act of their legislation, repealing the act entitles "an act to enable the Congress of the United States to levy a duty on certain goods and merchandises, and also on prizes;" also sundry resolutions of the legislature.

Produced by Union States Assembly

Congress proceeded on the order of the day, but came to no resolution thereon.

January 29, 1783 –

1) Congress proceeded in the consideration of the subject under debate, agreeable to the order of the day; and,

On motion of Mr. [John] Rutledge, seconded by Mr. [Theodorick] Bland,

Resolved, That Congress be resolved into a committee of the whole, to consider of the most effectual means of restoring and supporting public credit; and that the motion before the house be referred to that committee.

(See pages 97-98).

January 31, 1783 –

1) A grand committee, consisting of a member from each State, to whom was referred the report of a committee on "the mode of estimating the value of lands in the United States, with the buildings and improvements thereon, for the purpose mentioned in the Articles of Confederation," brought in a report, and the same being read:

Ordered, That it be referred to the committee of the whole.

Congress was then resolved in to a committee of the whole, and after some time the President resumed the chair, and Mr. [Daniel] Carroll reported, that the committee of the whole have had under their farther consideration the subjects referred to them, and have made some progress, but not having come to a conclusion, desire leave to sit again on Monday.

Ordered, that leave be granted.

February 5, 1783 –

1) *Resolved*, That it be the rule of this house, that in a Committee of the Whole, the vote on every question which shall come before the Committee of the Whole, shall be taken by states.

February 17, 1783 –

1) A motion was then made by Mr. [Eliphalet] Dyer, seconded by Mr. [John Francis] Mercer, in the words following:

'Whereas by the 8th Article of Confederation and perpetual union, it is agreed and declared, that all charges of war and all other expences, for the common defence or general welfare, allowed by the United States in Congress assembled, shall be defrayed out of a common

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treasury, which shall be supplied by the several states, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon, shall be estimated according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint.

'*Resolved*, That the legislature of each State be, and they are hereby required, to take such measures as shall appear to them most effectual for obtaining a just and accurate account of the quality of land in such State, granted to or surveyed for any person, the number of buildings, and the number of its inhabitants, distinguishing white from black. That the legislature of each State be, and they are hereby also required to cause the said account to be transmitted and delivered to Congress, on or before the day of March, 1784, and that Congress will, on the second day of March, 1784, or at their next sitting thereafter, appoint a grand committee, consisting of a member present from each State, to take into their consideration the said returns, any nine of whom concurring shall make a just and true estimate of the value of all lands in each of the United States, granted to or surveyed for any person, and of the buildings and improvements thereon, and shall report such estimate to Congress, to be subject only to their approbation or rejection. That the said estimate, when approved by Congress, shall be a rule for adjusting all accounts between the United States, and the individual States, that is, each State shall be debited for its just quota or proportion, on the principle aforesaid, of the money theretofore advanced or paid, and of the amount in value of the supplies furnished by all the states for the service of the United States, and credited for the money advanced and the amount in value of the supplies furnished by such State, for the service of the United States.

On the question to agree to the said motion, the yeas and nays being required by Mr. [Theodorick] Bland. So it was resolved in the affirmative.

2) [Motion of Mr. Alexander Hamilton February 17, 1783, referred to Mr. Arthur Lee, Mr. Eliphalet Dyer, and Mr. Samuel Holten.]

Whereas it is in the opinion of Congress essential to those principles of justice and liberality which ought to govern the intercourse between these States, parts of which have been for different periods in the course of the war in possession of the enemy, on the application of the rule prescribed by the Confederation and on which the foregoing resolutions have been founded, and whereas Congress impressed with this conviction did on the 20th day of February last recommend to the respective States to authorize and empower Congress in the final settlement of the proportions to be borne by each State of the general expences of the war from the commencement thereof until the first day of January 1782, except the monies loaned to the United States for the security and discharge of the principal and interest of which Congress rely on a compliance with their requisition of the 3rd day of February, 1781 to assume and adopt such principles as from the particular circumstances of the several States at different

Produced by Union States Assembly

periods may appear just and equitable, without being wholly confined to the rule laid in the 8th Article of the Confederation in cases where the same cannot be applied without manifest injustice, and whereas some of the States have not yet complied with the said recommendation, Therefore,

Resolved, That the several States be earnestly requested without delay to pass laws conformable to the spirit of the aforesaid recommendation extending the period to the conclusion of the present war.

February 18, 1783 –

1) On motion of Mr. [Theodorick] Bland, seconded by Mr. [Alexander] Hamilton:

Ordered, That the Superintendant of finance lay before Congress an estimate of the principal of the public debt to the first day of January, 1783, specifying the foreign debt, the pay due to the army, the debt due on loan office certificates, the debt due on liquidated accounts, for which certificates are issued, and also the supposed amount of the unliquidated debt.

On motion of the delegates from Connecticut, in pursuance of an instruction from the legislature of their State:

Ordered, That the Superintendant of the Finances, the Agent of Marine, the Secretary at War, and the Secretary for Foreign Affairs, as it shall relate to their respective offices, lay before Congress an account of the names and titles of all officers and others employed in the civil list department, and in the civil and military staff; and also, of all ministers however denominated, which are employed abroad, under the authority of the United States, specifying in what state or kingdom such officers reside, and also what pay or salary is annexed to each of their respective offices, and likewise an account of all grants of half-pay and of any gratuity or sum of money or allowance for expences, or for any other matter, to any officers or others, for past services, which are not included in their pay establishment.

2) Whereas it is the desire of Congress that the motives of their deliberations and measures (as far as they can be disclosed consistently with the public safety) should be fully known to their constituents.

Therefore, *Resolved*, That when the establishment of funds for paying the principal and interest of the public debts shall be under the consideration of this House the doors thereof shall be open.

February 21, 1783 –

1) On motion of Mr. [John] Rutledge, seconded by Mr. [Hugh] Williamson,

Produced by Union States Assembly

That the resolutions of ___ be transmitted to the several States by the Delegates, with a circular letter from the President to the Executive of each State requesting that the said Resolution may be immediately laid before the Legislature of such State and that if the Legislature should not be sitting when the said Resolution shall be received by the Executive that they may be called to sit as soon as possible in order that they may take the measures necessary for complying with the resolutions of Congress within the time limited for that purpose. That it be recommended to the States of Delaware, Maryland and Georgia to send Delegates immediately to Congress, and to each State in the Union to keep up a constant representation.

Resolved, That it be recommended to the States of Delaware, Maryland and Georgia, to send Delegates immediately to Congress, and to each State in the Union, to keep up a constant representation.

February 28, 1783 –

1) Congress resumed the consideration of the report of the committee, which was under debate on the 25 and 26 instant; and on the question to agree to the first part thereof, as amended, relating to officers now in service, the yeas and nays being required by Mr. [Theodorick] Bland,

There being only seven states in the affirmative, a question was moved by Mr. [Theodorick] Bland, seconded by Mr. [James] Madison,

"Is the proposition on which the question was just taken, for allowing a composition for half-pay a proposition which requires the assent of nine states?"

And on this question, the yeas and nays being required by Mr. [Theodorick] Bland. So it was resolved in the affirmative; and consequently the foregoing question was lost.

2) The committee consisting of Mr. [Hugh] Williamson, Mr. [Eliphalet] Dyer and Mr. [Silas] Condict, to whom was referred a letter of 18 from the Secretary for Foreign affairs, made a report; Whereupon,

The Committee to whom was referred a letter from the Secty. For foreign affairs respecting the franking of letters observe that by the ordinance for regulating the Post office dated October 14th, 1782, it is provided, that *all letters on public service to the Hands of the Departments of Finance of War and of foreign affairs shall pass and be carried FREE of postage*. These letters however which include their private correspondence are not declared to be free. But as the rank of these officers must inevitably expose them to be troubled with many letters, which may not be properly belong to the business of their Departments, and as any letters on public service may not be properly endorsed your Committee presume, that the Postmaster General

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or his assistant will deliver all letters directed to the Heads of Departments of Finance of War and foreign affairs as if they were marked on *public Service*, leaving it to them to account for such letters as they may find are not free according to the Spirit of the ordinance. With respect to letters from the Heads of those Departments, the Ordinance also provides that they shall be free, provided they are on *public Service* of which the writers alone can judge. Your Committee therefore presume that it is indifferent whether the officers referred to endorse their letters with the words *Public Service* or with the word *Free*, their name being subscribed, as it cannot be supposed that they would declare letters to be free which ought to be charged. The Postmaster General or his assistant should therefore pass letters free, which are marked in either manner. On the whole your committee beg leave to report; that it is not necessary at present to make alteration in the Ordinance for regulating the Post Office.

Resolved, That all letters to and from the heads of departments, on public service, are free, and ought not to be detained for want of the words *On public service*, endorsed.

March 4, 1783 –

1) According to order, the ordinance was read a third time, and passed as follows:

An Ordinance to amend an ordinance, entitled "An Ordinance for establishing courts for the trial of piracies and felonies committed on the high seas"

(See page 164).

March 7, 1783 –

1) On a report of a committee, consisting of Mr. [John] Rutledge, Mr. [Nathaniel] Gorham and Mr. [Thomas] Fitzsimmons, to whom was referred a letter of the 14 October last from Dr. Franklin, so far as it related to the mode of paying the salaries of the ministers and other officers of the United States in Europe:

Resolved, That the salaries of the ministers and other officers of the United States in Europe, be estimated in future in dollars, at the rate of four shillings and six pence sterling per dollar:

That they be paid in bills of exchange upon France or Holland, at the rate of five livres, five sous tournois per dollar, without regard to the variations which may be occasioned by the course of exchange:

That these resolutions retrospect to the first day of January, 1782, when the salaries of the said officers were made payable in America; and that the excess beyond the said net sum in bills of exchange, which has accrued or which shall accrue upon the quarter due on the first day of

Produced by Union States Assembly

January last, be carried to the credit of the United States, and accounted for by the Secretary of his department on the first day of April next.

March 24, 1783 –

1) A letter, of February 5, from the Marquis de la Fayette, announcing a general peace, and a copy of orders given by the Count D'Estaing, vice admiral of France, to the Chevalier Du Quesne, commander of the corvette *Triumph*, despatched from Cadiz the 6 of February last, for the purpose of putting a stop to all hostilities by sea, being laid before Congress and read:

Resolved, That the agent of marine be, and he is hereby directed immediately to recall all armed vessels cruising under commissions from the United States of America.

April 1, 1783 –

1) On motion of Mr. [Alexander] Hamilton, seconded by Mr. [Samuel] Osgood,

Resolved, That a motion made on the 28th of March last, to strike out a part of the report of the committee on the means of restoring and supporting public credit, and of obtaining from the states substantial funds for funding the whole debt of the United States, be re-considered.

The paragraph being amended to read as follows:

That a more convenient and certain rule of ascertaining the proportions to be supplied by the states respectively to the common treasury, the following alteration in the Articles of Confederation and perpetual union between these states be, and the same is hereby agreed to in Congress, and the several states are advised to authorize their respective delegates to subscribe and ratify the same, as part of the said instrument of union, in the following, to wit:

So much of the eighth of the Articles of Confederation and perpetual union between the thirteen states of America, as is contained in the words following, to wit:

All charges of war and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint, is hereby revoked and made void; and in place thereof it is declared and concluded, the same having been agreed to in a Congress of the United States, that "all charges of war and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be

Produced by Union States Assembly

defrayed out of a common treasury, which shall be supplied by the several states in proportion to the whole number of white and other free citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians, not paying taxes, in each states; which numbers shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint:

And on the question, shall the clause, as amended, stand part of the report? The yeas and nays being required by Mr. [Theodorick] Bland. So it was resolved in the affirmative.

2) On a report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [Ralph] Izard, Mr. A[rthur] Lee, Mr. [Alexander] Hamilton, and Mr. [John Lewis] Gervais, to whom were referred a letter of the 15th December, from the honorable H. Laurens, one of the 13 March, from the honorable T. Jefferson, and one of the 28 September, from the honorable F. Dana:

The Committee to whom were referred the letters of Mr. Adams of the ___ of Mr. Laurens of the ___ day of __ of Mr. Jefferson of the ___ day of ___ and of Mr. Dana of the day ___ Submit the following Report,

Resolved, That the Honorable John Adams have to leave to return to America, and that Congress do accept of his resignation.

Resolved, That the Honorable Henry Laurens have leave to return to America [agreeable to his request].

Resolved, That the Secretary for Foreign affairs be directed to inform the Honorable Mr. Jefferson [in answer to his letter of the ___ that Congress consider the object of his appointment so far accomplished as to render his services no longer necessary].

Resolved, That Mr. Dana having intimated his intention of returning to America – Congress do approve of the same, provided he should not be engaged in a negociation with the Court of St. Petersburg at the time of receiving this Resolution, in which case it is the desire of Congress that he should finish such negociation before he returns.

Resolved, That the Honorable Henry Laurens have leave to return to America, agreeably to his request.

Resolved, That the Secretary for foreign affairs inform the Honorable T. Jefferson, in answer to his letter of the 13 of March, that Congress consider the object of his appointment so far advanced, as to render it unnecessary for him to pursue his voyage; and that Congress are well satisfied with the readiness he has shewn in undertaking a service, from the present situation of affairs, they apprehend can be dispensed with.

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Resolved, That Mr. Dana, having intimated [his attention of returning to America, Congress do approve of the same, provided he should not be engaged in a negotiation with the Court of St. Petersburg at the time of receiving this resolution, in which case it is the desire of Congress that he should finish such negotiation before he returns.

April 11, 1783 –

1) The Secretary for Foreign affairs, to whom was referred a letter of 21 January, from the honorable B. Franklin, with an agreement between the ministers plenipotentiary of the United States of America, and the minister plenipotentiary of his Britannic Majesty, on the 20 of January last, relative to a cessation of hostilities, reported the draught of a proclamation, as follows:

By the United States of America in Congress assembled

A PROCLAMATION,

Declaring the cessation of arms, as well by sea as by land, agreed upon between the United States of America and Britannic Majesty; and enjoining the observance thereof.

Whereas provisional articles were signed at Paris on the thirtieth day of November last, between the ministers plenipotentiary of the United States of America for treating of peace, and the ministers plenipotentiary of his Britannic Majesty, to be inserted in, and to constitute the treaty of peace proposed to be concluded between the United States of America and Britannic Majesty, when terms of peace should be agreed upon between their Most Christian and Britannic Majesties; and whereas preliminaries for restoring peace between their Most Christian and Britannic Majesties: and whereas preliminaries for restoring peace between the said king of Great Britain and the king of Spain, were also signed at Versailles on the same twentieth day of January last.

By which said preliminary articles it hath been agreed, that as soon as the same were ratified, hostilities between the said kings, their kingdoms, states and subjects, should cease in all parts of the world: and it was further agreed, that all vessels and effects that might be taken in the channel and in the North seas, after the space of twelve days from the ratification of the said preliminary articles, should be restored; that the term should be one month from the channel and North seas as far as the Canary islands, inclusively, whether in the ocean of the Mediterranean; two months from the said Canary islands as far as the equinoctial line of the equator: and lastly five months on all other parts of the world, without exception or more particular description of time or place: and whereas it was declared by the minister plenipotentiary of the king of Great Britain, in the name and by the express order of the king his master, on the said twentieth day of January last, that the said United States of America, their

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subjects and their possessions, shall be comprised in the above mention suspension of arms, at the same epochs, and in the same manner as the three crowns above mentioned, their subjects and possessions respectively; upon condition, that on the part and in the name of the United States of America, a similar declaration shall be delivered, expressly declaring their assent to the said suspension of arms, and containing as assurance of the most perfect reciprocity on their part: and whereas the ministers plenipotentiary of these United States, did, on the twentieth day of January, in the name and by the authority of the said United States, accept the said declaration, and declare that the said states should cause all hostilities to cease against his Britannic Majesty, his subjects and his possessions, at the terms and epochs agreed upon between his said Majesty the King of Great Britain, his Majesty King of France, and his Majesty King of Spain, so and in the same manner as had been agreed upon between those three crowns, and to produce the same effects: and whereas the ratifications of the said preliminary articles, between their Most Christian and Britannic Majesties, were exchanged by their ministers on the third day of February last; and between his Britannic Majesty and the King of Spain, on the 9th day of February last: and whereas it is our will and pleasure, that the cessation of hostilities between the United States of America and Britannic Majesty, should be conformable to the epochs fixed between their Most Christian and Britannic Majesties:

We have thought to make known the same to the citizens of these states; and we hereby strictly charge and command all our officers, both by sea and land, and other subjects of these United States, to forbear all acts of hostility, either by sea or by land, against his Britannic Majesty or his subjects, from and after the respective times agreed upon between their Most Christian and Britannic Majesties, as aforesaid.

And we do further require all governors and others, the executive powers of these United States respectively, to cause this our proclamation to be made public, to the end that the same be duly observed within their several jurisdictions.

Done in Congress, at Philadelphia, this eleventh day of April, in the year of our Lord one thousand seven hundred and eighty three, and of our sovereignty and independence the seventh.

[On the question to agree to the foregoing proclamation, the yeas and nays being required by Mr. [John Francis] Mercer. So it was resolved in the affirmative.]

April 15, 1783 –

1) Congress took into consideration the articles agreed upon at Paris, on the 30th day of November last, entitled "Articles agreed upon by and between Richard Oswald, esq. the commissioner of his Britannic Majesty, for treating of peace with the commissioners of the United States of America, in behalf of his said Majesty on the one part, and John Adams,

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Benjamin Franklin, John Jay and Henry Laurens, four of the commissioners of the said states, for treating of peace with the commissioner of his said Majesty, on their behalf, on the other part; to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States; but which treaty is not to be concluded until terms of a peace shall be agreed upon between Great Britain and France, and his Britannic Majesty shall be ready to conclude such treaty accordingly;" and thereupon,

Resolved, That a committee be appointed to prepare and lay before Congress a draft of ratification of the articles entered into between the Commissioner of Britannic Majesty at Paris on the 30th day of November last.

Resolved, That the Commander in Chief be directed to enter into preparatory arrangements relative to the 7th Article of the said Treaty with the Commanders in Chief of the British land and naval forces in America, and that a committee be appointed to prepare a letter to him on the subject.

Resolved, unanimously, That the said articles be ratified, and that a ratification in due form be sent to our Ministers Plenipotentiary at the Court of Versailles, to be exchanged if an exchange shall be necessary.

Resolved, That the agent of marine cause all the naval prisoners to be set at liberty.

Resolved, That the Commander in Chief be, and he is hereby instructed to make the proper arrangements with the Commander in Chief of the British forces, for receiving possession of the ports in the United States occupied by the troops of his Britannic Majesty; and for obtaining the delivery of all negroes and other property of the inhabitants of the United States in the possession of the British forces, or any subjects of, or adherents to his said Britannic Majesty; and that the Secretary at War, in conjunction with the Commander in Chief, take proper arrangements for setting at liberty all land prisoners.

When the foregoing resolution was under debate, a motion was made by Mr. [Abraham] Clark, seconded by Mr. [Elipahlet] Dyer, to strike the words "in conjunction with the Commander in Chief":

And on the question, shall those words stand? The yeas and nays being required by Mr. [Hugh] Williamson. So it was resolved in the affirmative.

Resolved, That the form of the ratification be as follows:

The United States in Congress assembled, To all who shall see these presents Greeting:

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Whereas in and by our commission dated at Philadelphia the fifteenth day of June in the year of our Lord one thousand seven hundred and eighty one the honorable John Adams, Benjamin Franklin, John Jay, Henry Laurens and Thomas Jefferson, or a majority of them or of such of them as might assemble, or, in case of the death, absence, indisposition or other impediment of the others, any one of them, were constituted and appointed our Ministers, with full power and authority general and special, to confer, treat, agree and conclude with the ambassadors, commissioners and plenipotentiaries of the princes and states whom it might concern, vested with equal powers relating to the establishment of peace, and whatsoever should be agreed and concluded for us, and in our name to sign, and thereupon make a treaty or treaties, and to transact everything that might be necessary for compleating, securing and strengthening the great work of pacification in as ample form and with the same effect as if we were personally present and acted therein, we promising at the same time in good faith that we would accept, ratify, fulfil and execute what should be agreed, concluded and signed by our said Ministers Plenipotentiary, or a majority of them or of such as might assemble, or, in case of the death, absence, indisposition or other impediment of the others, by any one of them;

And whereas John Adams, Benjamin Franklin, John Jay and Henry Laurens, four of our said Commissioners, in pursuance of the powers aforesaid, on the thirtieth day of November in the year of our Lord one thousand seven hundred and eighty two, with Richard Oswald esquire, Commissioner of his Britannic Majesty for treating of peace with the Commissioners of the United States of America, in virtue of powers to him granted by his said Britannic Majesty, did conclude and sign on the part of the United States of America and the Crown of Great Britain, articles in the words following:

Article agreed upon by between Richard Oswald, esquire, the Commissioner of his Britannick Majesty for treating of peace with the commissioners of the United States of America, in behalf of his said Majesty on one part, and John Adams, Benjamin Franklin, John Jay and Henry Laurens, four commissioners of the said states for treating of peace with the commissioner of his said Majesty, on their behalf, on the other part - - to be inserted in, and to constitute the treaty of peace, proposed to be concluded between the Crown of Great Britain and the said United States; but which treaty of not to be concluded until terms of a peace shall be agreed upon between Great Britain and France, and his Britannick Majesty shall be ready to conclude such treaty accordingly.

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between the states, it is agreed to form the articles of the proposed treaty on such principles of liberal equity and reciprocity, as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory

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intercourse between the two countries may be established, as to promise and secure to both perpetual peace and harmony.

Article I

His Britannick Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free, sovereign and Independent states; that he treats with them as such, and for himself his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof; and that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz.

Article II

From the north-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix River to the highlands, along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantick ocean, to the north-westernmost head of Connecticut river; thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iroquois, or Cataraquy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lake Superior northward of the Isles Royal and Philipeaux to the Long lake; thence through the middle of said Long lake, and the water communication between it and the lake of the Woods, to the said lake of the Woods; thence through the said lake to the most north-western point thereof, and from thence in a due west course to the river Mississippi; thence by a line to be drawn along the middle of said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator to the middle of the river Apalachicola 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 Atlantick ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantick ocean from those which fall into the river St. Lawrence; 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, shall respectively, touch

the bay of Fundy and the Atlantick ocean, excepting such Islands as now are, or heretofore have been within the limits of the said province of Nova Scotia.

Article III

It is agreed, that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand bank, and on all the other banks of Newfoundland; also in the gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same upon that island;) and also on the coasts, bays and creeks of all other of his Brittanick Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

Article IV

It is agreed, that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

Article V

It is agreed, that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties of persons resident in districts in the possession on his Majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights and properties as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights, and properties of such last mentioned persons shall be restored to them, they refunding to any person who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties since the confiscation.

And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

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Article VI

That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty or property, and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

Article VII

There shall be a firm and perpetual peace between his Britannikc Majesty and the said states, and between the subjects of the one and the citizens of the other; wherefore all hostilities both by sea and land shall from henceforth cease: all prisoners on both sides shall be set at liberty, and his Britannick Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbour within the same; leaving in all fortifications the American artillery that may be therein: and shall also order and cause all archives, records, deeds and papers belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

Article VIII

The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.

Article IX

In case it should so happen, that any place or territory belonging to Great Britain or to the United States should have been conquered by the arms of either from the other, before the arrival of these articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

Done at Paris, the thirtieth day of November, one thousand seven hundred and eighty-two.

(Signed) Richard Oswald, [L.S.]

John Adams, [L.S.]

B. Franklin, [L.S.]

John Jay, [L.S.]

Henry Laurens [L.S.]

Witnesses.

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(Signed) CALEB WHITEFORD,

Secretary to the British Commission.

W.T. FRANKLIN,

Secretary to the American Commission.

SEPARATE ARTICLE

It is hereby understood and agreed, that in case Great Britain, at the conclusion of the present war, shall recover, or be put in possession of West Florida, the line of north boundary between the said province and the United States shall be a line drawn from the mouth of the river Yassous, where it united with the Mississippi, due east to the river Apalachicola.

Done at Paris, the thirtieth day of November, one thousand seven hundred and eighty-two.

(Signed) Richard Oswald, [L.S.]

John Adams, [L.S.]

B. Franklin, [L.S.]

John Jay, [L.S.]

Henry Laurens, [L.S.]

Witnesses.

(Signed) CALEB WHITEFORD,

Secretary to the British Commission.

W.T. FRANKLIN,

Secretary to the American Commission.

Now know ye, That we, the United States in Congress assembled, have ratified and confirmed, and by these presents do ratify and confirm, the said articles, and every part, article and clause thereof, on our part. Concluded and signed as aforesaid.

In testimony whereof, [we have caused our seal to be hereunto affixed. Witness his Excellency Elias Boudinot, President, this fifteenth day of April, one thousand seven hundred and eighty-three, and of our sovereignty and independence the seventh.]

April 18, 1783 –

1) Congress resumed the consideration of the report on finance, and the following paragraph being under debate:

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That as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States, it be recommended to the states which have passed no acts towards complying with the resolutions of Congress of the 6th September and 10 October, 1780, relative to territorial cessions, to make the liberal cessions therein recommended; and to the states which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance.

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [John] Rutledge, to strike out the words "and to the states which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance:"

And on the question shall these words stand? The yeas and nays being required by Mr. [Theodorick] Bland, so it was resolved in the affirmative.

Congress proceeded in the consideration of the report, and sundry amendments being made,

Resolved, by nine states, That it be recommended to the several states, as indispensably necessary to the restoration of public credit, and to the punctual and honorable discharge of the public debts, to invest the United States in Congress assembled with a power to levy for the use of the United States the following duties upon goods imported into the said states from any foreign port, island or planatation:

(see page 257 for a list of the duties)

Provided, that none of the said duties shall be applied to any the purpose than to discharge of the interest or principal of the debts contracted on the faith of the United States, for supporting the war, agreeably to the resolution of the 16th day of December last, not to be continued for a longer term than twenty-five years: and provided, that the collectors of the said duties shall be appointed by the states, within which their offices are to be respectively exercised, but when so appointed, shall be amenable to, and removable by the United States in Congress assembled, alone; and on case any State shall not make such appointment within one month after notice given for that purpose, the appointment may be made by the United States in Congress assembled:

That it be further recommended to the several states, to establish for a term limited to twenty-five years, and to appropriate to the discharge of the interest and principal of the debts contracted on the faith if the United States for support the war, substantial and effectual revenues of such nature as they may judge most convenient, for supplying their respective proportions of one million five hundred thousand dollars annually, exclusive of the aforementioned duties, which proportion shall be fixed and equalized, from time to time, according to the rule which is or may be prescribed by the Articles of Confederation; and in case the revenues established by any State shall at any time yield a sum exceeding its actual proportion, the excess shall be refunded to it; and in case the revenues of any State shall be found to be deficient, the immediate deficiency shall be made up by such State with as little delay as possible, and a future deficiency guarded against by an enlargement of the revenues

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established: provided that until the rule of the Confederation can be carried into practice, the proportions of the said 1,500,000 dollars shall be as follows, viz.

New Hampshire, - -	52,708	Maryland, - - - -	141,517
Massachusetts, - -	224,427	Virginia, - - - -	256,487
Rhode Island, - - -	32,318	North Carolina, - -	109,006
Connecticut, - - -	132,091	South Carolina, - -	96,183
New York, - - - -	128,243	Georgia, - - - -	16,030
New Jersey, - - - -	83,358		_____
Pensylvania, - - - -	205,189		1,500,000
Delaware, - - - -	22,443		

The said last mentioned revenues to be collected by persons appointed as aforesaid, but to be carried to the separate credit of the states within which they shall be collected.

That an annual account of the proceeds and application of all aforementioned revenues, shall be made out and transmitted to the several states, distinguishing the proceeds of each of the specified articles, and the amount of the whole revenue from each State, together with the allowances made to the several officers employed in the collection of the said revenues.

That none of the proceeding resolutions shall take effect until all of them shall be acceded to by every State, after which unanimous accession, however, they shall be considered as forming a mutual compact among the states, and shall be irrevocable by any one or more of them without the concurrence of the whole, or of a majority of the United States in Congress assembled.

That as a further mean, as well of hastening the extinguishment of the debts as of establishing the harmony of the United States, it be recommended to the states which have passed no acts towards complying with the resolutions of Congress of the 6th of September and 10th of October, 1780, relative to the cession of territorial claims, to make the liberal cessions therein recommended and to the states which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance.

That as a more convenient and certain rule of ascertaining the proportions to be supplied by the states respectively to the common treasury, the following alteration in the Articles of Confederation and perpetual union, between these states be, and the same is hereby agreed to in Congress; and the several states are advised to authorize their respective delegates to subscribe and ratify the same as part of the said instrument of union, in the words following, to wit:

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"All charges of war and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint," is hereby revoked and made void; and in place thereof it is declared and concluded, the same having been agreed to in a Congress of the United States, that "all charges of war and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except out of a common treasury, which shall be supplied by the several states in proportion to the whole number of white and other free citizens and inhabitants, of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians, not paying taxes, in each State; which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint."

On the question to agree to the foregoing act, the yeas and nays being required by Mr. [Jonathon] Arnold, so it was resolved in the affirmative.

April 15, 1783 –

1) Report of a Committee [Mr. Alexander Hamilton, Mr. James Madison, Mr. Samuel Osgood, Mr. Oliver Ellsworth, Mr. James Wilson] to whom was committed the letter from His Excellency the President of the State of Pennsylvania respecting a peace with the Indians.

Whereas, by the 9th article of the confederation of the United States in Congress assembled are vested with the sole and exclusive right and power among other things "of regulating the trade and managing all affairs with the Indians not members of any of the States" - -

Resolved, That the general superintendence of Indian affairs under Congress be annexed to the department of war.

That there be a suspension of offensive hostilities against the Indians nations, and that immediate measures be taken to communicate the same to the several tribes preparatory to a final pacification.

That there be four Agents appointed for the transaction of affairs with the Indians in the different districts - - one for the eastern district comprehending all the tribes under the general denomination of the Penobscot Indians; one for the northern district, comprehending the six nations, and the nations depending on them; on for the western district, comprehending all the tribes under the general denomination of the western Indians; one for the southern district, comprehending all the southern nations; with an allowance not exceeding ___ dollars per annum to each Agent.

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That measures be taken to purchase articles proper for presents to the Indians to the amount of ___ to be distributed when their deputies shall assemble for the purpose of a treaty of peace.

That in order to a speedy pacification, till the Commissioners aforesaid can be appointed, a Special Committee be appointed, instructed to endeavor to engage one or more respectable inhabitants for each district acquainted with Indian affairs to undertake the negotiation of an immediate peace and that the said Committee digest such further measures as it will be proper for Congress to take with reference thereto.

April 22, 1783 –

1) The committee [Mr. James Madison, Mr. Nathaniel Gorham and Mr. Thomas FitzSimons] to whom was referred the letter of the 21st instant, from the Secretary of Foreign Affairs with the letters from Mr. Dana of the 16th and 19 December, Recommend;

That Mr. Dana be instructed to decline entering into any commercial treaty [with the Court of Russia] until further order of Congress, unless he should have already engaged the faith and honor of the United States for that purpose, and in case negotiations should have proceeded too far to admit of his declining a treaty altogether, and will admit of his limiting the duration of it, that he be informed it is the desire of Congress, that its duration may not exceed the term of 15 years, at the expiration of which both parties will be better judges of the regulations which will be permanently suited to their mutual interests and respective circumstances, [and to stipulate expressly that the same shall be subject to the revisal and approbation of Congress previous to its final conclusion, and that in all matters he insist upon exact reciprocity;]

And that Mr. Dana be permitted to return to America so soon as he can with propriety leave his present situation.

April 23, 1783 –

1) On the report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [Theodorick] Bland, Mr. [Alexander] Hamilton, Mr. [James] Madison, and Mr. [Richard] Peters, to whom was referred a letter of the 18, from the Commander in Chief:

Resolved, That in the opinion of Congress, the time of the men engaged to serve during the war, does not expire until the ratification of the definitive treaty of peace.

That such of the non-commissioned officers and private soldiers of the above description, as continue in service to that period, shall be allowed their fire arms and accoutrements, as an extra reward for their long and faithful services:

That Congress, nevertheless, leave it to the discretion of the Commander in Chief, if circumstances shall require it, to grant furloughs or discharges to those men, as he may judge most expedient.

April 26, 1783 –

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1) The committee consisting of Mr. [James] Madison, Mr. [Oliver] Ellsworth and Mr. [Alexander] Hamilton, appointed to prepare an address to the states, to accompany the act of the 18th of this month, reported a draught, which being read and amended, was agreed to as follows:

ADDRESS TO THE STATES, BY THE UNITED STATES IN CONGRESS ASSEMBLED

The prospect which has for some time existed, and which is now happily realized, of a successful termination of the war, together with the critical exigencies of public affairs, have made it the duty of Congress to review and provide for the debts which the war has left upon the United States, and to look forward to the means of obviating dangers which may interrupt the harmony and tranquility of the Confederacy. The result of their mature and solemn deliberations on these great objects, is contained in their several recommendations of the 18th instant herewith transmitted. Although these recommendations speak themselves the principles on which they are founded, as well as the ends which they propose, it will not be improper to enter into a few explanations and remarks, in order to place in a stronger view the necessity of complying with them.

The first measure recommended is effectual provision for the debts of the United States. The amount of these debts, as far as they can now be ascertained, is forty-two millions three hundred and seventy-five dollars, as will appear by the schedule No. 1. To discharge the principal of this aggregate debt at once, or in any short period, is evidently not within the compass of our resources; and even if it could be accomplished, the case of the community would require that the debt itself should be left to a course of gradual extinguishment, and certain funds provided for paying, in the mean time, the annual interest. The amount of the annual interest, as will appear by the paper last referred to, is computed to be two million four hundred and fifteen thousand nine hundred and fifty-six dollars. Funds, therefore, which will certainly and punctually produce this annual sum, at least, must be provided.

In devising these funds, Congress did not overlook the mode of supplying the common treasury, provided by the Articles of Confederation; but after the most respectful consideration of that mode, they were constrained to regard it as inadequate and inapplicable to the form into which the public debt must be thrown. The delays and uncertainties incident to a revenue to be established and collected, from time to time, by thirteen independent authorities, is at first view irreconcileable with the punctuality essential in the discharge of the interest of a national debt. Our own experience, after making every allowance for transient impediments, has been a sufficient illustration of this truth. Some departure, therefore, in the recommendations of Congress, from the federal constitution, was unavoidable; but it will be found to be as small as could be reconciled with the object in view, and to be supported besides by solid considerations of interest and sound policy.

The fund which first presented itself on this, as it did on a former occasion, was a tax on imports. The reasons which recommended this branch of revenue, have heretofore been stated in an act, of which a copy, No. 2, is now forwarded, and need not be here repeated. It will suffice to recapitulate, that taxes on consumption are always least burdensome, because

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they are least felt, and are borne, too, by those who are both willing and able to pay them; that, of all taxes on consumption, those on foreign commerce are most compatible with the genius and policy of free states; that from the relative positions of some of the more commercial states, it will be impossible to bring this essential resource into use without a concerted uniformity; that this uniformity cannot be concerted through any channel so properly as through Congress, nor for any purpose so aptly as for paying the debts of a revolution, from which an unbounded freedom has accrued to commerce.

In renewing this proposition to the states, we have not been unmindful of the objections which heretofore frustrated the unanimous adoption of it. We have limited the duration of the revenue to the term of twenty-five years; and we have left to the states themselves the appointment of the officers who are to collect it. If the strict maxims of national credit alone were to be consulted, the revenue ought to manifestly to be co-existent with the object of it, and the collection placed in every respect under the authority which is to dispense the former and is responsible for the latter. These relaxations will, we trust, be regarded on one hand, as the effect of a disposition in Congress to attend at all times to the sentiments of those whom they serve, and on the other hand, as a proof of their anxious desire that provision may be made in some way or other for an honorable and just fulfilment of the engagements which they have formed.

To render this fund as productive as possible, and at the same time to narrow the room for collusions and frauds, it has been judged an improvement of the plan, to recommend a liberal duty on such articles as are most susceptible of a tax according to their quantity. And are of most equal and general consumption; leaving all other articles, as heretofore proposed, to be taxed according to their value.

The amount of this fund is computed to be 915,956 dollars. The estimates on which the consumption is made are detailed in paper No. 3. Accuracy in the first essay on so complex and fluctuating a subject is not to be expected. It is presumed to be as near the truth as the defect of proper materials would admit.

The residue of the computed interest of 1,500,000 dollars, and is referred to the states to be provided for by such funds as they may judge most convenient. Here again the strict maxims of public credit gave way to the desire of Congress to conform to the sentiments of their constituents. It ought not to be omitted, however, with respect to this portion of the revenue, that the mode in which it is to be supplied varies so little from that pointed out in the Articles of Confederation, and the variation are so conducive to the great object proposed, that a ready and unqualified compliance on the part of the states may be the more justly expected. In fixing the quotas of the sum, Congress, as may be well imagined, were guided by very imperfect lights, and some inequalities may consequently have ensued. These, however, can be but temporary, and as far as they may exist at all, will be redressed by a retrospective adjustment, as soon as a constitutional rule can be applied.

The necessity of making the two foregoing provisions one indivisible and irrevocable act, is apparent. Without the first quality, partial provision only might be made where complete

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provision is essential, nay, as some states might prefer and adopt one of the funds only, and the other states the other funds only, it might happen that no provision at all would be made: without the second a single State out of the thirteen might at any time involve the nation in bankruptcy, the mere practicability of which would be a fatal bar to the establishment of a national credit. Instead of enlarging on these topics, two observations are submitted to the justice and wisdom of the legislatures. First, the present creditors, or rather the domestic part of them, having either made their loans for a period which has expired, or having become creditors in the first instance involuntarily, are entitled on the clear principles of justice and good faith, to demand the principal cannot be paid to them on demand, that the interest should be so effectually and satisfactorily secured, as to enable them, if they incline, to transfer their stock at its full value. Secondly, if the funds be so firmly constituted as to inspire a thorough and universal confidence may it not be hoped, that the capital of the domestic debt, which bears the high interest of six per cent may be cancelled by other loans obtained at a more moderate interest. The saving by such an operation, would be a clear one, and might be a considerable one. [As a proof of the necessity of substantial funds for the support of our credit abroad, we refer to paper No. 4.]

Thus much for the interest of the national debt: for the discharge of the principal within the term limited, we rely on the natural increase of the revenue from commerce, on requisitions to be made, from time to time, for that purpose, as circumstance may dictate, and on the prospect of vacant territory. If these resources should prove inadequate, it will be necessary, at the expiration of twenty-five years, to continue the funds now recommended, or to establish such others as may then be found more convenient.

With a view to the resource last mentioned, as well as to obviate disagreeable controversies and confusions, Congress have included in their present recommendations, a renewal of those of the 6 day of September, and of the 10 day of October, 1780. In both those respects, a liberal and final accommodation of all interfering claims of vacant territory, is an object which cannot be pressed with too much solicitude.

The last object recommended is a constitutional charge of the rule by which a partition of the common burdens is to be made. The expediency, and even necessity of such a change, has been sufficiently enforced by the local injustice and discontents which have proceeded from valuations of the soil in every State where the experiment has been made. But how infinitely must these evils be increased, on a comparison of such valuations among the States themselves! On whatever side indeed this rule be surveyed, the execution of it must be attended with the most serious difficulties. If the valuations be referred to the authorities of the several States, a general satisfaction is not to be hoped for: If they be executed by officers of the United States traversing the country for that purpose, besides the inequalities against which this mode would be no security, the expence would be both enormous and obnoxious: If the mode taken in the act of the 17th day of February last, which was deemed on the whole least objectionable, be adhered to, still the insufficiency of the data to the purpose to which they are at be applied, must greatly impair, if not utterly destroy all confidence in the accuracy of the result; not to mention that as far as the result can be at all a just one, it will be indebted

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for the advantage to the principle on which the rule proposed to be substituted is founded. This rule, although not free from objections, is liable to fewer than any other that could be devised. The only material difficulty which attended it in the deliberations of Congress, was to fix the proper difference between the labour and industry of free inhabitants. The ratio ultimately agreed on was the effect of mutual concessions; and if it should supposed not to correspond precisely with the fact, no doubt ought to be entertained that an equal spirit of accommodation among several legislatures will prevail against little inequalities which may be calculated on one side or on the other. But notwithstanding the confidence of Congress, as to the success of this proposition, it is their duty to recollect that the event may possibly disappoint them, and to request that measures may still be pursued for obtaining and transmitting the information called for in the act of the 17 of February last, which in such event will be essential.

The plan thus communicated and explained by Congress, must now receive its fate from their constituents. All the objects comprised in it are conceived to be of great importance to the happiness of this confederated republic, are necessary to render the fruits of the Revolution a full reward for the blood, the toils, the cares and calamities which have purchased it. But the object of which the necessity will peculiarly felt, and which it is peculiarly the duty of Congress to inculcate, is the provision recommended for the national debt. Although this debt is greater than could have been wished, it is still less on the whole than could have been expected, and when referred to the cause in which it has been incurred, and compared with the burdens which wars of ambition and of vain glory have entailed on other nations, ought to be borne not only with cheerfulness but with pride. But the magnitude of the debt makes no part of the question. It is sufficient that the debt has been fairly contracted and that justice and good faith demand that it should be fully discharged. Congress had no opinion but between different modes of discharging it. The same option is the only one that can exist with the states. The mode which has, after long and elaborate discussion, been preferred, is, we are persuaded, the least objectionable of any that would have been equal to the purpose. Under this persuasion, we call upon the justice and plighted faith of the several states to give it its proper effect, to reflect on the consequences of rejecting it, and to remember that Congress will not be answerable for them.

If other motives than of justice could be requisite on this occasion, no nation could ever feel stronger; for to whom are the debts to be paid!

TO AN ALLY, in the first place, who to the exertion of his arms in support of our cause, has added the succours of his treasure; who, to his important loans, has added liberal donations; and whose loans themselves carry the impression of his magnanimity and friendship. For more exact information on this point we refer to paper No. 5.

To *individuals in a foreign country*, in the next place, who were the first to give so precious a token of their confidence in our justice, and their friendship for our cause, and who are members of a republic which was second in espousing our rank among nations. For the claims and expectations of this class of creditors we refer to paper No. 6.

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Another class of creditors is that illustrious and patriotic band of fellow-citizens, whose blood and whose bravery have defended the liberties of their country, who have patiently borne, among other distresses, the privation of their stipends, whilst the distresses of their country disabled it from bestowing them; and who, even now, ask for no more than such a portion of their dues as will enable them to retire from the field of victory and glory, into the bosom of peace and private citizenship, and for such effectual security for the residue of their claims as their country is now unquestionably able to provide For a full view of their sentiments and wishes on this subject, we transmit paper No. 7; and as a fresh and lively instance of their superiority to every species of seduction from the paths of virtue and honor, we add paper No. 8.

The remaining class of creditors is composed partly of such of our fellow-citizens as originally lent to the public the use of their funds, or have since manifested most confidence in their country, by receiving transfers from the lenders; and partly of those whose property has been either advanced or assumed for the public service. To discriminate the merits of these several descriptions of creditors, would be a task equally unnecessary and invidious. If the voice of humanity plead more loudly in favour of some than of others, the voice of policy, no less than of justice, pleads in favour of all. A wise nation will never permit those who relieve the wants of their country, or who rely most on its faith, its firmness and its resources, when either of them is distrusted, to suffer by the event.

Let it be remembered finally, that it has ever been the pride and boast of America, that the rights for which she contended, were the rights of human nature. By the blessing of the author of these rights, on the means exerted for their defence, they have prevailed against all opposition, and form the basis of thirteen independent states. No instance has heretofore occurred, nor can any instance be expected hereafter to occur, in which the unadulterated forms of Republican government can pretend to so fair an opportunity of justifying themselves by their fruits. In this view the citizens of the United States are responsible for the greatest trust ever confided to a political society. If justice, good faith, honor, gratitude and all the other qualities which ennoble the character of a nation, and fulfil the ends of government, be the fruits of our establishments, the cause of liberty will acquire a dignity and lustre which it has never yet enjoyed; and an example will be set which cannot but have the most favourable influence on the rights of mankind. If on the other side, our governments should be unfortunately blotted with the reverse of these cardinal and essential virtues, the great cause which we have engaged to vindicate will be dishonored and betrayed; the last and fairest experiment in favour of the rights of human nature will be turned against them, and their patrons and friends exposed to be insulted and silenced by the votaries of tyranny and usurpation.

By the order of the United States in Congress assembled.

April 30, 1783 –

1) A motion was made by Mr. [James] Wilson, seconded by Mr. [Alexander] Hamilton, as follows:

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Whereas it is of importance in every free country, that the conduct and sentiments of those to whom the direction of public affairs is committed, should be publicly known;

Resolved, That in future the doors of Congress shall be open, unless otherwise by a vote or by the rules of the house.

Resolved, That a committee be appointed to prepare and report a draught of rules upon the subject.

May 1, 1783 –

1) On a motion of Mr. [Arthur] Lee, seconded by Mr. [Silas] Condict,

Resolved, That when a member takes any paper from the files of Congress, he shall leave a receipt of the same in the office.

2) On a report of a committee, consisting of Mr. [Alexander] Hamilton, Mr. [Oliver] Ellsworth and Mr. [John] Rutledge, to whom was referred a letter of February 5, from the honourable J. Adams,

The Committee to whom was referred the letter from Mr. Adams of the ___ report

That they have examined the different instructions given to our Commissioners and Ministers abroad and find that the Commissioners for making peace have an implied power to comprehend commercial stipulations in a Treaty of peace, but there is no direct subsisting power of entering into a treaty of commerce with Great Britain distinct from the treaty of peace.

The Committee are of opinion that a special commission for that purpose ought without delay to be transmitted to the three remaining commissioners for peace, Mr. Franklin, Mr. Adams and Mr. Jay; and this for the following reasons:

First, it is to be inferred from Mr. Adams' letter, who as one of them is to be supposed to know their intention, that the commissioners for making peace have it not in contemplation to interweave into the treaty of peace such ample commercial stipulations as might supersede the necessity of particular treaty of commerce, otherwise it would be misplaced to urge Congress to appoint and authorise a minister for that purpose.

2ndly. Though it should be the intention of the said commissioners to enter largely into commercial stipulations, yet if difficulties should intervene in that business, which might postpone too long the benefits of a definitive treaty of peace, they may judge it preferable to forgo for the present such stipulations, to bring that important object to a speedy conclusion.

3dly. It is of great importance to The United States as soon as practicable to have a treaty of commerce with Great Britain, not only on account of the immediate advantages of that commerce but from the possibility of making it the means of extending our commercial

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privileges with other nations; and because it is probable the impression of the present conjuncture may be more favourable to the views of these States than a future period.

The Committee are also of opinion that it will be expedient to authorize the Commissioners to enter into a temporary convention agreeable to Mr. Adams' idea to the last for one year, to give time to mature and conclude the treaty of commerce, and to instruct them at the same time to stipulate that the treaty which they may enter into shall be subject to the revisal and observations of Congress before it shall be finally concluded.

On these principles The Committee submit the following resolution

Resolved, That a commission be prepared to Messrs. J. Adams, B. Franklin and J. Jay, authorising them, or either of them in the absence of the others, to enter into a treaty of commerce between the United States of America and Great Britain, subject to the revisal of the contracting parties previous to its final conclusion; and in the mean time to enter into a commercial convention to continue in force for one year.

That the Secretary for foreign affairs lay before Congress, without delay, a plan of a treaty of commerce and instructions relative to the same, to be transmitted to the said commissioners.

May 2, 1783 –

1) On a report of a committee, consisting Mr. [Hugh] Williamson, Mr. [Ralph] Izard and Mr. [James] Madison, to whom were referred sundry papers and memorials on the subject of literary property:

The committee, consisting Mr. [Hugh] Williamson, Mr. [Ralph] Izard and Mr. [James] Madison, to whom were referred sundry papers and memorials from different persons on the subject of literary property, being persuaded that nothing more is more properly a man's own than the fruit of his study, and that the protection and security of literary property would greatly tend to encourage genius, to promote useful discoveries and to the general extension of arts and commerce, beg leave to submit the following report:

Resolved, That it be recommended to the several states, to secure to the authors or publishers of any new books not hitherto printed, being citizens of the United States, and to their executors, administrators and assigns, the copyright of such books for a certain time, not less than fourteen years from the first publication; and to secure to the said authors, if they shall survive the term first mentioned, and to their executors, administrators and assigns, the copyright of such books for another term of time not less than fourteen years, such copy or exclusive right of printing, publishing and vending the same, to be secured to the original authors, or publishers, their executors and assigns, by such laws and under restrictions as to the several states may seem proper.

May 15, 1783 –

1) On motion of Mr. [Theodorick] Bland, seconded by Mr. [Samuel] Holten,

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Resolved, That in future, when small committees are to be appointed, the members shall ballot at their seats, and a member for each State shall put their ballot into a box which shall stand on the table, and when all the states present have balloted, the secretary shall take out the ballots and deliver them to the President, who shall note down the number for each person, and declare their names distinctly.

May 22, 1783 –

1) *Resolved*, That Mr. Dana be instructed, in case he has not already proceeded too far in the commercial treaty between the United States of America and the Court of Russia, to stipulate, that the treaty be limited to the term of fifteen years; and that the same be subject to the revisal and approbation of Congress, before they shall be under obligations to accept or ratify it.

On motion of Mr. [Stephen] Higginson,

Ordered, That a committee be appointed to prepare and report a plan of a commercial treaty proper to be transmitted to Mr. Dana.

May 30, 1783 –

1) The committee, consisting of Mr. [Alexander] Hamilton, Mr. [Oliver] Ellsworth, Mr. [Ralph] Izard, Mr. [James] Madison and Mr. [Benjamin] Hawkins, appointed to take into consideration and report to Congress what further steps are proper to be taken by them for carrying into effect the stipulations contained in the articles between the United States and Great Britain, dated the 30 day of November last, having reported as follows:

"Whereas by the treaty entered into at Paris, on the 30 day of November last, between the commissioners for making peace on the part of the United States, and the commissioners for making peace on the part of his Britannic Majesty, it is stipulated, among other things, in the 4th, 5th and 6th articles, as follows:

"ART. 4. It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted.

"ART. 5. It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights and properties as may have been confiscated. And that Congress shall also earnestly recommend to the several states, a re-consideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which on the return of the blessings of

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peace should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the *bona fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation.

"And it agreed, that all persons who may have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

"ART. 6. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for, or by reason of the part which he or they may have taken in the present war; and that no person shall on that account suffer any future loss or damage, either in his person, liberty or property, and that those who may be in confinement on such charges, at the time of ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued."

And whereas, Congress are desirous of giving speedy and full effect to all the stipulations in the said treaty on the part of the United States, and of accelerating thereby the blessings of peace, in confidence, that the conduct of his Britannic Majesty will be governed by a like disposition; therefore,

Resolved, That the several states be required, and they are hereby required to remove all obstructions which may interpose in the way of the entire and faithful execution of the 4th and 6th articles above recited. And that it be at the same time earnestly recommended to them, to take into serious consideration the 5th article also above recited, and to conform to the several matters therein contained, with that spirit of moderation and liberality, which ought ever to characterize the deliberations and measures of a free and enlightened nations.

A motion was made by Mr. [Richard] Peters, seconded by Mr. [Ralph] Izard, that the said report be committed,

And on the question for commitment, the yeas and nays being required by Mr. [Alexander] Hamilton, so it was resolved in the affirmative.

2) Upon these resolutions the committee remark, that by the fourth Article of the provisional treaty, concluded between the ministers of these United States and the Commissioner of his Britannick Majesty, it is expressly stipulated, "that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted." From which stipulation the committee conceive the commissioners of these states cannot retract without a violation of the national faith; and that the honour and the interest of these United States require that it should be substantially complied with.

Resolved, That Congress agree to the said report.

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3) The committee, consisting of Mr. [James] Wilson, Mr. [Gunning] Bedford and Mr. [John Francis] Mercer, to whom was referred so much of the report of the foregoing committee as related to the letter from the executive council of Pensylvania, together with sundry motions made in Congress, report,

That the letter from the executive council of Pensylvania stating the hardships which will arise to the citizens of Pensylvania, if the fourth article in the treaty aforesaid is taken strictly, brings to view the situation of numbers of the inhabitants of every State who are debtors to people residing in Great Britain.

That several states in the union have found it necessary to restrict the recovery of debts due among their own citizens, before the present war, upon principles of justice and convenience; nor can foreigners complain of being put upon the same footing: Whereupon

Resolved, That the ministers of these United States for making peace with Great Britain be instructed to represent to the ministers of that kingdom the hardship which would result to the citizens of these United States if their creditors in Great Britain were permitted to press them for the immediate payment of the debts contracted before the war; and to endeavor to procure such an amendment as that no execution shall issue for any debt contracted before the war, in less than three years after the signing of the definitive treaty.

And that the said ministers be informed, that Congress are of opinion, that all demands for interest accruing during the war would be highly inequitable and unjust. The citizens of these United States, subjected by the war commenced by Great Britain, to continual depredations of private property peculiarly distressing to individuals, have been executed in a great measure from a commercial intercourse with foreign nations, and consequently deprived of all mart for their produce. They cannot, therefore, consistently with the plain principles of justice be said to have enjoyed the use, the only equitable foundation of a claim of interest; but have stood the involuntary insurers of their original debts under circumstances manifestly prejudicial, and attended with certain loss. And if the said ministers shall find it necessary or expedient, it is the desire of Congress, that they endeavor to obtain a precise definition of that article of the preliminary treaty which stipulates payment of debts, expressly excluding all demand for interest, in order to prevent disputes which may hereafter arise from the inexplicit terms of that article.

That the said ministers be farther instructed, to contend for an express stipulation in the definitive treaty of peace, providing for a fair liquidation of all charges for subsistence of prisoners of war, and other reasonable demands, and for a proper provision for the discharge, in a reasonable period, of whatever balances may appear to be justly due.

June 4, 1783 –

1) The committee, consisting of Mr. [John] Rutledge, Mr. [Gunning] Bedford, Mr. [Daniel] Carroll, Mr. [Stephen] Higginson, and Mr. [James] Wilson, to whom was referred a motion of Mr. [Theodorick] Bland, for accepting the cession of territory made by the legislature of the

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Commonwealth of Virginia, on the 2 January, 1781, report, that in their opinion, it will be proper for Congress to proceed to a determination on the report of the 3 November, 1781, and which is entered on the journal of the 1 May, 1782, respecting the cession from the State of Virginia, and that a decision upon said motion be postponed until that report shall be taken into consideration.

Whereupon,

Congress resumed the consideration of the report of the committee of the 3d of November, 1781, and after debate,

Ordered, That so much thereof as relates to the cession made by the Commonwealth of Virginia, on the 2 day of January, 1781, be referred to a committee of five members.

2) On a report of a committee, consisting of Mr. p[Nathaniel] Gorham, Mr. [Alexander] Hamilton, Mr. [Jonathon] Arnold, Mr. [Oliver] Ellsworth, and Mr. [Ralph] Izard, to whom were referred the acts of the legislatures of New York and Maryland, with the papers accompanying them:

Resolved, That copies of the act of the legislature Maryland, relative to the cession of the city of Annapolis to Congress for their permanent residence; and also copies of the act of the legislature of New York, relative to the cession of the town of Kingston, for the same purpose, together with the papers which accompanied both acts, be transmitted to the executives of the respective states, and that they be informed by the President, that Congress have assigned the first Monday in October next, for taking the said offers into consideration.

<u>June 5, 1783</u> –

1) [Motion of Mr. Theodorick Bland, seconded by Mr. Alexander Hamilton, June 5th, 1783, Referred to the Grand Committee of 30 May 1783].

Whereas it pleased the Almighty disposer of human affairs, to put a period to a long and bloody war which has terminated in the establishment of the Independence to these United States; and whereas it is the duty as well as the wish of Congress to remove as speedily as possible every cause which might disturb the tranquility and harmony of these States, so happily united in one great political interest, as well as to reward the brave and virtuous who have by their valor and perseverance established that Independence and strengthened that union and to provide for the future government and prosperity of these states;

Resolved, Therefore, That Congress will and do hereby accept the Cession of Territory made to the U.S. by the Act of the assembly of Virginia bearing date the ___ day of ___ 178__, on the terms therein stipulated, except so far as relates to a specific guarantee of the remaining territory reserved by the said State.

Resolved, That if the aforesaid acceptance shall be agreeable to the said state, and they shall be willing to withdraw the said stipulation; and it be consent and approbation of the army of the United States shall be signified to the following act of the United States in Congress assembled,

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then and in that case the following ordinance shall begin to take effect and be in full force for all and every the purposes therein mentioned viz:

It is hereby ordained by the United States in Congress Assembled, That in lieu of the commutation for the half pay of the army, and in lieu of the arrearages due to the officers and soldiers of the armies of the United States, and of all other debts due to the said armies of the United States, and of all other debts due to the said officers and soldiers who now constitute the said army or who served therein for a term not less than three years during the war, and for the Representatives of such officers and soldiers who shall have died in the service. That there shall be assigned and set apart a tract of unlocated or vacant territory laying within the boundaries of the United States as ceded by the preliminary articles between Great Britain and America, and bounded as follows – viz: (here insert the boundaries); that the said territory shall be laid off in districts not exceeding two degrees of Latitude and three degrees of Longitude each, and each district in townships not exceeding ___ miles square. That the lines of the said districts shall be run at the expence of the United States by surveyors appointed by the U.S. in Congress assembled, and amenable to Congress for their conduct – that each of the said districts shall, when it contains 20,000 male inhabitants, become and ever after be and constitute a separate, Independent free and Sovereign state, and be admitted into the union as such will all the privileges and immunities of those states which now comprise the union. That each officer and soldier now in the army of the U.S. shall be entitled to and shall have a grant for thirty acres of the said land for every dollar which shall appear to be due to such officer or soldier from the United States, for his services in the army, over and above the bounty promised by an act of Congress of the ___ day of ___ 1776; and moreover that every officer and soldiers serving who shall make it appear that he has served three years in the Army of the United States, shall be entitled to receive a grant of the said lands, equal to the bounties promised to officers and soldiers serving during the war in lieu of all debts due for their said services, half pay &c.; or, where the said debts have been liquidated, they shall be entitled to receive a grant of thirty acres for every dollar ascertained to be due to them in like manner as the officers and soldiers, whose commutation and arrearages have been liquidated. And be if further ordained, That out of every hundred thousand acres so granted, there shall be reserved as a domain for the use of the United States, ten thousand acres, each of which ten thousand acres shall remain forever a common property of the United States unalienable, but by the consent of the U.S. in Congress assembled; the rents, issues, profits and produce of which lands, when any such shall arise, to be appropriated to the payment of the Civil List of the United States, the erecting frontier forts, the founding Seminaries of larning, and the surplus after such purposes (if any) to be appropriated to the building and equipping a Navy, and to no other use or purpose whatever, and be it further ordained that the said lands so granted to the officers and soldiers, shall be free of all taxes and quitrents for the space of seven years from the passing this ordinance.

June 12, 1783 –

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1) The committee, consisting of Mr. [James] Madison, Mr. [Oliver] Ellsworth and Mr. [Alexander] Hamilton, to whom was referred a report of the Secretary for foreign affairs on a letter of 20th March last, from Mr. Dumas, and sundry papers enclosed, report.

That it appears from the said letter and the papers enclosed, that propositions have been made on the part of the states general to the ministers of the United States of America at Paris, in order to render an express stipulation in favour of the freedom of navigation less necessary in the treaty of peace between Great Britain and the United Provinces of the Netherlands, either to accede to the treaty of the armed neutrality already concluded between some powers in Europe, or to enter into similar engagements with France, Spain and the United Provinces of the Netherlands; or in case France and Spain should refuse to enter into a convention founded on the principles of the armed neutrality, or wish to delay it till after the general peace, to form a separate convention for similar purposes between the United Provinces of the Netherlands and the United States of America.

That the answers to these propositions do not appear from the papers transmitted, though there is room to infer from Mr. Duma's letters of the 4th and 18th of February, that the two first of these propositions were encouraged by our ministers, and that the states general proposed to act in consequence thereof, and had made the last proposition, in order to be prepared, in case either or both of the two first should fail.

It appears from the report of the Secretary for Foreign Affairs, that no powers are at present vested in any person in Europe to agree to any treaty similar to that entered into by Russia, Sweden, Denmark and the United Provinces of the Netherlands, after the peace shall be concluded. The resolution of the 5th of October, 1780, empowers the ministers of these states, if invited thereto, to accede to such regulations conformable to the spirit of the declaration of the Empress of Russia as may be agreed upon by Congress expected to assemble in pursuance of the invitation of her Imperial Majesty. Our ministers received no invitation; and special powers were afterwards given to Mr. Dana, which in their nature superseded that resolution. Mr. Dana was, by his commission and instructions, empowered to sign the treaty or convention for the protection of commerce in behalf of the United States, either with her Imperial Majesty in conjunction with the other neutral powers, or, if that shall be inadmissible, separately, with her Imperial Majesty, or any of those, that is, those neutral powers. The treaty being only made to continue during the war, his powers terminated with the war, or at most extended only to signing it with the neutral powers, and not to form a new and separate treaty.

Whereupon Congress came to the following resolution:

Whereas the primary object of the resolution of October 5, 1780, and of the commission and instructions to Mr. Dana, relative to the accession of the United States to the neutral confederacy, no longer can operate; and as the true interest of these states requires that they should be as little as possible entangled in the politics and controversies of European nations, it is inexpedient to renew the said powers either to Mr. Dana, or to the other ministers of these United States in Europe; but, inasmuch as the liberal principles, on which the said confederacy was established, are conceived to be in general favourbale to the interests of nations, and

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particularly to those of the United States, and ought in that view to be promoted by the latter as far as will consist with their fundamental policy:

Resolved, That the ministers plenipotentiary of these United States for negotiating a peace be and they are hereby instructed, in case they should comprise in the definitive treaty any stipulations amounting to a recognition of the rights of neutral nations, to avoid accompanying them by any engagements which shall oblige the contracting parties to support those stipulations by arms.

June 13, 1783 –

1) On a report of a committee, consisting of Mr. [Theodorick] Bland, Mr. [James] McHenry and Mr. [Nathaniel] Gorham, to whom was referred a letter of 11, from the Secretary at War.

Whereas the Secretary at War was, by the resolution of the 26th day of April, 1782, directed and empowered to establish sufficient magazines at New London, in Virginia, and at sundry other places within the United States: and whereas the Secretary at War is of opinion, and it also appears to the committee, that it would be most proper to erect the magazine in Virginia, at a place more convenient than New London; therefore,

Resolved, That the Secretary at War be authorised to construct and erect magazines for keeping such of the stores of the United States as it shall be found necessary to send to Virginia, at such a place above the falls of James river, as shall, in his opinion, be the best adapted for that purpose, [the above resolution notwithstanding; and that he lay before Congress, as soon as may be, an estimate of the expence for building and compleating the same, and other magazines, mentioned in the said resolution, as yet to be built or completed].

June 19, 1783 –

1) Whereas it is provided by the 9th Article of Confederation that "the United States in Congress Assembled shall never engage in a war nor grant letters of Marque and Reprisal in time of peace, nor enter into any treaties or alliances nor coin money nor regulate the value thereof nor ascertain the sums and expenses necessary for the defence and welfare of the United States or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money nor agree upon the number of vessels of war to be built or purchased or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy unless nine states assent to the same."

It is also provided by the eleventh article that no Colony except Canada shall be admitted to the Union unless such admission be agreed to by nine states but no provision is made for the number of states that may be required to agree in determining such questions when the present number of states shall have increased.

And whereas the determination of those questions by nine states alone when the original number may be considerably increased would be a manifest departure from the Spirit of the Confederation, and might prove dangerous to the Union, therefore,

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Resolved, That whenever a fourteenth state shall be admitted into the present Union the vote and agreement of ten states shall become necessary for determining all those questions in the Congress of the United States which are now determined by no less than nine.

Resolved, That the assent of three additional states shall be necessary in determining those questions for every four additional states that may be admitted into the Union.

Resolved, That the several states be advised to authorize their respective delegates to subscribe and ratify the above Resolves as part of the instrument of Union.

2) The Committee [Mr. Thomas FitzSimons, Mr. Stephen Higginson, Mr. William Hemsley, Mr. John Rutledge, Mr. James Madison,] to whom was referred the draught of a treaty with Great Britain &c. Submit the following resolutions:

That the Ministers Plenipotentiary of the United States be and they are hereby authorised to enter into and conclude with the Ministers of his Britannick Majesty such a commercial convention as may be found necessary, for opening to the citizens and subjects of the respective nations, a free intercourse with each other, for a term not exceeding ___ months and provided it can be effected on terms of perfect reciprocity, and that the vessels belonging to the citizens of the United States be permitted to carry the produce of the said states to the British sugar colonies, and to bring from thence the products of the said colonies, without being subjects to any other or greater duties than were paid by British subjects before the ___ day of ___

That the Ministers Plenipotentiary of these United States who shall be authorised to negotiate a treaty of commerce with Great Britain, do stipulate that the treaty which may be agreed upon shall be transmitted to Congress, and be subject to their revisal before it is finally concluded on.

That the Ministers Plenipotentiary of these United States be and they are hereby authorised and directed to enter into and conclude with the Emperor of Morocco and Fez, the Regencies of Algiers, Tunis and Tripoli such engagements and stipulations, as may be found necessary for procuring of passports for the vessels of these United States and if they shall find it necessary that they apply to his most Christian Majesty and to their High MIghtinesses the States General of the United Netherlands for their assistance in procuring such passports.

The committee are of opinion that treaties of Amity and Commerce should be entered into with the Crown of Portugal, the King of Naples, the two Sicilies, and with the Grand Duke of Tuscany, and that the treaty with Portugal should be entered on immediately.

June 21, 1783 –

1) *Resolved*, That the president and supreme executive council of Pensylvania, be informed that the authority of the United States having been this day grossly insulted by the disorderly and menacing appearance of a body of armed soldiers about the place within which Congress were assembled, and the peace of this city being endangered by the mutinous disposition of

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the said troops now in the barracks, it is, in the opinion of Congress, necessary that effectual measures be immediately taken for supporting the public authority.

Resolved, That the committee, on a letter from Colonel Butler, be directed to confer, without loss of time, with the supreme council of Pensylvania, on the practicability of carrying the preceding resolution into effect: and that in case it shall appear to the committee that there is not a satisfactory ground for expecting adequate and prompt exertions of this State for supporting the dignity of the federal government, the President on the advice of the committee be authorised and directed to summon the members of Congress to meet on Thursday next at Trenton or Princeton, in New Jersey, in order that further and more effectual measures may be taken for supporting the present revolt, and maintaining the dignity and authority of the United States.

Resolved, That the Secretary at War be directed to communicate to the Commander in Chief, the state and disposition of the said troops, in order that he may take immediate measures to dispatch, to this city, such force as he may judge expedient for suppressing and disturbances that may ensue.

June 30, 1783 –

1) Scribe's notes: Congress met at Princeton, New Jersey.

July 16, 1783 –

1) On a motion of Mr. [Hugh] Williamson, seconded Mr. [Samuel] Holten,

Resolved, That whenever the President shall be obliged to adjourn Congress, from the want of seven States, an entry shall be made in the daily Journal of the states present, and of the names of the individuals members present from the states unrepresented.

July 29, 1783 –

1) Congress took into consideration a treaty of amity and commerce, concluded between the King of Sweden, and the United States of America, signed at Paris on the 3rd day of April last, and the same was adopted and ratified, nine States being present, in the manner following:

(See pages 457-477).

On a motion of Mr. [James] Duanne, seconded by Mr. [Samuel] Holten,

Resolved, That Dr. Franklin, minister plenipotentiary of these United States for concluding a treaty with the King of Sweden, be, and he hereby is instructed and fully empowered, to obtain amendments of the following inaccuracies in the commercial treaty with his said Majesty this day ratified, namely, United States of North America, for "United States of America," the counties of New Castle, Kent and Sussex on Delaware, for "Delaware," and to enter into the necessary instruments and stipulations for that purpose.

September 1, 1783 –

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1) An act of the general assembly of Connecticut, authorizing the delegates of that State, to agree to an alteration in the 8th of the Articles of Confederation as recommended by the act of the 18th of April last, was laid before Congress and read as follows:

At a general Assembly of the Governor and the Company of the State of Connecticut, holden at Hartford on the said State, on the second Thursday of May, Anno Domini, 1783.

Whereas the United States in Congress assembled, on the 18th day of April, 1783, among other things resolved, that a more convenient and certain rule of ascertaining the proportions to be supplied by the states respectively, to the common treasury, the following alteration in the Articles of Confederation and perpetual union between these states be, and the same is hereby agreed to in Congress: and the several states are advised to authorize their respective delegates to subscribe and ratify the same, as a part of the said instrument of union, in the words following, viz. So much of the 8th of the Articles of Confederation and perpetual union between the thirteen States of America, as is contained in the words following, to wit: "All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all lands within each State, granted to or surveyed for any person, as such land, and the buildings and improvements thereon, shall be estimated according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint," is hereby revoked and made void, and in place thereof it is declared and concluded, the same having been agreed to in a Congress of the United States, "that all charges of war, and other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common treasury, which shall be supplied by several states in proportion to the whole number of white and other free citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes in each State, which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint.

It is resolved, and enacted by this assembly, that the delegates of this State, in the Congress of the United States, or any two or more of them, be, and they are hereby fully authorised and empowered, on behalf of this State, to subscribe and ratify the afore-recited alteration in the 8th of the Articles of Confederation and perpetual union between the United States of America, as a part of the said instrument of union.

2) The delegates for the State of Pensylvania, laid before Congress sundry resolutions of the general assembly of that State, which were read and ordered to be entered on the Journal as follows:

"State of Pensylvania, in General Assembly, Friday, August 29, 1783, A.M.

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The report of the committee appointed to consider of the most eligible means for the accommodation of Congress, should that honorable body determine to reside within the State, read August 27 instant, was read the second time; whereupon,

Resolved, unanimously, That until Congress shall determine upon the place of their permanent residence, it would be highly agreeable to this house, if that honorable body should deem it expedient to return to and continue in the city of Philadelphia; in which case they offer to Congress the different apartments in the state-house and adjacent buildings which they formerly occupied for the purpose of transacting the national business therein.

Resolved, unanimously, That this house will take effectual measures to enable the executive of the State to afford speedy and adequate support and protection to honor and dignity of the United States in Congress, and the persons of those composing the supreme council of the nation assembled in this city.

Resolved, unanimously, That as this house is sincerely disposed to render the permanent residence of Congress in this State commodious and agreeable to that honorable body, the delegates of this State be instructed to request that Congress will be pleased to define what jurisdiction they deem necessary to be vested in them, in the place wherein they shall permanently reside.

<u>September 13, 1783</u> –

1) Congress resumed the consideration of the report of the committee on the Virginia cession, and the same being amended, a motion was made by Mr. [Daniel] Carroll, seconded by Mr. [James] McHenry, to postpone the further consideration of the report, in order to take up the following:

Whereas by the 6th article of the preliminary articles of peace between his Britannic Majesty, and their Most Christian and Catholic Majesties, signed the 3d day of November, 1762, and ratified on the 10th day of February, 1763, it is stipulated and agreed, that, "the confines between the dominions of Great Britain and France, on the continent of North America, shall be irrevocably fixed by a line drawn along the middle of the river Mississippi, from its source as far as the river Iberville, and fro thence by a line drawn along the middle of this river, and of the lakes Maurepas and Pontchartrain to the sea:; and to this purpose the Most Christian king cedes in full right and guaranties to his Britannic Majesty the river and port of Mobile, and every thing that he possesses on the left side of the said river Mississippi, except the town of New Orleans, and the island on which it is situated, which shall remain to France; provided that the navigation of the river Mississippi shall be equally free to the subjects of Great Britain and France, in its whole breadth and length from its source to the sea, and that part expressly which is between the said island of New Orleans, and the right bank of that river, as well as the passage both in and out of its mouth. And whereas by the nineteenth article of said treaty, his Catholic Majesty cedes and guaranties in full right to his Britannic Majesty, all that Spain possesses in the continent of North America, to the east or to the southeast of the river Mississippi. And whereas by the articles of treaty between Great Britain and the United States,

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done at Paris the 30th day of November, 1782, the boundaries of the United States are set forth, described and agreed to be by the 2d article of the said treaty, viz. (see proposed treaty or passage pages 555-556).

And whereas by the 6th and 11th articles of the treaty of alliance, eventual and defensive, between the Most Christian King, and the United States, signed at Paris 6th, February, 1778, an drafted by the United States in Congress assembled, the 4th day of May, 1778, the Most Christian King renounces for ever the possession of the islands of Bermudas, as well as of any part of the continent of North America, which before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the Crown of Great Britain or to the United States, heretofore called British colonies, or which are at this time, or have lately been under the power of the King and Crown of Great Britain, and guarantees to the United States the possessions and additions or conquests that the confederation may obtain during the war, from any of the dominions now or heretofore possessed by Great Britain in North America. And whereas the territory ceded and guarantied as aforesaid, comprehends a large extent of country lying without the lines, limits or acknowledged boundaries of any of the United States, over which, or any part of which, no State can or ought to exercise any sovereign, legislative or jurisdictional faculty, the same being acquired under the confederation, and by the joint and united efforts of all. And whereas several of the states acceded to the confederation under the idea held forth by the State of Maryland, in her instructions to her delegates, entered on the Journals of Congress. May 21, 1779, viz. :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 parceled 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." And whereas the said State of Maryland, especially for herself, provides and declares, in "An Act entered on the Journals of Congress, 12 February, 1781, entitled an act to empower the delegates of this State in Congress, to subscribe and ratify the Articles of Confederation," viz. "that by acceding to the said confederation, this State doth not relinquish or intend to relinquish any right or interest she hath with the other united or confederated states, to the back country; but claims the same as fully as was done by the legislature of this State, in their declaration which stands entered on the Journals of Congress; this State relying on the justice of the several states hereafter, as to the said claim made by this State."

And whereas the United States have succeeded to the sovereignty over the western territory, and are thereby vested as one individual and independent nation, with all and every power and right exercised by the king of Great Britain, over the said territory, or the lands lying and situated without boundaries of the several states, and within the limits above described; and whereas the western territory ceded by France and Spain to Great Britain, relinquished to the United States by Great Britain, and guarantied to the United States by France as aforesaid, if properly managed, will enable the United States to comply with their promises of land to their officers and soldiers; will relieve their citizens from much of the weight of taxation' will be a means of restoring national credit, and if cast into new states, will tend to increase the general

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happiness of mankind, by rendering the purchase of land easy, and the possession of liberty permanent; therefore

Resolved, That a committee be appointed to report the territory lying without the boundaries of the several states, and within the limits of the United States, and to report the most eligible part or parcels thereof, for one or more convenient and independent states; and also to report an establishment fort a land-office.

On the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Daniel] Carroll,

So the question was lost.

The report as amended, is as follows:

The committee, consisting of Mr. [John] Rutledge, Mr. [Oliver] Ellsworth, Mr. [Gunning] Bedford, Mr. [Nathaniel] Gorham and Mr. [James] Madison, to whom were referred the act of the legislature of Virginia, of the 2d of January, 1781, and the report thereon, report, that they have considered the several matters referred to them, and observe, that the legislature of Virginia, by their act of the 2d of January, 1781, resolved that they would yield to the Congress of the United States, for the benefit of the said states, all right, title and claim which the said Commonwealth hath to lands northwest of the river Ohio, upon the following conditions, viz.

1. That the territory so ceded, should be laid out and formed into states, containing a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances would admit: and that the states so formed, should be distinct republican states, and admitted members of the federal union; having the same rights of sovereignty, freedom and independence as the other states.

2. That Virginia should be allowed and fully reimbursed by the United States, her actual expences in reducing the British posts at the Kashaskies and St. Vincents, the expence of maintaining garrisons and supporting civil government there, since the reduction of the said posts, and in general all the change she has incurred on account of the country on the northwest side of the Ohio river, since the commencement of the present war.

3. That the French and Canadian inhabitants and other settlers of the Kashkaskies, St. Vincents and neighbouring villages, who have professed themselves citizens of Virginia, should have their possessions and title confirmed to them, and should be protected in the enjoyment of their rights and liberties; for which purpose troops should be stationed there at the charge of the United States, to protect them from the encroachments of the British forces at Detroit or elsewhere, unless events of the war should render it impracticable.

4. As Colonel George Rogers Clarke planned and executed the secret expedition by which the British posts were reduced, and was promised if the enterprise succeeded, a liberal gratuity in lands in that country, for the officers and soldiers who first marched thither with him; that a quantity of land not exceeding one hundred and fifty thousand acres, should be allowed and

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granted to the said officers and soldiers, and the others officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the northwest side of the Ohio as the majority of the officers should choose, and to be afterwards divided among the said officers and soldiers, in due proportions according to the laws of Virginia.

5. That in case the quantity of good lands on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green and Tennessee river, which have been reserved by law for the Virginia troops upon continental establishment, should, from the North Carolina line, bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands, to be laid off between the rivers Scioto and little Miamis, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia.

6. That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, should be considered as a common fund for the use and benefit of such of the United American States, as have become or shall become members in the confederation of federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and should be faithfully and *bona fide* disposed of for that purpose, and for no other purpose whatsoever.

7. And therefore that all purchases and deeds from any Indian or Indians, or from any Indian nation or nations, for any lands within any part of the said territory which have been or should be made for the use or benefit of any private person or persons whatsoever, and royal grants within the ceded territory, inconsistent with the chartered rights, laws and customs of Virginia, should be deemed and declared absolutely void and of no effect, in the same manner as if the said territory had still remained subject to and part of the Commonwealth of Virginia.

8. That all the remaining territory of Virginia, included between the Atlantic ocean and the southeast side of the river Ohio, and the Maryland, Pensylvania and North Carolina boundaries, should be guarantied to the Commonwealth of Virginia, by the said United States.

Whereupon your committee are of opinion, that the first condition is provided for by the act of Congress of the 10th of October, 1780.

[That in order to comply with the second condition so far as has been heretofore provided by the act of the 10th of October, 1780, it is agreed] that one commissioner should be appointed by Congress, one by the State of Virginia, and another by those commissioners, who, or a majority of whom, should be authorised and empowered to adjust and liquidate the account of the necessary and reasonable expences incurred by the said State, [which they may judge to be comprised within the true intent and meaning of the said recited act.]

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With respect to the third condition, the committee are of opinion, that the settlers therein described should have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties.

Your committee are further of opinion, that the 4th, 5th and 6th conditions being reasonable, should be agreed to by Congress.

With respect to the 7th condition, your committee are of opinion, that it would be improper for Congress to declare the purchases and grants therein mentioned, absolutely void and of no effect; and that the 6th condition, engaging how the lands beyond the Ohio shall be disposed of, is sufficient on this point.

As to the last condition, your committee are of opinion, that Congress cannot agree to guarantee to the Commonwealth of Virginia, the land described in the said condition, without entering into a discussion of the right of the said State of Virginia to the said land; and that by the acts of Congress it appears to have been their intention, which the committee cannot buy approve, to avoid all discussion of the territorial rights of individual states, and only to recommend and accept a cession of their claims, whatsoever they may be, to vacant territory. Your committee conceive this condition if a guarantee, to be either unnecessary or unreasonable; inasmuch as, if the land above-mentioned is really the property of the State of Virginia, it is sufficiently secured by the confederation, and if it is not the property of that State, there is no reason or consideration for such guarantee.

Your committee therefore upon the whole recommend, that if the legislature of Virginia make a cession conformable to this report, Congress should accept such cession.

On the question to agree to this report, the yeas and nays being required by Mr. [David] Howell, so it was resolved in the affirmative.

September 15, 1783 –

1) Whereas it is provided by the ninth of the Articles of Confederation and perpetual union between these states that "the United States in Congress Assembled shall never engage in a war nor grant letters of Marque and Reprisal in time of peace nor enter into any treaties or alliances nor coin money, nor regulate the value thereof nor ascertain the sums and expenses necessary for the defence and welfare of the United States nor any of them nor emit bills, nor borrow money on the credit of the United States, nor appropriate money nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised nor appoint a commander in chief of the army or navy unless nine states assent to the same." And whereas it is further provided by the eleventh of the Articles of Confederation that "Canada acceding to this confederation and joining in the measures of the United States shall be admitted into and entitled to all the advantages of this union but no other colony shall be admitted in to the same unless such admission be agreed to by nine states." No provision however is made for the number of states that shall be required to agree in determining the above questions when the number of the states in the union shall exceed thirteen. And

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whereas the determination of those interesting questions by nine states after the original number had been increased questions by nine states after the original number had been increased would be a manifest departure from the spirit of the Confederation and might prove to be dangerous to the Union therefore,

Resolved, That the following addition to the Article of Confederation and perpetual union between these states be and the same is hereby agreed to in Congress, and the several states are advised to authorize their respective Delegates to subscribe and ratify the same as part of the said instrument of union in the words following, to wit,

Whenever a fourteenth State shall be admitted in the present union the vote and assent of ten states shall become necessary in determining all those questions in the Congress of the United States which are determined by no less than nine states. Whenever a fifteenth state is admitted the assent of eleven state shall become necessary; whenever a sixteenth State is admitted the assent of twelve states shall become necessary and thus onward, in such manner that the assent of at least three fourths of all the states in the union, shall be necessary in determining those questions in the Congress of the United States, which may not be determined at present by less than nine states.

<u>September 22, 1783</u> –

1) The grand committee, consisting of Mr. [Abiel] Foster, Mr. [Samuel] Holten, Mr. [David] Howell, Mr. S[amuel] Huntington, Mr. [James] Duane, Mr. [Silas] Condict, Mr. [John] Montgomery, Mr. [James] McHenry, Mr. [Arthur] Lee, Mr. [Benjamin] Hawkins and Mr. [Jacob] Read, to whom was referred, "An Ordinance prohibiting the settlement and purchase of certain lands," reported the draft of a proclamation, which was agreed to as follows:

By the United States in Congress assembled.

A PROCLAMATION.

Whereas by the ninth of the Articles of Confederation, it is among other things declared, that "the United States in Congress Assembled have the sole and exclusive right and power of regulating the trade, and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any State, within its own limits, be not infringed or violated." And whereas it is necessary for the maintenance of harmony and friendship with the Indians, not members of any of the states, that all cause of quarrel or complaint between then and the United States, or any of them, should be removed an prevented: Therefore the United States in Congress assembled have thought proper to isse their proclamation, and they do hereby prohibit and forbid all person from making settlements on lands inhabited or claimed by Indians, without the limits or jurisdiction of any particular State, and from purchasing ore receiving any gift or cession of such lands or claims without the express authority and directions of the United States in Congress assembled.

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And it is more declared, that every such purchase or settlement, gift or cession, not having the authority aforesaid, is null and void, and that no right or title will accrue in consequence of any such purchase, gift, cession or settlement.

Done in Congress, at Princeton, this twenty-second day of September, in the tear of our Lord one thousand seven hundred and eighty three, and of our sovereignty and independence the eighth.

2) Congress took into consideration the report of a committee, consisting of Mr. [James] Duane, Mr. [Jacob] Read, Mr. [James] McHenry, Mr. [Samuel] Huntington, Mr. [Richard] Peters, Mr. [James] Wilson and Mr. [James] Madison, appointed to consider what jurisdiction may be proper for Congress in the place of their permanent residence; Whereupon

The Committee consisting of Mr. Duane, Mr. Read Mr. McHenry, Mr. Huntington Mr. Peters, Mr. Wilson, and Mr. Madison, appointed to consider what jurisdiction may be proper for Congress in the place of their permanent residence, Submit the following report:

That two points seem to be necessary for the consideration of your Committee.

The extent of the District which will be necessary for the residence of Congress, and of the powers to be exercised by Congress within that District.

Whereupon it is,

1. *Resolved*, That it is the opinion of this Committee that the United States in Congress assembled ought to enjoy an exclusive jurisdiction over the District which may e ceded and accepted for their permanent residence. (this portion was postponed).

2nd. *Resolved*, That it is the opinion of this Committee that the District so to be ceded and accepted for the permanent Residence of Congress ought not to exceed the Contents of six miles square, nor to be less than three miles square.

Ordered, That the said report be referred to a committee of the whole house.

Resolved, That on Thursday next, Congress to be resolved into a committee of the whole, to take into consideration the above report.

That the district which may be ceded to and accepted by Congress for their permanent residence ought to be entirely exempted from the authority of the States ceding the same; and the organization and administration of the powers of government within the said district concerted between Congress and the inhabitants thereof.

Resolved, That the States or States ceding the territory in which Congress shall determine to fox their permanent residence, should give up all jurisdiction whatsoever, over the territory so ceded, and the *People inhabiting therein.*

Resolved, That the appointment of Judges and the executive power within the said territory, should vest in Congress.

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Resolved, That the People inhabiting with the said territory, should enjoy the privilege of trial by Jury, and of being governed by Laws made by the Representatives of their own election.

September 25, 1783 –

1) The committee, consisting of Mr. [James] Madison, Mr. [Stephen] Higginson and Mr. [Alexander] Hamilton, to whom was referred a letter from Dr. Franklin, of the 15th of April last, reported the draught of a proclamation, which was agreed to as follows:

By the United States in Congress assembled.

A PROCLAMATION.

Whereas in pursuance of a plenipotentiary commission, given on the 28th day of September, one thousand seven hundred and eighty-two, to the hon. Benjamin Franklin, a treaty of amity and commerce between his Majesty the King of Sweden and the United States of America, was on the third day of April, on thousand seven hundred and eighty-three, concluded by the said Benjamin Franklin, with a minister plenipotentiary, named for that purpose, by the said king: and whereas the said treaty hath been duly approved and ratified by the United States in Congress assembled, and a translation thereof made in the words following:

[Here insert the treaty in English, vide July 29.]

Now therefore, to the end that the said treaty may with all good faith be performed and observed on the part of these states, all the citizens and inhabitants thereof, and more especially all officers and others in the services of the United States, are hereby enjoined and required to govern themselves strictly in all things according to the stipulations above recited.

Done in Congress, at Princeton, this twenty-fifth day of September, in the year of our Lord on thousand seven hundred and eight three, and of our sovereignty and independence the eighth.

ELIAS BOUDINOT, *President*.

CHARLES THOMSON, *Secretary*.

October 15, 1783 –

1) The committee, consisting of Mr. [James] Duane, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [Benjamin] Hawkins and Mr. [Arthur] Lee, to whom were referred sundry letters and papers relative to Indian affairs, report,

The Committee consisting of Mr. [James] Duane, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [Benjamin] Hawkins and Mr. [Arthur] Lee, to whom were referred a Report on Indian affairs, read in Congress on the 21st of April last, a letter from General Schuyler, one of the Commissioners of Indian affairs for the northern district, dated the 11th of August last, with messages to and from certain hostile Indians on the subject of peace; a letter dated the same day from Ebenezer Allen, employed to assist Mr. Bull, a messenger sent by the Board of War dated the 19th of August, accompanying a narrative of Ephraim Douglas, another messenger to

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the Indian tribes, with sundry enclosures; a letter from the Commander in Chief, with instructions accompanying the same; extract of a letter to the Commander in Chief from General Haldimand, commanding for His Britannick Majesty on Canada, dated the 17th of August; a letter from the Commander in Chief dated the 26th of August, and its enclosures; and a letter from Brigadier General Irwine, dated the 3rd of September instant; submit the following detail of facts and resolutions:

That they have attentively considered the several papers referred to them, and have conferred thereon with the Commander in Chief. That their report will be confined to Indian affairs in the northern and middle departments, as they are defined by the acts of Congress of the 12th of July, 1775, and to the settlement of the western country, these subjects being in the opinion of the committee inseparably connected, and the committee not being possessed of material which enable them to extend their views to the southern district. That it is represented, and the committee believe with truth, that although the hostile tribes of Indians on the northern and middle departments, are seriously disposed to a pacification, yet they are not in a temper to relinquish their territorial claims, without further struggles. That if an Indian war should be rekindled, repeated victories might produce the retreat of the Indians, but could not prevent them from regaining possession of some part of the distant and extensive territories, which appertain to the United States; that while such temporary expulsions could only be effected at a great charge, they could not be improved to the smallest advantage, but by maintaining numerous garrisons and an expensive peace establishment; that even if all the northern and western tribes of Indians inhabiting the territories of the United States could be totally expelled, the policy of reducing them to such an extremity is deemed to be questionable; for in such an event it is obvious that they would find a welcome reception from the British government in Canada, which by so great an accession of strength would become formidable in case of any future rupture, and in peace, by keeping alive the resentment of the Indians for the loss of their country, would secure to its own subjects the entire benefit of the fur trade. That although motives of policy as well as clemency ought to incline Congress to listen to the prayers of the hostile Indians for peace, yet in the opinion of the committee it is just and necessary that lines of property should be ascertained and established between the United States and them, which will be convenient to the respective tribes, and commensurate to the public wants, because the faith of the United States stands pledged to grant portions of the uncultivated lands as a bounty to their army, and in reward of their courage and fidelity, and the public finances do not admit of any considerable expenditure to extinguish the Indian claims upon such lands; because it is become necessary, by the increase of domestic population and emigrations from abroad, to make speedy provision for extending the settlement of the territories of the United States; and because the public creditors have been led to believe and have a right to expect that those territories will be speedily improved into a fund towards the security and payment of the national debt. Nor in the opinion of the committee can the Indians themselves have any reasonable objections against the establishment recommended. They were, as some of them acknowledge, aggressors in the war, without even a pretence of provocation; they violated the convention of neutrality made with Congress at Albany, in 1775, and in return for proffered protection, and liberal supplies, add to the utter ruin and

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impoverishment of thousands of families, they wantonly desolated our villages and settlements, and destroyed our citizens. To stop the progress of their outrages, the war, at a vast expence to the United States, was carried into their own country, which they abandoned. Waiving then the right of conquest and various precedents which might be quoted in similar instances, a bare recollection of the facts is sufficient to manifest the obligation they are under to make atonement for the enormities which they have perpetrated, and a reasonable compensation for the expences which the United States have incurred by their wanton barbarity; and they possess no other means to do this act of justice than by a compliance with the proposed boundaries. The committee are of opinion, that in the negotiation which they recommend, care ought to be taken neither to yield nor require too much; to accommodate the Indians as far as the public good will admit, and if they should appear dissatisfied at the lines which it may be found necessary to establish, rather to give them some compensation for their claims than to hazard a war, which will be much more expensive; but it is supposed that when they shall be informed of the estimated of the damages which our citizens have sustained by their irruptions, and of the expences which the United States have incurred to check their career it will have a tendency to suppress any extravagant demands. Whereupon,

Resolved, That a convention be held with the Indians residing in the northern and middle departments, who have taken up arms against the United States, for the purposes of receiving them into the favor and protection of the United States, and of establishing boundary lines of property for separating and dividing the settlements of the citizens from the Indian villages and hunting grounds, and thereby extinguishing as far as possible all occasion for future animosities, disquiet and contention.

That first and as a preliminary it shall be required that all prisoners of whatever age or sex among these Indians shall be delivered up.

Secondly, That the Indians be informed that after a contest of eight years for the sovereignty of this country Great Britain has relinquished to the United States all claim to the country within the limits described by the second article of the provisional treaty between the United States and the King of Great Britain, on the thirtieth day of November in the year 1782; that is to say, From the northwest angle of Nova Scotia, viz. That angle which is formed by a line drawn due north from the source of St. Croix River to the Highlands, along the said Highlands, which divide those rivers that empty themselves into the river Saint 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 45 degree of north latitude, from thence by a line due west on said latitude until it strikes the river Iroquois, or Cataraqui; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superior, thence through lake Superior northward of the Isles Royal and Philipeaux to the long lake, thence through the middle of said Long lake and the water communication between it and

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the lake of the Woods to the said lake of the Woods, thence through the said lake to the most northwestern point thereof and from thence in a due west course to the river Mississippi, thence by a line to be drawn along the middle of said river Mississippi until it shall intersect the northernmost part of the 31st degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned in the latitude of thirty-one degrees north of the Equator to the middle of the river Apalachicola 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. East by a line to be drawn along the middle of the river St. Croix from its mouth in the bay of Fundy to its source and from its source directly north to the aforesaid Highlands which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence; comprehending all Islands within 20 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 shall respectively touch the Bay of Fundy and the Atlantic ocean excepting such Islands as now are or heretofore have been within the limits of the said province of Nova Scotia.

Thirdly, that as the Indians notwithstanding a solemn treaty of neutrality with Congress at the commencement of the war; notwithstanding all the advice and admonition given them during its prosecution, could not be restrained from acts of hostility and wanton devastation, but were determined to join their arms to those of Great Britain and to share their fortunes, so consequently with a less generous people than Americans they might be compelled to retire beyond the lakes; but as we prefer clemency to rigor, as we persuade ourselves that their eyes are open to their error and that they have found by fatal experience that their true interest and safety must depend upon our friendship; as the country is large enough to contain and support us all, and as we are disposed to be kind to them, to supply their wants and to partake of their trade, we from these considerations and from motives of compassion draw a veil over what is passed and will establish a boundary line between them and us, beyond which we will restrain our citizens from hunting and settling, and within which the Indians shall not come but for the purposes of trading, treating or other business equally unexceptionable.

Fourthly, That the following lines be proposed to be mutually agreed upon and established between the United States and the several tribes of Indians who shall be affected thereby;

Beginning at the mouth of the great Miami River, which empties into the Ohio, thence along the said river Miami to its confluence with the Mad river; thence by a direct line to the Miami fort at the village of that name on the other Miami river which empties into lake Erie; thence along the last mentioned river to lake Erie, comprehending all the lands between the above mentioned lines and the State of Pensylvania on the East, Lake Erie on the north and the River Ohio on the South East.

Fifthly, That the commissioners for the northern and [middle department, or such other persons as may be appointed by Congress], unite together in holding one convention with the

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Indians inhabiting the districts aforesaid and their allies and dependants for that purposes aforesaid; and only yield to separate conventions in case of inevitable necessity.

Sixthly, And whereas the Oneida and Tuscarora tribes have adhered to the cause of America and joined her arms in the course of the late war, and Congress have frequently assured them of peculiar marks of favour and friendship, the said commissioners are therefore instructed [to reassure the said tribes of the friendship of the United States and that they may rely that the lands which they claim as their inheritance will be reserved for their sole use and benefit until they think it for their own advantage to dispose of the same.]

Eighthly, That the Superintendant of finance be directed to furnish such quantity of coarse goods, part of those belonging to the United States, as shall be necessary at the proposed negociation; and that the Commissioners lay before Congress estimates of the quantities of cloathing and other articles which will be requisite for the purposes aforesaid to the end that Congress may give the necessary orders for the delivery of such articles as are on hand, and for providing such as may not be in the publick magazines.

That the Secretary at War be instructed to obtain information and lay before Congress Estimates of the cloathing and other articles required for the proposed negotiation, and that he appoint a suitable person to receive those articles and direct him to deliver them to the orders of the Commissioners, and to produce said orders with attested receipts as vouchers in the adjustment of his accounts at the Treasury Office.

That the Secretary at War be directed to report what sum in goods, it would be proper to direct the Commissioners at the proposed treaty with the Indians, to give as a compensation for the cession of territory which Congress have directed to be negociated for with the Indians.

That the Superintendant of Finance be directed to furnish such a quantity of coarse goods part of those belonging to the U.S. as in concurrence of the Secretary at War may be deemed necessary at the opening of the proposed treaty, not exceeding ___ dollars in value: And that the Commissioners lay before Congress Estimates of the further quantities of clothing and other articles which in said treaty they may find requisite for carrying the same into execution not exceeding ___ Dollars, to the end Congress may make necessary provision for supplying the same.

2) The Committee consisting of Mr. [James] Duane, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [Benjamin] Hawkins and Mr. [Arthur] Lee to whom were referred a Report on Indian affairs and the several other papers enumerated in the report which the said Committee presented to Congress on [the 19th September] last, having further considered of the matters referred to them beg leave to subjoin the following additional instructions and propositions to their said former report.

That the said Commissioners of the northern and middle Districts be instructed to obtain a particular account of the French inhabitants at Detroit, Illinois, and other villages within the territories of the United States, and that they give assurances, in the name of the United States,

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to those inhabitants that they shall be protected in the full enjoyment of their liberty and property.

That the said Commissioners be also instructed to obtain information of the numbers and places of residence of the citizens of the United States who have seated themselves on the north west side of the Ohio; to signify to them the displeasure of Congress that they have taken this step, with which the publick interest and repose are so intimately connected, without permission or authority; to discourage to the utmost of their power, all intrusions into any of the territories of the United States within their respective Departments.

Your Committee beg leave further to report that, in their opinion, the trade with the Indians ought to be regulated, and security by given by the Traders for the punctual observance of such regulations, so that violence, fraud and injustice towards the Indians may be guarded against and prevented, and the honour of the federal government, and the publick tranquility, be thereby promoted. And that for these purposes a Committee be appointed with instructions to prepare and report and ordinance for regulating the Indian trade, with a clause strictly prohibiting all civil and military officers and particularly all Commissioners and Agents for Indian affairs, from trading with the Indians or purchasing or being directly or indirectly concerned on purchasing lands from the Indians, except only by express license and authority of the United States in Congress assembled.

And lastly your Committee beg leave to observe that they do not offer the measures which they have suggested as a sufficient security against the increase of feeble, disorderly and dispersed settlements in those remote and wide extended Territories: against the depravity of manners which they have a tendency to produce; the endless perplexities in which they must involve the administration of the affairs of the United States, or against the calamities of frequent and destructive wars with the Indians which reciprocal animosities unrestrained by the interposition of legal authority must naturally excite. Nothing in the opinion of your committee can avert those complicated and impending mischiefs, or secure to the United States the just and important advantages which they ought to derive from those Territories, but the speedy establishment of Government and the regular administration of justice in such District thereof as shall be judged most convenient for immediate settlement and cultivation.

Your committee cannot undertake with any degree of accuracy to propose the limits of the intended Government. They however lay before Congress two projects which have been suggested for consideration viz:

First “That from the mouth of the great Miami which empties into the Ohio to its confluence with the Mad River. *Thence* by a line to the Miami Fort and village on the other Miami which empties into Lake Erie and *thence* by a line to include the settlement of Detroit would with Lake Erie on the north, Pensylvania to the east, and the Ohio to the south, form a government sufficiently extensive to comply with the publick engagements and to receive moreover a large population by emigrants. It is conceived that in the first instance to confine all settlements within those bounds would be much more beneficial; even supposing no disputes were apprehended with the Indians, and that it was unnecessary to guard against those other evils

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which have been enumerated; than to suffer the same number of people to disperse themselves over a country of at least five hundred thousand square miles contributing nothing to the support, but much to the embarrassment, of the federal government.

Secondly, that was it not for the purpose of comprehending the settlement of Detroit within the jurisdiction of the new government a more compact and better shaped District for a State would be for the above described line to proceed from the Miami Fort and village along the river of that name to Lake Erie, leaving in that case the settlement of Detroit and all the territory north of the rivers Miami and St Jospeh's between the Lakes Erie, St Clair, Huron, and Michigan to for *hereafter* another State equally large, compact and water bound.

With regard to the southern department which comprehends the Cherokees and all the Indians within the United States to the southward of that tribe, your committee having already observed that neither the papers committed them, nor any information of which they are possessed, enable them to extend their views to the Indian affairs of that department, they therefore desire to be discharged therefrom, and that the same may be recommended to a committee better acquainted with the local circumstances of that country.

Seventhly, That the said commissioners be and they are hereby instructed to obtain a particular account of the French Inhabitants at Detroit, Illinois, and other villages within the territories of the United States, and that they give assurances in the name of the United States to those inhabitants [who shall profess their allegiance to the United States] that they shall be protected in the full enjoyment of their liberty and their [just and lawful] property.

Eighthly, [That the said Commissioners be and they are hereby instructed not to admit into a treaty with the said Indians or suffer to be in any manner connected with it any article, stipulation or condition whatsoever, making or confirming or tending to make or confirm to any individual or individuals any grant or grants of land whether real or pretended within the bounds of the United States as before described.]

Ninthly, That the said Commissioners be and they are hereby also instructed to obtain information of the numbers and places or residence of the citizens of the United States who have seated themselves on the northwest side of the Ohio; to signify to them the displeasure of Congress that they have taken this step, with which the public interest and repose are so intimately connected, without permission or authority, and to discourage to the utmost of their power all intrusions into any of the territories of the United States within their respective departments.

And whereas the trade with the Indians ought to be regulated, and security be given by the traders, for the punctual observance of such regulations, so that violence, fraud and injustice towards the Indians, may be guarded against and prevented, and the honor of the federal government and the public tranquility thereby promoted.

Resolved, That a committee be appointed with instructions to prepare and report an ordinance for regulating the Indian trade, with a clause therein strictly prohibiting all civil and military

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officers, and particularly all commissioners and agents for the Indian affairs, from trading with the Indians, or purchasing, or being directly or indirectly concerned in purchasing lands from Indians, except only by the express license and authority of the United States in Congress assembled:

The members chosen, Mr. [Abraham] Clark, Mr. [Daniel] Carroll and Mr. [John] Montgomery.

Resolved, That the preceding measures of Congress relative to Indian affairs, shall not be construed to affect the territorial claim of any of the states, or their legislative right within their respective limits.

The committee on their report observe further, "that they do not offer the measures which they have suggested as a sufficient security against the increase of feeble, disorderly and dispersed settlements in those remote and wide extended territories; against the depravity of manners which they have a tendency to produce; the endless perplexities in which they must involve the administration of the affairs of the United States; or against the calamities of frequent and destructive wars with the Indians, which reciprocal animosities unrestrained by the interposition of legal authority must naturally excite; and that in their opinion nothing can avert those complicated and impeding mischiefs, or secure to the United States the just and important advantages which they ought to derive from those territories, but the speedy establishment of government and the regular administration of justice in such district thereof as shall be judged most convenient for immediate settlement and cultivation whereupon,

Resolved, (That it will be wise and necessary, as soon as circumstance shall permit, to erect a district of the western territory into a distinct government, as well for doing justice to the army of the United States, who are entitled to lands as a bounty, or in reward of their services, as for the accommodation of such as may incline to become purchasers and inhabitants; and in the interim, that a committee be appointed to report a plan, consistent with the principles of the Confederation, for connecting with the Union by a temporary government, the purchasers and inhabitants of the said district, until their number and circumstances shall entitle them to form a permanent constitution for themselves, and as citizens of a free, sovereign and independent State, to be admitted to a representation in the Union; provided always, that such a constitution shall not be incompatible with the republican principles, which are the basis of the constitutions of the respective states in the Union)."

The members chosen, Mr. [James] Duane, Mr. [James] Madison and S[amuel] Huntington.

Ordered, That the remainder of the report be referred to the said committee.

<u>October 17, 1783</u> –

1) A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Arthur] Lee, in the words following:

Whereas the resolutions of Congress of the 7th instant, to erect buildings for their use at or near the falls of the Delaware, are not satisfactory to a respectable part of the United States, five of

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which, on the 8th instant, voted for a re-consideration of the said resolutions: And whereas Congress have no prospect of a general assent to any one place for their residence, and there is every reason to expect that the providing buildings for the alternate residence of Congress in two places, will be productive of the most salutary effects, by securing the mutual confidence and affections of the states, and preserving the federal balance of power:

It is therefore, Resolved, That buildings be likewise erected for the use of Congress, at or near the lower falls of Potomac or Georgetown; provided a suitable district on the banks of the river can be procured for a federal town, and the right of soil and an exclusive jurisdiction, or such other as Congress may direct, shall be vested in the United States: Whereupon

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [Richard] Peters, as follows:

Whereas the motion now before the house, made by the honorable mover from Massachusetts, appears to involve in it important consequences to the Union, as to require a special and deliberate investigation, unconnected with any other subject, and ought not to be determined upon a motion immediately taken up, without previous notice thereof given to the states; as was the case in fixing a single federal town: Therefore,

Resolved, That the said motion be postponed to the first Monday in April next, and copies thereof transmitted to the executives of the several states:

And on the question to agree to this, the yeas and nays being required by Mr. [Elias] Boudinot, so the question was lost.

On motion of Mr. [Richard] Peters, seconded by Mr. [Silas] Condict,

Resolved, That the consideration of the main question be postponed till Wednesday next.

<u>October 21, 1783</u> –

1) On a motion of Mr. [Arthur] Lee, seconded by Mr. [Daniel] Carroll, the motion of Mr. [Elbridge] Gerry, which was under debate yesterday, was taken into consideration.

And a motion was made by Mr. [William] Ellery, seconded by Mr. [Elbridge] Gerry, to amend it by adding thereto:

And that until the buildings to be erected on the banks of the Delaware and Potomac shall be prepared for the reception of Congress, their residence shall be alternately at equal periods of not more than one year, and not less than six months in Trenton and Annapolis; and the President is hereby authorised and directed to adjourn Congress on the 12th day of November next, to meet at Annapolis on the 26th of the same month, for the dispatch of public business.

And on the question to agree to this amendment, the yeas and the nays being required by Mr. [John] Montgomery, so it was resolved in the affirmative.

A division was then called for, and on the question, that buildings be likewise erected for the use of Congress at or near the lower falls of Potomac or Georgetown; provided a suitable

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district on the banks of the river can be procured for a federal town, and the right of soil, and an exclusive jurisdiction or such other as Congress may direct, shall be vested in the United States:

The yeas and nays being required by Mr. [Richard] Beresford, so it was resolved in the affirmative.

And on the question to agree to the second part, viz. “and that until the buildings to be erected,” &c, to the end, the yeas and nays being required by Mr. [Richard] Beresford, so it was resolved in the affirmative.

The preamble being taken into consideration, and the same being amended, the whole was agreed to as follows:

Whereas there is reason to expect that the providing buildings for the alternative residence of Congress in two places will be productive of the most salutary effects, by securing the mutual confidence and affections of the states;

Resolved, That buildings be likewise erected for the use of Congress, at or near the lower falls of Potomac or Georgetown; provided a suitable district on the banks of the river can be procured for a federal town, and the right of soil, and an exclusive jurisdiction, or such other as Congress may direct, shall be vested in the United States: and until the buildings to be erected on the banks of the Delaware and Potomac shall be prepared for the reception of Congress, their residence shall be alternately at equal periods, of not more than one year, and not less than six months in Trenton and Annapolis; and the President is hereby authorised and directed to adjourn Congress on the 12th day of November next, to meet at Annapolis on the twenty-sixth day of the same month, for the dispatch of public business.

2) The Committee [Mr. James Wilson, Mr. John Rutledge, Mr. Nathaniel Gorham, Mr. Abraham Clark and Mr. Alexander Hamilton] to whom was referred the letters and Communications from the Ministers of the United States for negotiating peace and the letter of the 19th Instant from the Secretary for foreign affairs, together with three motions thereon, report to Congress the following Resolutions,

Resolved, That Congress entertain a high sense of the services of their Commissions in the negotiation of the provisional articles agreed to by them and the Commissioner of his Britannic Majesty, and of the zeal and firmness which they have shewn with so much success for the dignity, the rights and the Interests of the United States.

Resolved, That the said Commissioners be instructed to make to the Court of France a communication of the separate article entered into with the British Commissioner, to endeavor to have that article excluded from the Treaty with Great Britain; but if this cannot be accomplished without inconvenience, then to agree that, to whatever power West Florida shall remain or to be ceded at the conclusion of the War, it's Northern Boundary shall be as it is described in the said separate article.

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Resolved, That the Secretary for foreign affairs be direct to inform the said Commissioners, that it is the wish of Congress, that the articles agreed to with the Commissioner of his Britannic Majesty had been communicated to the Court of France before they were signed.

October 22, 1783 –

1) In pursuance to the orders of the 18 and 19 of August, the Superintendant of finance transmitted to Congress,

1. An estimate of the foreign and domestic debt of the United States.

2. A computation of interest arrearages on the national debt to the 1 January, 1783, and interest for one year, on a supposition of the same becoming due in 1784.

3. Accounts of the emissions of bills of exchange, drawn by direction of Congress for the payment of interest; and an account of the annual interest that was payable in Europe on loan office certificates.

4. A statement of Mr. Grand's last account current, on the principles of the former arrangement of his account, dated 19 August, 1782.

2) On the report of a committee, consisting of Mr. [James] Duane, Mr. [William] Ellery and Mr. S[amuel] Huntington, to whom was referred a motion for transmitting copies of the preliminary articles of peace to the respective states;

Resolved, That an exemplification of the provisional articles for restoring peace between the United States of America and Great Britain, and of the act of ratification thereof by the United States, be transmitted to each of the respective states.

3) The Committee consisting of Mr. S[amuel] Huntington Mr. [Arthur] Lee, and Mr. [James] Duane to who the plan of a treaty with Denmark was referred, beg leave to Report,

That having examined the proposed plan they do not find it contravene any treaty of Commerce now subsisting between the U.S. and any other power.

But they find that the reciprocity and equality which should be the basis of the Treaty are not preserved in reality tho [they] are in appearance in the 2nd and 3rd articles which are the most material as stipulating the extent and modification of our commercial rights under the proposed Treaty. In these articles it is proposed, that the Citizens and subjects of the contracting parties respectively, shall have free access to the Country and Harbours of each other, there to reside and traffic in all sorts of merchandize and goods, the importation or exportation of which is not or shall not be hereafter prohibited, and in all places where the navigation or commerce are not or shall not be reserved to the Citizens or inhabitants alone of the respective Powers. Now, as there are no places in the U.S. where such restrictions prevail and there are many such under the dominion of Denmark such as Iceland, Greenland, Finmarsen, Ferro, Tranquebar, St. Croix, St. Thomas and St. Johns, it is plain that the exception

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can operate only against the Citizens and subjects of the United States and consequently that it is not reciprocal nor equal.

Your Committee observe that the Minster of the King of Denmark took exception upon the same ground to the stipulation proposed on our part, that the Citizens and subjects of the contracting powers should manually enjoy all the privileges and exemptions which are granted to the most favored nations, because there being no favored nation in the commerce of the U.S. and there being such in that of Denmark there was no reciprocity in the stipulation.

It appears to your Committee that the places mentioned above are by far the most important in the commerce of the U.S. with the Kingdom of Denmark and the dominions thereunto belonging, so that the Danish Minister proposes in the explanation of his plan, that after the conclusion of the general Treaty, a particular convention shall be made for trading with the West India Islands; But your Committee think that these objects might be better obtained by altering the 2nd and 3rd articles in the manner following.

(See pages 721-722 for proposed changes).

October 23, 1783 –

1) The order of the day being called for, to take into consideration the report of a committee on a military peace arrangement,

The Committee consisting of Mr. [Alexander] Hamilton, Mr. [James] Madison, Mr. [Oliver] Ellsworth, Mr. [James] Wilson and Mr. [Samuel] Holten, "appointed to take into consideration the arrangements proper to be taken in case of a general peace" observe with respect to a Military peace establishment that before any plan can with propriety be adopted it necessary to enquire what powers exist for that purpose in the Confederation.

By the 4th clause of the 6th Article, it is declared that "no vessels of war shall be kept up by any State in time of peace except such number only as shall be deemed necessary by the United States in Congress Assembled for the defence of such State or its trade, nor shall any body of forces be kept up by any State in time of peace, except such a number only as in the judgment of the United States in Congress Assembled shall be deemed requisite to garrison the forts necessary for the defence of such State."

By the 5th clause of the 9th Articles the United States in Congress Assembled are empowered generally and without mention of peace or war "to build and equip a navy, to agree upon the number of land forces and to make requisitions from each State for its quota in proportion to the number of white inhabitants in each State, which requisition shall be binding and thereupon the legislature of each State shall appoint the Regimental officers, raise the men and cloathe, arm, equip them in a soldier like manner at the expence of the United States, and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress Assembled.

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By the 4th clause of the same article the United States are empowered "to appoint all officers of the land forces except Regimental officers, to appoint all officers of the naval forces, and to commission all officers whatever in the service of the United States, making rules for the government and regulation of the said land and naval forces and directing their operations.

It appears to the Committee that the terms of the first recited clause are rather restrictive on the particular states than directory to the United States – intended to prevent any States from keeping up forces, land or naval, without the approbation and sanction of the Union, which might endanger its tranquility and harmony, and not to contravene the positive power vested in the United States by the subsequent clauses to deprive them of the right of taking such precautions as should appear to them essential to the general security. A distinction that this is to be provided for in time of war by the forces of the Union, in time of peace, by those of each State, would involve, besides other inconveniences, this capital one, that when the forces of the Union should become necessary to defend its rights and repel any attacks upon them, the United States would be obliged to *begin to create*, at the very moment they would have occasion to *employ* a fleet and army. They must wait for an actual commencement of hostilities before they would be authorised to prepare for defence, to raise a single regiment, or to build a single ship. When it is considered what a length of time is requisite to levy and form an army and still more to build and equip a navy, which is evidently a work of leisure and of peace requiring a gradual preparation of the means, there cannot be presumed so improvident an intention in the Confederation, as that of obliging the United States to suspend all provision for the common defence till a declaration of war, or an invasion; if this is admitted, it will follow that they are at liberty to make such establishments in time of peace, as they shall judge requisite for the common safety. This is a principle of so much importance in the apprehension of the Committee to the welfare of the Union, that if any doubt should exist as to the true meaning of the first mentioned clause as will leave the general power vested in the United States by the other clauses in full force, unless the state respectively or a majority of them shall declare a different interpretation. The committee however submit to Congress (in conformity to that spirit of candor and to that respect for the sense of their constituents which ought ever to characterize their proceedings) the propriety of transmitting the plan which they may adopt to the several states to afford an opportunity of signifying their sentiments previous to its final execution.

The Committee are of opinion, if there is a Constitutional power in the United States for that purpose, that there are conclusive reasons in favor of federal in preference to state establishment.

First. There are objects for which separate provision cannot conveniently be made – posts within certain districts, the jurisdiction and property of which are not yet constitutionally ascertained territory appertaining to the United States not within the original claim of any of the States; the navigation of the Mississippi and of the Lakes; the rights of fisheries, and of foreign commerce; all which belonging to the United States, depending on the laws of nations, and on treaty, demand the joint protection of the Union, and cannot with propriety be trusted to separate establishments.

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Secondly. The fortifications proper to be established ought to be constructed with relation to each other on a general and well digested system and their defence should be calculated on the same principles. This is equally important in the double view of safety and economy. If this is not done under the direction of the United States, each State following a partial and disjointed plan, it will be found that the posts will have no mutual dependence or support, that they will be improperly distributed, and more numerous than is necessary as well as less efficacious, of course more easily reduced and more expensive both in the construction and defence.

Thirdly. It happens that from local circumstances particular states, if left to take care of themselves, would be in possession of the chief part of the standing forces and of the principal fortified places of the Union, a circumstance inconvenient to them and to the United States; to them because it impose a heavy exclusive burthem, in a matter the benefit of which will be immediately shared by their neighbors and ultimately by the states at large; to the United States, because it confides the care of the safety of the *whole* to a *part*, which will naturally be unwilling, as well as unable, to make such effectual provision at its particular expence as the common welfare requires, because a single State from the peculiarity of its situation will be a manner keep the keys of the United States, because, in fine, a considerable force in the hands of a few states may have an unfriendly aspect on the confidence and harmony which ought carefully to be maintained between the whole.

Fourthly. It is probable that a provision by the United States of the forces necessary to be kept up will be made upon a more systematic and economical plan than a provision by the states separately, especially as it will be of importance, as soon as the situation of affairs will permit, to establish foundries, manufactories of arms, powder &c. by means of which the labor of a part of the troops applied to this purpose will furnish the United States with those essential articles on easy terms, and contribute to their own support.

Fifthly. There must be a corps of Artillery and Engineers kept on foot in time of peace, as the officers of this corps require science and long preliminary study and cannot be formed on an emergency; and as the neglect of this institution would always oblige the United States to have recourse to foreigners in time of war for a supply of officers in this essential branch, an inconvenience which it ought to be the object of every nation to avoid. Nor, indeed, it is possible to dispense with the service of such a corps in time of peace, as it will be indispensable not only to have posts on the frontier, but to have fortified harbors for the reception and protection of the fleet of the United States. This corps requiring particular institutions for the instruction and formation of the officers, cannot exist upon separate establishments with a great increase of expence.

Sixthly. It appears from the annexed papers, No. 1 to 4, to be the concurrent opinion of the Commander in Chief, the Secretary at War, the Inspector General and Chief Engineer, not only that some military establishment is indispensable, but it ought in all respects to be under the authority of the United States as well for military as political reasons. The plan hereafter submitted on considerations of economy is less extensive than proposed by either of them.

The Committee upon these principles submit the following plan:

The military peace establishment of the United States, to consist of four regiments of infantry and one of artillery, incorporated in a corps of engineers with the denomination of the Corps of Engineers. Each regiment of infantry to consist of two battalions, each battalion of four companies and each company of sixty-four rank and file, with the following commissioned and non commissioned officers, pay rations and cloathing, to be however recruited to one hundred and twenty-eight ranks and file in time of war, preserving the proportion of corporals to privates.

[Scribe's notes: See pages 726-744 for the rest of the report].

October 24, 1783 –

1) On a report of a committee, consisting of Mr. [Samuel] Huntington, Mr. [James] Duane and Mr. [James] Madison, to whom were referred communications made to Congress by the honourable the minister plenipotentiary of France, on the 19th of September last,

Resolved, That the minister plenipotentiary of France be informed, that Congress receive much pleasure from his communication of the resolution of the belligerent parties not to sign a definitive treaty of peace with Great Britain but in concert with the United States. That it gives them equal satisfaction to learn, that his Most Christian Majesty had in view the commerce of the United States; and that it is their earnest wish that such a spirit of liberality may pervade commercial regulations, on both sides, as will extend the intercourse and mutual interests of the two nations, and preserve and increase the reciprocal confidence and affection which so eminently distinguished their alliance.

October 29, 1783 –

1) The committee, consisting of Mr. S[amuel} Huntington, Mr. A[rthur] Lee and Mr. [James] Duane, to whom were referred sundry resolutions passed on the 29 of September and 1 October, instant, reported a draft of instructions, which was agreed to as follows:

By the United States in Congress assembled.

To the ministers plenipotentiary of the United States of America at the Court of Versailles empowered to negotiate a peace, or to any one or more of them:

First. You are instructed and authorised to announce to his Imperial Majesty the Emperor of Germany, or to his ministers, the high sense which the United States in Congress assembled entertain of his exalted character and eminent virtues, and their earnest desire to cultivate his friendship, and to enter into a treaty of amity and commerce for the mutual advantage of the subjects of Imperial Majesty, and the citizens of these United States.

Secondly. You are instructed to meet the advances and encourage the disposition of the other commercial powers in Europe for entering into treaties of amity and commerce with these United States. In negotiations on this subject, you will lay it down as a principle in no case to be deviated from, that they shall respectively have for their basis the mutual advantage of the contracting parties, on terms of the most perfect equality and reciprocity, and not to be

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repugnant to any of the treaties shall, in the first instance, be proposed for a term not exceeding fifteen years, and shall not be finally conclusive until they shall respectively have been transmitted to the United States in Congress assembled, for their examination and final direction; and that, with the drafts or propositions for such treaties, shall be transmitted all the information which shall come within the knowledge of the said ministers respecting the same; and their observations, after most mature inquiry, on the probable advantages or disadvantages and effects of such treaties respectively.

Thirdly. You are instructed to put a stop to all loans for money which are negotiating or authorized on behalf of the United States in any part of Europe. (This is a recommitment).

Thirdly. You are instructed to continue to press upon the ministers of his Danish Majesty the justice of the causing satisfaction to be made for the Value of the ships and goods captured by the *Alliance* frigate and sent to Bergen, and how essentially it concerns the honour of the United States that their gallant citizens should not be deprived of any part of those prizes, which they had so justly acquired by their valour. That as far as Congress have been informed, the estimate of those prizes at fifty thousand pounds sterling is not immoderate; that no more however is desired than their true value, after every deduction which shall be thought equitable. That Congress have a sincere disposition to cultivate the friendship of his Danish Majesty, and to promote a commercial intercourse between his subjects and the citizens of the United States, on terms which shall promise mutual advantage to both nations. That it is therefore the wish of Congress, that this claim should be referred to the equitable disposition of his Danish Majesty, in full confidence that the reasonable expectations of the parties interested will be fully answered; accordingly you are fully authorised and directed, after exerting your best endeavours to enforce the said claim to the extent it shall appear to you to be well founded, to make abatements if necessary, and ultimately to accept such compensation as his Danish Majesty can be prevailed on to grant.

Fourthly. You are further instructed, to inquire and report to Congress the reasons why the expedition of the *Alliance* and *Bon Homme Richard*, and the squadron which accompanied them, was carried on at the expence and account of the Court of France: whether any part of the profit arising therefrom accrued to the United States; or any of the expence thereof hath been placed to their account: whether the proceeds of any of the prizes taken in that expedition, and which is due to the American officers and seamen employed therein, is deposited in Europe; and what amount; where; and in whose hands.

Fifthly. The acquisition of support to the independence of the United States having been the primary object of the instructions to our ministers respecting the convention of the neutral maritime powers for maintaining the freedom of commerce, you will observe that the necessity of such support is superseded by the treaties lately entered into for restoring peace. And although Congress approve of the principles of that convention, as it was founded on the liberal basis of the maintenance of the rights of neutral nations. And of the privileges of commerce, yet they are unwilling, at this juncture, to become a party to a confederacy which may hereafter too far complicate the interests of the United States with the politicks of Europe; and

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therefore, if such a progress is not already made in this business as may render it dishonourable to recede, it is the desire of Congress and their instruction to each of the ministers of the United States at the respective courts in Europe, that no farther measures be taken at present towards the admission of the United States into that confederacy.

Sixthly. The ministers of these United States for negotiating a peace with Great Britain are hereby instructed, authorised and directed, to urge forward the definitive treaty to a speedy conclusion; and unless there shall be an immediate prospect of obtaining articles or explanations beneficial to the United States, in addition to the provisional articles, that they shall agree to adopt the provisional articles as the substance of a definitive treaty of peace.

Seventhly. The minister or ministers of these United States for negotiating a peace are hereby instructed, to negotiate an explanation of the following paragraph of the declaration acceded to by them on the 20 of January, 1783, relative to captures, viz. "that the term should be one month from the channel and North Sea as far as the Canary Islands, inclusively, whether in the Ocean or the Mediterranean."

Eightly. Mr. Jay is hereby authorised to direct Mr. Carmichael to repair to Paris, should Mr. Jay be of opinion that the interest of the United States at the Court of Madrid may not be injured by Mr. Carmichael's absence; and that Mr. Carmichael carry with him the books and vouchers necessary to make a final and complete settlement of the accounts of publick moneys which have passed through the hands of Mr. Jay and himself; and that Mr. Barclay attend Mr. Jay and Mr. Carmichael to adjust those accounts.

Ninthly. Mr. Jay has leave to go to Bath, should he find it necessary for the benefit of his health.

Ordered, That the fifth instruction be also directed to Mr. Dana, and that with it be sent him a copy of the other instructions for his information.

2) On a report of a committee, consisting of Mr. S[amuel] Huntington, Mr. [Arthur] Lee, and Mr. [James] Duane, to whom was referred a letter from the Burgomasters and Senate of the imperial free city Hamburg,

Resolved, That the President, in terms expressive of the most sincere regard, communicate to the Burgomasters and Senate of the imperial free city Hamburg the high satisfaction with which the United States in Congress assembled are impressed by the annunciation of their friendship and attachment, and their affectionate congratulations on the establishment of the liberty and independence of the United States of America. That having founded the commercial system of these states on the basis of equality and reciprocity, Congress will cheerfully meet the wishes of the Burgomasters and Senate of Hamburg, and unite with them in encouraging the most friendly intercourse between the citizens of the respective countries on such liberal principles as will best promote their mutual advantage and prosperity; and that it is the earnest prayer of the United States in Congress assembled, that the imperial free city Hamburg may continue to increase in commerce and splendor, and be blessed with uninterrupted tranquility.

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Resolved, That a committee be appointed to confer with Mr. John Abraham de Boor, charged by the said Burgomasters and Senate with their said letter to Congress on the subject matter thereof; and that a copy of these resolutions be transmitted to Mr. de Boor.

The committee – Mr. [Daniel] Carroll, Mr. [Elbridge] Gerry and Mr. [Hugh] Williamson.

October 31, 1783 –

1) A contract between his Most Christian Majesty and the United States of America, entered into on the 25th day of February, 1783, being laid before Congress.

Resolved, That the same be ratified in the terms following:

The committee [consisting of Mr. James Madison, Mr. James Wilson and Mr. Stephen Higginson] to whom was committed the contract for six millions of Livres entered into by Doctor Franklin with the Court of France, 25 Feby, 1783, report the following ratification:

THE UNITED STATES IN CONGRESS ASSEMBLED,

To all whose these presents, send greeting:

Whereas Benjamin Franklin, our minister plenipotentiary at the Court of Versailles, in pursuance of the powers in him vested, did, on the twenty-fifth day of February, in the year one thousand seven hundred and eightythree, with Charles Gravier de Vergennes, &c. counsellor of the king in all his councils, commander of his orders, minister and secretary of state, &c. vested with full power of his Most Christian Majesty for the purpose, enter into, conclude and sign a contract between his Most Christian Majesty and the United States of North America, in the words following, viz. (Here insert the contract at large].

Contract between the king and the thirteen United States of North America, passed at Versailles, the 21st February, 1783.

(see pages 774-778 for contract).

November 1, 1783 –

1) *Resolved*, That Captain John Paul Jones be, and he hereby is recommended to the minister plenipotentiary of the United States, at the Court of Versailles, as agent, to solicit under the direction of the said minister for payment and satisfaction to the officers and crews for all prizes taken in Europe under his command, and to which they are anywise entitled. And that the said Captain Jones, shall [receive the commission usually allowed in such cases] out of the money which he shall recover as agent for the said prizes, in full compensation for his services and expences: (provided always, that the said Captain J. P. Jones, previous to his entering upon the execution of the said trust, shall give the Superintendant of finance, for the benefit of all concerned, sufficient bonds with good security, for the faithful discharge thereof, and for the just payment of the same to the said Superintendant of finance, to be by him distributed to those persons who may entitles thereto).

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2) The committee, consisting of Mr. [Daniel] Carroll, Mr. [James] Duane and Mr. S[amuel] Huntington, to whom was referred a motion of Mr. [James] Wilson, to devise means for procuring a full representation in Congress, having reported,

That whether from the peculiar circumstances some of the states have been under during the war, or that the states in general were not sufficiently impressed with the importance of keeping up a constant representation in Congress, the committee cannot find, on examining the Journals, notwithstanding the repeating earnest recommendations for that purpose, that all the states have been represented at the same time: it appears that frequently there have not been more than nine states, and too generally not more than a competent representation for the lesser objects of the Confederation. As the Articles of Confederation are silent on this subject, any further than by fixing the number of delegates for each State, and by declaring how many shall constitute a representation, the committee presume such silence was in consequence of a firm reliance that the states could be inattentive to a duty not only essential to the interests of each State, but likewise to a principle on which the federal government itself rests.

The Articles of Confederation requiring, for certain purposes, the agreement of nine states; and as it has seldom happened more than that number have attended, the committee conceive, that not only the injury the public and individuals have suffered thereby, have been occasioned, in many instances, by likewise that the spirit of the Articles of Confederation have been defeated, by making an unanimity necessary, whereas nine only out of thirteen are required. And the committee are further of opinion, that unless the states pursue effectual measures for keeping up a constant representation, another material object of the Confederation will be frustrated. The delays unavoidable for want of a full representation, will, they conceive, oblige Congress to remain sitting the whole year, whereas by the Articles of Confederation it appears, that it was expected part of the business of the United States would be transacted by a committee of the states.

The committee therefore are of opinion, that is should be earnestly recommended to the respective states, to take the most effectual measures to maintain, at all times. While Congress are sitting, a full representation, that the delay of business, which has proved so injurious to the public, and grievous to individuals, may no longer be a subject of complaint.

Resolved, That Congress agree to the said report;

And in order that the states may have a proper knowledge of the circumstances Congress shall be under in this respect,

Resolved, That every morning, at eleven o'clock, an account be taken of the attendance of the several delegates, and a copy thereof, together with an account of the states represented, be sent to the executive of each State.

<u>December 13, 1783</u> –

Scribe's notes: Congress meets in Annapolis.

1) The President then laid before Congress, a joint letter from the ministers of the United States at Paris, dated at Passy, 10 September, 1783, accompanied with the definitive treaty between Great Britain and the United States of America, signed at Paris, 3 September, 1783, which were read.

December 20, 1783 –

1) A letter, of this day, from the Commander in Chief, was read, informing Congress of his arrival in this city, with the intention of asking leave to resign the commission he has the honor of holding in their service, and desiring to know their pleasure in what manner it will be most proper to offer his resignation; whether in writing or at an audience; Whereupon,

Resolved, That his Excellency the Commander in Chief be admitted to a public audience, on Tuesday next, at twelve o'clock.

Resolved, That a public entertainment be given to the Commander in Chief on Monday next.

Postpone, in order to take into consideration the following:

Is it the sense of Congress that seven states in Congress Assembled are competent to receive the resignation of a Commander in Chief?

[Scribe's notes: The votes were cast and all but one delegate voted yes].

December 22, 1783 –

1) On a report of a committee consisting of Mr. [Thomas] Jefferson, Mr. [Elbridge] Gerry and Mr. [James] McHenry, appointed to make the necessary arrangements for the public audience of General Washington.

Resolved, That the order for the public audience of General Washington be as follows:

1. The President and members are to be seated and covered, and the secretary to be standing by the side of the President.

2. The arrival of the General is to be announced by the messenger to the secretary, who is thereupon to introduce the General attended by his aids to the Hall of Congress.

3. The General being conducted to a chair by the secretary is to be seated with an aid on each side, standing, and the secretary is the resume his place.

4. After a proper time for the arrangement of spectators, silence is to be ordered by the secretary, if necessary, and the President is to address the General in the following words:

"Sir, The United States in Congress assembled are prepared to receive your communications."

Whereupon the General is to arise and address Congress, after which he is to deliver [his Commission and a] copy of his address [to the President]

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5. The [General] having resumed his place, the President is to deliver the answer of Congress, which the General is to receive standing,

6. The President having finished the secretary is to deliver the General a copy of the answer [and the General] is then to take his leave.

When the General rises to make his address, and also when he retires, he is to bow to Congress, which they are to return by uncovering without bowing.

2) The Committee consisting of Mr. [Thomas] Jefferson, Mr. [Elbridge] Gerry, and Mr. [Hugh] Williamson to whom were referred the letter of the Ministers for the U.S in Europe have agreed to the following Report:

They find that instructions bearing the date of the 29 of October, 1783, were sent to the Ministers Plenipotentiary of the U.S. of America at the Court of Versailles empowered to negotiate a peace, or to any one or more of them for concerting draughts or propositions for treaties of amity and commerce with the commercial powers of Europe; but that their powers will not extend to the actual signature of any such treaty, nor to negotiate with any State or power out of Europe.

They do not find that any commission consonant with these instructions has been issued to the said Ministers.

They are of opinion it will be advantageous to these United States to conclude such treaties with Russia, the Court of Vienna, Prussia, Denmark, The Elector of Saxony, Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, [Rome, Naples, Venice, Sardinia and the Ottoman Porte].

That in formation of these Treaties the following points be carefully stipulated:

1. That each party shall have the right to carry their own produce, manufactures and merchandize in their own bottoms to the ports of the other and thence to take the produce and merchandize of the other paying in both cases such duties only as are paid by the most favored nation, freely where it is freely granted to such nation, or paying the compensation where such nation does the same.

2. That with the nations holding territorial possessions in America a direct and similar intercourse be admitted between the U.S. and such possessions, or if this cannot be obtained then a direct and similar intercourse between the U.S. and certain free ports within such possessions; that if this neither can be obtained, permission be stipulated to bring from such possessions in their own bottoms the produce and merchandize thereof to these States directly and for these States to carry their own bottoms their produce and merchandize to such possessions directly.

3. That these U.S. be considered in all such Treaties and in every case arising under them as one Nation [upon principles of the federal Constitution.]

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4. That it be proposed, though not indispensably required, that if war should hereafter arise between the two contracting parties the merchants of ether Country then residing in the other shall be allowed to remain 9 months to collect their debts and settle their affairs and may depart freely carrying off all their effects without molestation or hindrance, and all fisherman, all cultivators of the earth and all artizans or manufacturers, unarmed and inhabiting unfortified towns, villages or places, who labour for the common subsistence and benefit of mankind, and peaceably following their respective employments shall be allowed to continue the same, and shall not be molested by the armed force of the enemy in whose power by the events of war may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force the same shall be paid for at a reasonable price, and all merchants and traders exchanging the products of different places and thereby rendering the necessities, conveniences and comforts of human life more easy to obtain and more general, shall be allowed to pass free and unmolested and neither of the contracting powers shall grant or issue any Commission to any private armed vessel, empowering then to take or destroy such trading ships or interrupt such Commerce.

5. And in case either of the Contracting parties shall happen to be engaged in war with any other nation, it be father agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandize heretofore called contraband, such as arms, ammunition and military stores of all kinds, that no such articles carrying by the ships or subjects of one of the parties to the enemies of the other shall on any account be deemed contraband, so as to induce confiscation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such ships, and detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding on their voyage, [praying however a reasonable compensation for the loss of such arrest shall occasion to the proprietors; and it shall farther be allowed to use in the service of the captors the whole or any part of the military stores so detained paying the owners the full value of the same, to be ascertained by the current price at the place of its destination; but if the other contracting party will not consent to discontinue the confiscation of the contraband goods, then it be stipulated that if the master of the vessel stopped will deliver out the goods charged to be contraband, he shall be admitted to do it and the vessel shall not in that case be carried into any port; but shall be allowed to proceed on her voyage.

6. That in the case where either of the contracting parties shall happen to be engaged in a war with any other power, all goods not contraband belonging to the subjects of that other power and shipped in the bottoms of the party hereto who is not engaged in the war shall be entirely free, and that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament when the assailing power shall have taken such a station as to expose to eminent danger any ship or ships, that would attempt to sail in or out of the said ports, and that no vessel of the party who is not engaged in the said war shall be stopped without a material and well grounded cause, and in such cases justice shall be done, and an indemnification given without loss time to the persons aggrieved and thus stopped without sufficient cause.

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7. That no rights be stipulated for aliens to hold real property within these States, this being utterly inadmissible by their several laws and policy; [but where on the death of any person holding real estate, within the territories of one of the contracting parties, such real estate would by their laws descend on a subject or citizen of the other, were he not disqualified by alienage, there he shall be allowed a reasonable time to dispose of the same, and withdraw the proceeds without molestation.

8. That such Treaties be made for a term not exceeding 10 years from the exchange of ratifications.

9. That these instructions be considered as supplementary to those of Oct. 1783 and not as revoking except where they contradict them. That where in treaty with a particular nation, they can procure particular advantages, to the specification of which we have been unable to descend, our object in these instructions having been to form outlines only and general principles of treaty with many nations, it is our expectation they will procure them, tho not pointed out in these instructions (and where they may be able to form treaties on principles which in their judgment will be more beneficial to the United States than those herein directed to be made their basis, they are permitted to adopt such principles.) That as to the duration of the treaties, tho' we have proposed to restrain them to the term of 10 years, yet they are at liberty to extend the same as far as 15 years with any nation which may pertinaciously insist thereon; and that it will be agreeable to us to have supplementary treaties with France, the United Netherlands and Sweden, which may bring treaties we have entered into with them as nearly as may be to the principles of those now directed; but that this be not pressed if the proposal should be found disagreeable.

That treaties of amity or of amity and commerce be entered into with Morocco, and the Regencies of Algiers, Tunis and Tripoli [to continue for the same term of 10 years, or for a term as much longer as can be procured.]

That our Ministers to be commissioned for treating with foreign nations, make known to the Emperor of Morocco the great satisfaction which Congress feel from the amicable disposition he has shewn towards these States and his readiness to enter into alliance with them; that the occupations of the war and distance of our situation have prevented our meeting his friendship so early as we wished; but that powers are now delegated to them entering into treaty with him, in the execution of which they are ready to proceed, and that as to the expences of his Minister they do herein what is for the honor and interest of the United States.

That a commission be issued to Mr. Adams, Mr. Franklin, and Mr. Jefferson giving powers to them, or the greater part of them to make and receive propositions for such treaties of amity and commerce, and to negotiate and sign the same, transmitting them to Congress for the final ratification, and that such Commission be in force for a term not exceeding two years.

That consuls be appointed for the ports of ___ and consuls general be established at ___.

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(That the said Ministers to be Commissioned for treating with the foreign nations be referred to the instructions of the thirtieth day of May 1783, relative to British debts, the objects of which they are hereby directed to urge with perseverance.)

That they require with firmness and decision full satisfaction for all slaves and other property belonging to citizens of these States taken and carried away in violation of the preliminary and definitive articles of peace; and to establish them to do this on precise grounds Congress will furnish them with necessary facts and documents.]

That Doctor Franklin be desired to notify to the Apostolical Nuncio at Versailles, that Congress will always be pleased to testify their respect to his Sovereign and State, but that the subject of his application to Doctor Franklin being purely spiritual it is without the jurisdiction and powers of Congress, who have no authority to permits or refuse it, these powers being reserved to the several States individually.

That Doctor Franklin be instructed to express to the Court of France, the constant desire of Congress to meet their wishes. That these States are about to form a general system of commerce by treaties with other nations; that at this time we cannot foresee what claims might be given to those nations by the explanatory propositions from the Count de Vergennes on the 2 and 3 articles of our treaty of amity and commerce with his M. C. M. but that he may be assured it will be our constant care to place no people on more advantageous ground than the subjects of his Majesty.

December 23, 1783 –

1) On motion of Mr. [Hugh] Williamson, seconded by Mr. [Thomas] Jefferson,

Resolved, That letters be immediately despatched to the executives of New Hampshire, Connecticut, New York, New Jersey, South Carolina and Georgia, informing them, that the safety, honor and good faith of the United States require the immediate attendance of their delegates in Congress at this place, more than seven states represented, namely: Massachusetts, Rhode Island, Pensylvania, Delaware, Maryland, Virginia and North Carolina, and most of those by only two delegates; and that the ratification of the definitive treaty, and several other matters, of great national concern, are now pending before Congress, which require the utmost dispatch, and to which the assent of at least nine states is necessary.

2) According to order, his Excellency the Commander in Chief was admitted to a public audience, and being seated, the President, after a pause, informed him, that the United States in Congress assembled, were prepared to receive his communications; Whereupon, he arose and addressed Congress as follows:

MR. PRESIDENT, The great events on which my resignation depended, having at length taken place, I have now the honor of offering my sincere congratulations to Congress, and or presenting myself before them, to surrender into their hands the trust committed to me, and to claim the indulgence of retiring from the service of my country.

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Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity afforded the United States, of becoming a respectable nation, I resign with satisfaction the appointment I accepted with diffidence; a diffidence in [my abilities to accomplish so arduous a task; which however was superseded by a confidence in the rectitude of our cause, the support of the supreme power of the Union, and the patronage of Heaven.

The successful termination of the war has verified the most sanguine expectations; and my gratitude for the interposition of Providence, and the assistance I have received from my countrymen, increases with every review of the momentous contest.

While I repeat my obligations to the army in general, I should do injustice to my own feelings not to acknowledge, in this place, the peculiar services and distinguished merits of the gentlemen who have been attached to my person during the war. It was impossible the choice of confidential officers to compose my family should have been more fortunate. Permit, sir, to recommend in particular, those who have continued in the service to the present moment, as worthy of the favorable notice and patronage of Congress.

I consider it an indispensable duty to close this last act of my official life commending the interests of our dearest country to the protection of Almighty God, and those who have the superintendence of them to his holy keeping.

Having now finished the work assigned me, I retire from the great theatre of action, and bidding an affectionate farewell to this august body, under those orders I have so long acted, I here offer my commission, and take my leave of all employments of public life.

He then advanced and delivered to the President his commission, with a copy of his address, and having resumed his place, the President returned him the following answer:

SIR, The United States in Congress assembled receive with emotions, too affecting for utterance, the solemn resignation of the authorities under which you have led their troops with success through a perilous and a doubtful war. Called upon by your country to defend its invaded rights, you accepted the sacred charge, before it had formed alliances, and whilst it was without funds or a government to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power through all disasters and charges. You have, by the love and confidence of your fellow-citizens, enabled them to display their martial genius, and transmit their fame to posterity. You have persevered, till these United States, aided by a magnanimous king and nation, have been enabled, under a just Providence, to close the war in freedom, safety and independence; on which happy event we sincerely join you in congratulations.

Having defended the standard of liberty in this new world: having taught a lesson useful to those who inflict and to those who feel oppression, you retire from the great theatre of action, with the blessings of your fellow-citizens, but the glory of your virtues will not terminate with your military command, it will continue to animate remotest ages.

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We feel with you our obligations to the army in general; and will particularly charges ourselves with the interests of those confidential officers, who have attended your person to this affecting moment.

We join you in commending the interests of our dearest country to the protection of Almighty God, beseeching him to dispose the hearts and minds of its citizens, to improve the opportunity afforded them, of becoming a happy and respectable nation. And for you we address to him our earnest prayers, that a life so beloved may be fostered with all his care; that your days may be happy as they have been illustrious; and that he will finally give you that that reward which this world cannot give.

NOTES FROM THE DEBATES

February 21, 1783 –

1) Mr. Mercer made some remarks tending to a re-consideration of the act declaring general funds to be necessary, which revived the discussion of that subject.

Mr. Madison said that he had observed throughout the proceedings of Congress relative to the establishment of such funds that the power delegated to Congress by the Confederation had been differently construed by different members & this difference of construction had materially affected their reasonings & opinions on the several propositions which had been made; that in particular it had been represented by sundry members that Congress was merely an Executive body; and therefore that is was inconsistent with the principles of liberty & spirit of the Constitution, to submit to them a permanent revenue which would be placing the purse & the sword in the same hands; that he wished the true doctrine of the Confederation to be ascertained as it might perhaps remove some embarrassments; and towards that end would offer his ideas on the subject.

He said that he did not conceive in the first place that the opinion was sound that the power of Congress in cases of revenue was in no respect Legislative, but merely Executive; and, in the second place, that admitting the power to be Executive a permanent revenue collected & disposed by them in the discharge of the debts to which it said be appropriated would be inconsistent with the nature of an Executive body, or dangerous to the liberties of the Republic.

As to the first opinion he observed that by the Articles of Confederation, Congress had clearly & expressly the right to fix the quantum of revenue necessary for the public exigencies, & to require the same from the States respectively in proportion to the value of their land; that the requisitions thus made were a law to the States, as much as the Acts of the latter for complying with them were a law to their individual members; that the federal constitution was as sacred & obligatory as the internal constitutions of the several States; and that nothing could justify the States in disobeying acts warranted by it, but some previous abuse or infraction on the part of Congress; that as a proof that the power of fixing the quantum and making requisitions of money, was considered as a legislative power over the purse, he would appeal to the

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proposition made by the British Minister of giving this power to the British Parliament, & leaving to the American Assemblies the privilege of complying in their own modes, & to the reasonings of Congress & the several States on that proposition. He observed further that by the Articles of Confederation was delegated to Congress a right to borrow money indefinitely, and emit bills of Credit which was a species of borrowing, repayment & redemption of which the faith of the States was pledged & their legislatures constitutionally bound. He asked whether these powers were reconcilable with the idea that Congress was a body merely Executive? He asked what would be thought in G.B., from whose Constitution our Political reasonings were so much drawn, of an attempt to prove that power that a power of making requisitions of money on the Parliament & borrowing money for discharge of which Parliament should be bound, might be annexed to the Crown without changing its quality of an Executive branch, and that the leaving to the Parliament the mode only of complying with the requisitions of the Crown would be leaving to it its supreme & exclusive power of Legislation?

As to the second point he referred again to the British Constitution & the mode in which provision was made for the public debts, observing that although the Executive had no authority to contract a debt, yet that when a debt had been authorized or admitted by the Parliament a permanent & irrevocable revenue was granted by the Legislature, to be collected & dispensed by the Executive; and that this practice had never been deemed a subversion of the Constitution, or a dangerous association of a power over the purse with the power of the Sword.

If these observations were just, as he conceived them to be, the establishment of a permanent revenue not by any assumed authority of Congress, buy by the authority of the States at the recommendation of Congress, to be collected & applied by the latter to the discharge of the public debts, could not be deemed inconsistent with the spirit of the federal Constitution, or subversive of the principles of liberty; and that all objections drawn from such a supposition ought to be withdrawn. Whether other objections of sufficient weight might not lie against such an establishment, was another question. For his part although for various reasons he had wished for such a plan as most eligible, he had never been sanguine that is was practicable & the discussions which had taken place had finally satisfied him that it would be necessary to limit the call for a general revenue to duties on commerce & to call for the deficiency in the most permanent way that could be reconciled with a revenue established within each State separately & appropriated to the Common Treasury. He said the rule which he had laid down to himself in this business was to concur in every arrangement that should appear necessary for an honourbale & just fulfillment of the public engagements; & in no measure tending to augment the power of Congress which should appear to be unnecessary; and particularly disclaimed the idea of perpetuating a public debt.

Mr. Lee, in answer to Mr. Madison, said the doctrine maintained by him was pregnant with dangerous consequences to the liberties of the confederated States; that, notwithstanding the specious arguments that had been employed it was an established truth that the purse ought not to be put into the same hands with the Sword; that like arguments has been used in favor of Ship money in the reign of Charles I it being then represented as essential to the support of

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the Government, that the Executive should be assured of the means of fulfilling its engagements for the public service. He said it had been urged by several in behalf of such an establishment for public credit that without it Congress was nothing more than a rope of sand. On this head he would be explicit; he had rather see Congress a rope of sand than a rod of Iron. He urged finally as a reason why some States would not & ought not to concur in granting to Congress a permanent revenue, that some States as Virginia, would receive back a small part by payment from the U.S. to its Citizens, whilst others as Pennsylvania, would receive a vast surplus; & consequently be enriched by draining the former of its wealth.

Mr. Mercer said if he conceived the federal compact to be such as it had been represented he would immediately withdraw from Congress & do every thing in his power to destroy its existence; that if Congress had a right to borrow money as they pleased and to make requisitions on the States that would be binding on them, the liberties of the States were ideal; that requisitions ought to be consonant to the Spirit of liberty; that the States must be left to judge of the nature of them, of their abilities to comply with them & to regulate their compliance accordingly; he laid great stress on the omission of Congress to transmit half yearly to the States an act of the monies borrowed by them &c. and even insinuated that the omission had absolved the States in some degree from the engagements. He repeated his remarks on the injustice of the rule by which loan office Certificates had been settled and his opinion that some defalcations would be necessary.

Mr. Holten was opposed to all permanent funds, and to every arrangement not within the limits of the Confederation.

Mr. Hamilton enlarged on the general utility of permanent funds to the federal interests of this Country, and pointed out the difference between the nature of the constitution of the British Executive & that of the U.S. in answer to Mr. Lee's reasoning from the case of Ship money.

Mr. Gorham adverted with some warmth to the doctrines advanced by Mr. Lee & Mercer, concerning the loan office Creditors. He said the Union could never be maintained on any other ground than that of Justice; that some States had suffered greatly from the deficiencies of other already; that if Justice was not to be obtained through the federal system & this system was to fail as would necessarily follow, it was time this should be known that some of the States might be forming other confederacies adequate to the purposes of their safety.

This debate was succeeded by a discharge of the Committee from the business of devising the means requisite for restoring Public credit, &.c &c. and the business referred to a Committee, consisting of Mr. Ghorum, Mr. Hamilton, Mr. Madison, Mr. Fitzsimmons & Mr. Rutledge.

Footnote #3 (hard to determine from the exact date of debate but close to above) –

An acquisition to the U. States of the vacant territory. The plan thus extended would affect the interest of the States as follows, viz. New Hampshire would approve the establishment of a General revenue, and to secure her trade against separate taxation from the States thro' which it is carried on. She would also approve of a share in the vacant territory. Having never been

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much invaded by the enemy her interest would be opposed to abatements, & throwing all the separate expenditures into the common mass. The discharge of the public debts from a common treasury would not be required by her interest, the loans of her citizens being under her proportion. See abatement of them.

Massachusetts is deeply interested in the discharge of the public debts. The expedition to Penobscot alone interests her, as she supposes, in making a common mass of expences; her interest is opposed to abatements; the other objects would not peculiarly affect her.

Rhode Island, as a weak State, is interested in a General revenue as tending to support the Confederacy and prevent future contentions, but against it as tending to deprive her of the advantage afforded her situation of taxing the commerce of the contiguous States. As tending to discharge with certainty the public debts, her proportion of loans interest her rather against it. Having been the seat of the war for a considerable time, she might not perhaps be opposed to abatements on that account. The exertions for her defence having been *previously* sanctioned, it is presumed in acquisition of vacant territory she is deeply and anxiously interested.

Connecticut is interested in a general revenue as tending to protect her commerce from separate taxation by N. York & Rhode Island; and somewhat as providing for loan office creditors. Her interest is opposed to abatements, and to a common mass of expences. Since the condemnation of her title to her Western Claims, she may perhaps consider herself interested in the acquisition of the vacant lands. In other respects, she would not be peculiarly affected.

N. York is exceedingly attached to a general revenue as tending to support the confederacy and prevent future contests among the States, yet individuals of great weight are deeply interested in provisions for public debts. In abatements N. York is also deeply interested. In making a common mass also interested, and since the acceptance of her cession, interested in those of other States.

N. Jersey is interested as a smaller State, in a General revenue as tending to support the confederacy, and to prevent future contests and to guard her commerce against the separate taxation of Pennsylvania and N. Y. The loans of her citizens are not materially disproportionate. Although this State has been much of the theatre of war, she would not perhaps be interested in abatements. Having had a previous sanction for particular expenditures her interest would be opposed to a common mass. In the vacant territory, she is deeply and anxiously interested.

Pennsylvania is deeply interested in a general revenue, the loans of her Citizens amounting to more than 1/3 of the branch of the public debt, so far as a general impost on trade would restrain her from taxing the trade of N. Jersey, it would be against her interest. She is interested against abatement, and against a common mass, her expenditures having been always previously sanctioned. In the vacant territory, she is also interested.

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Delaware is interested by her weakness in a general revenue as tending to support the confederacy and future tranquility of the States; but not materially, by the credits of her Citizens. Her interest is opposed to abatements & to a common mass, To the vacant territory she is firmly attached.

Maryland. Having never been the Seat of war and her Citizens being creditors below her proportion, her interest lies against a general revenue, otherwise than as she is interested in common with others in the support of the confederacy & tranquility of the U.S.; but against abatements, and against a common mass. The vacant lands are a favorite object to her.

Virginia, in common with the Southern States as likely to enjoy an opulent and defenceless trade is interested in a general revenue, as tending to secure to her the protection of the confederacy against the maritime superiority of the E. States; but against it as tending to discharge loan office debts and to deprive her of the occasion of taxing the commerce of N. Carolina. She is interested in abatements, and essentially so in a common mass, not only her eccentric expenditures being enormous, but many of her necessary ones having received no previous or subsequent sanction.. Her cession of territory would be considered as a sacrifice.

N. Carolina is interested in a general revenue as tending to ensure the protection of the Confederacy against the maritime superiority of the E. States and to guard her trade from separate taxation by Virginia and S. Carolina. The loans of her citizens are inconsiderable. In abatements and a common mass she is essentially interested. In the article of territory, she would have to make a sacrifice.

South Carolina is interested, as a weak & exposed State in a general revenue as tending to secure to her the protection of the confederacy against Enemies of every kind, and as providing for the public Creditors, her Citizens being not only loan office Creditors beyond her proportion, but having immense unliquidated demands against the U. States. As restraining her power over the commerce of N. Carolina, a general revenue is opposed by her interests. She is also materially interested in abatements, and in a common mass. In the article of territory she would make an important sacrifice.

Georgia as a feeble, an opulent & frontier State is peculiarly interested in a general revenue, as tending to support the confederacy. She is also interested in it somewhat by the credits of her Citizens. In abatements she is also interested, and in a common mass essentially so. In the article of territory she would make an important sacrifice.

To this plan still more complete for the purpose of removing all resent complaints, and all occasions of future contests, it may be proper to include it in a recommendation to the States to rescind the rule apportioning pecuniary burdens according to the value of land, & to substitute that of numbers, reckoning two slaves as equal to one freeman.

STATE OF THE LOAN OFFICE DEBT.

	Species Dollars		Species Dollars

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N.H.	336,579 58 7	Delaware	65,820 13 7
Mass	3,362,866 66 5	Maryland	410,218 30
R. Island	699,735 37 4	Virg.	313,741 82 3
Cont.	1,270,115 30	N. Carolina	113,341 11 1
N. York	949,729 57 5	S. Carolina	90,442 10 1
N. Jersey	658,883 69		
Penn.	3,948,904 14 4		

This it is to be observed is only the list of the loan office debts. The unliquidated debts and liquidated debts of other denominations due to individuals will vary inexpressibly the relative quantum of credits of the several States. It is to be further observed that this only shews the original credits, transfers having been constant; heretofore they have flowed in Pennsylvania. Other States may hereafter have an influx.

February 27, 1783 –

Mr. Mercer . . . said however that the variances of opinion and indecision of Congress were alarming and required that something should be done; that is would be better to new-model the Confederation, or attempt anything, rather than do nothing.

Mr. Madison reminded Congress, that the commutation proposed was introduced as a compromise with those to whom the idea of pensions was obnoxious & observed that those scruples had been relieved by it had rendered it no less obnoxious than pensions by stigmatizing it with the name of a perpetuity. He said the public situation was truly deplorable. If the payment of the capital of the public debts was suggested, it was said & truly said to be impossible; if funding them & paying the interest was proposed, it was exclaimed against as establishing a dangerous monied interest, as corrupting the public manners, as administering poison to our republican constitutions. He said he wished the revenue to be established to be such as would extinguish the capital as well as pay the interest within the shortest possible period; and was as much opposed to perpetuating the public burdens as any one. But the discharge of them in some form or other was essential, and that the consequences predicted therefrom could not be more heterogeneous to our republican character and constitutions, than a violation of the maxims of good faith and common honesty.

Mr. Holten said that he had come lately into Congress with a predetermination against any measures for discharging the public engagements other than those pointed out in the Confederation, & that he had hitherto acted accordingly. But that he saw now so clearly the necessity of making provision for that object, and the inadequacy of the Confederation thereto, that he should concur in recommending to the States a plan of general revenue.

February 28, 1783 –

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Another question was whether 7 or 9 votes were to decide doubts whether 7 or 9 were requisite on any question. Some were of opinion that the Secretary ought to make an entry according to his own judgment and that that entry should stand unless altered by a positive instruction from Congress. To this it was objected that it would make the Secretary the Sovereign in many cases, since a reversal of his entry would be impossible, whatever that entry might be; that particularly he might enter 7 votes to the affirmative on a question where 9 were necessary, and if supported in it by a few States it would [be] irrevocable. It was said, by others, that the safest rule would be to require 9 votes to decide in all cases of doubt whether 9 or 7 were necessary. To this it was objected that one or two States, and in any situation 6 States might by raising doubts, stop even seven from acting in any case which they disapproved. Fortunately on the case in question there were 9 States of opinion that nine were requisite, so difficulty was got over for the present.

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Summary of 1784

January 2, 1784 –

1) The Committee [Mr. Thomas Jefferson, Mr. Elbridge Gerry and Mr. Hugh Williamson] appointed to revise the files of reports and appointment of Committees, and to report what matters will require the attention of Congress previous to an adjournment, have revised the files of Reports, digested them under five heads and agreed to the following report, thereon:

The first head comprehends important reports requiring the assent of 9 States; these relate to the ratification of the Definitive Treaty, the military arrangements in time of peace, the civil arrangements foreign and Domestic, the territories on our Western border, and the definition of the powers proper for a committee of the States, which several matters are thought essential for the consideration of Congress before their adjournment.

The second head comprehends reports which also require the assent of 9 States; they relate to matters of acct. and particular claims for money, which may probably be despatched in those short intervals or portions of the day in which it may not be convenient to discuss the first great subjects. Many of them however are such as ought not to detain Congress, whenever they shall be ready for adjournment.

The third head comprehends reports, which may be acted on by 7 States and which therefore may be taken up by Congress immediately.

The fourth comprehends those which should be postponed to another Session, some of them being not at all pressing and others not yet matured for determination.

The fifth comprehends those reports which, having been rendered useless by subsequent events may be postponed generally.

The Committee having not had time yet to revise the appointment of Committees, and to arrange their objects under the same heads, beg leave to report again, when they shall have made further progress.

January 3, 1784 –

1) A letter, of the 17th December last, from Mr. F. Dana, was read, informing Congress of his arrival at Boston, after a passage of 95 days from Petersburg; and desiring to know whether it is the expectation of the Congress, that he should come on to the place of their sessions, and, without loss time, to render a more particular account of his late mission.

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Whereupon, on motion of Mr. [Elbridge] Gerry, seconded by Mr. [Jacob] Read,

Resolved, That the president inform Mr. Dana, it is the desire of Congress to receive his communication, relative to his mission to the Court of Russia, and to the disposition of that court towards the United States, as soon as the circumstances of his affairs and the season shall admit of his attending Congress.

2) The Committee consisting of Mr. [Abiel] Foster, Mr. [Edward] Hand and Mr. [William] Ellery, to whom was referred the petition of Nathaniel Greenwood, report that the said petition, with its enclosures, be referred to the Agent of Marine to report.

[Motion of Elbridge Gerry and William Ellery]

That the President be requested to inform the plenipotentiaries of the United States in Europe that the definitive treaty was received in the interval of the adjournment of Congress, from Princeton to Annapolis, that in consequence of the severity of the season and other circumstances seven States only have assembled. That they are unanimously desirous of ratifying the treaty. That the measure will be considered as soon as nine States shall be represented in Congress, and there is not the least doubt but that the definitive treaty will be immediately ratified, but as the ratification may not arrive in time to our Ministers Congress are apprehensive of injurious consequences unless the term for exchanging the Treaty should be enlarged.

3) [Report of Mr. Thomas Jefferson, Mr. Hugh Williamson, Mr. Jacob Read, Mr. Elbridge Gerry and Mr. David Howell relative to ratification of the definitive treaty.]

Whereas it is stipulated in the Definitive treaty of Peace between the United States of America and his Britannic Majesty, that the ratifications of the said treaty shall be exchanged on or before the third day of March next, and there no remains before that period little more time than is requisite for the passage of the said ratification across the Atlantic; and Congress consisting at present but of 7 states, these differ in opinion, some of them considering 9 as requisite under the Confederation to the establishment of every treaty, while others are of opinion, that 9 having ratified the Provisional treaty and instructed their Ministers to enter into a Definitive one, conformable thereto, which is accordingly done, seven may under these particular circumstances ratify what has been so declared by 9 to have their approbation, and those of the former opinion, being equally desirous with the latter that no power which it may be supposed they possess should remain unexercised for the final ratification of this instrument, provided it may be done, with the preservation of good faith towards the other contracting party and without importing that Congress has given any express opinion that the said ratification is authorized by the Confederation.

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Resolved, therefore, That the states now present in Congress do declare their approbation and so far as they have power their ratification of the said treaty that the Ratification in the usual form be duly attested under the seal of the states and transmitted to our Ministers with instructions to keep the same uncommunicated and to be proposed to the other contracting party, a convention extending the time for the exchange of ratification 3 months further, that the said Ministers be informed that so soon as 9 states shall be present in Congress the said treaty shall be submitted to them and their ratification when obtained shall be transmitted also; that if they should receive the ratification by 9 states before the ultimate point in time allowed for exchange this alone be used and the former be cancelled; that if it should not be received in time, then they propose the act of the 7 states and give the same in exchange *informing contracting party that the said treaty came to hand when Congress was not in sessions*. That 7 states only had yet assembled; that this ratification has been expedited with their unanimous consent and offering it in exchange for theirs.

4) [Mr. Jacob Read's motion, January 3rd, 1784; Referred to the Postmaster General to report.]

That the Postmaster be instructed to order the post riders who meet at Annapolis with the Northern and Southern Mails severally to remain a night at Annapolis in order to give the Members of Congress an opportunity to examine and answer their despatches by the returns of the post.

January 5, 1784 –

1) On the report of a committee, consisting of Mr. [William] Ellery, Mr. [Arthur] Lee, Mr. [Ralph] Izard, Mr. [Richard] Peters and Mr. [James] McHenry, to whom was referred a letter from the Commander in chief, of 28 August, containing a proposal from the Secretary of the Polish Order of Knights of Divine Providence, that Congress should nominate a number of suitable persons to be created Knights of the said Order.

Resolved, That the late Commander in Chief, be requested to inform the Chevalier Jean de Heintz, Secretary of the order of Divine Providence, that Congress are sensible of the attention of that Order, in proposing to them to nominate a number of suitable persons to be created Knights of the Order of Divine Providence; but that Congress cannot, consistently with the principles of the Confederation, accept of their obliging proposal.

Annapolis, January 5, 1784 –

1) The committee, consisting of Mr. [Hugh] Williamson, Mr. [George] Partridge and Mr. [Arthur] Lee, appointed to prepare a letter to the Ministers of the United States in Paris, reported a draught, which was agreed to as follows:

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I am directed to inform you that the definitive Treaty after a very long passage arrived during an adjournment of Congress from Princeton to this place. No more than seven States are yet assembled; these are unanimously desirous to ratify the Treaty, and the measure will be taken up as soon as nine States are assembled. In the mean while as the weather is sever and travelling extremely difficult from a heavy fall of snow, it is to be feared ratification may not arrive in the time limited for the exchange [and that inconveniences may arise unless the time for exchanging the ratification should be extended.]

January 14, 1784 –

1) Congress assembled: Present, Massachusetts, Rhode Island, Connecticut, Pensylvania, Delaware, Maryland, Virginia, North Carolina and South Carolina; Mr. [Richard] Beresford having this day taken his seat; and from the State of New Hampshire, Mr. [Abiel] Foster, and from New Jersey Mr. [John] Beatty.

On a report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [Elbridge] Gerry, Mr. [William] Ellery, Mr. [Jacob] Read and Mr. [Benjamin] Hawkins, to whom were referred the definitive treaty of peace between the United States of America and his Britannic Majesty, and the joint letter of the 10 September, from Mr. Adams, Mr. Franklin and Mr. Jay.

Resolved, unanimously, nine states being present, that the said definitive treaty be, and the same is hereby ratified by the United States in Congress assembled, in the form following:

THE UNITED STATES IN CONGRESS ASSEMBLED,

To all persons to whom these presents shall come greeting:

Whereas definitive articles of peace and friendship between the United States of America and his Britannic Majesty, were concluded and signed at Paris on the 3rd day of September, 1783, by the plenipotentiaries of the said United States, and of his said Britannic Majesty, duly and respectively authorized for that purpose; which definitive articles are in the words following:

In the name of the most holy and undivided Trinity.

It having pleased the Divine Providence to dispose the hearts of the most serene and most potent prince George the third, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, duke of Brunswick and Lunenburg, arch-treasurer and prince elector of the holy Roman Empire, &c. and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore, and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony;

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and having for this desirable end, already laid the foundation of peace and reconciliation, by the provisional articles signed at Paris on the 30th of November 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in and constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and his Britannic majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded, his Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say, his Britannic majesty on his part, David Hartley, Esquire, member of the parliament of Great Britain; and the said United States on their part, John Adams, Esquire, late a commissioner of the United States of America, at the court of Versailles, late delegate in Congress from the state of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States to their high mightinesses the states general of the United Netherlands; Benjamin Franklin, Esquire, late delegate in Congress from the state of Pensylvania, president of the convention of the said state, and minister plenipotentiary from the United States of America at the court of Versailles; John Jay, Esquire, late president of Congress and chief justice of the state of New York, and minister plenipotentiary from the said United States, at the court of Madrid, to be plenipotentiaries for the concluding and signing the present definitive treaty; who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles.

Article 1st. His Britannic majesty acknowledges the said United States, viz. New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pensylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, to be free, sovereign and independent states; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof.

Article 2d. And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz. from the north-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of Saint Croix river to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river Saint Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut river, thence down along the middle of that river to the forty fifth degree of north latitude; From thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy, thence along the middle of said river into lake Ontario, through the middle of said

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lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said [lake,] until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron, thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lake Superior northward of the isles Royal and Philipeaux to the long lake; thence through the middle of said long lake and the water communication between it and the lake of the Woods, to the said lake of the Woods; thence through the said lake to the most north-western point thereof, and from thence on a due west course to the river Mississippi, thence by a line to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty first degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty one degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of Saint Mary's river, and thence down along the middle of Saint Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river Saint Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid Highlands which divide the rivers that fall into the Atlantic ocean from those which fall into the river Saint Lawrence: 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, shall respectively touch the bay of Fundy and the Atlantic ocean, excepting such islands as now are or heretofore have been within the limits of the said province of Nova-Scotia.

Article 3d. It is agreed, that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland; also in the gulph of Saint Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also, that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of his Britannic majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors and creeks of Nova Scotia, Magdalen islands, and Labradore, so long as the same shall remain unsettled, but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

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Article 4th. It is agreed that creditors on either side shall meet with no lawful Impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

Article 5th. It is agreed that Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession on his majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several states that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation. And it is agreed that all persons who have any Interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Article 6th. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account, suffer any future loss or damage, either in his person, liberty or property, and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

Article 7th. There shall be a firm and perpetual peace between his Britannic majesty and the said states, and between the subjects of the one, and the citizens of the other, wherefore all hostilities both by sea and land, shall from henceforth cease; all prisoners on both sides shall be set at liberty, and his Britannic majesty shall with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbour within the same; leaving in all fortifications the American artillery that may be therein, and shall also order and cause all archives, records, deeds and papers, belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the

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hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

Article 8th. The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States.

Article 9th. In case it should so happen, that any place or territory belonging to Great Britain or to the United States ,should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty and without requiring any compensation.

Article 10th. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we the undersigned their ministers plenipotentiary, have in their name, and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

Done at Paris, this third day of September, in the year of our Lord, one thousand seven hundred and eighty-three.

" (L.S.) D HARTLEY,

(L.S.) JOHN ADAMS,

(L.S.) B. FRANKLIN,

(L.S.) JOHN JAY."

Now know ye that we the United States in Congress assembled having seen and considered the definitive articles aforesaid have approved, ratified and confirmed and by these presents do approve, ratify, engaging and promising, that we will sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one or transgressed in any manner as far as lies in our power.

In testimony whereof, we have caused the seal of the United States to be hereunto affixed.

Witness his Excellency THOMAS MIFFLIN, president, this fourteenth day of January in the year of our Lord one thousand seven hundred and eighty four and in the eighth year of the sovereignty and independence of the United States of America.

On the question to agree to this, the yeas and nays being required by Mr. [David] Howell, so it was resolved in the affirmative.

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Resolved, That the said ratification be transmitted with all possible dispatch, under the care of a faithful person, to our ministers in France, who have negotiated the treaty, to be exchanged.

Resolved, That Colonel Josiah Harmar be appointed to carry the said ratification.

Ordered, That the Superintendent of Finance furnish Colonel Harmar with money to defray his necessary expences.

Resolved, That a proclamation be immediately issued, notifying the said definitive treaty and ratification to the several states of the union, and requiring their observance thereof in the form following:

By the United States in Congress assembled,

A PROCLAMATION

Whereas definitive articles of peace and friendship between the United States of America and his Britannic Majesty, were concluded and signed, on the third day of September, 1783, by the plenipotentiaries of the said United States and of his said Britannic Majesty, duly and respectively authorized for that purpose: which definitive articles are in the words following: [Here insert the treaty as above.]

And we, the United States in Congress assembled, having seen and duly considered the definitive articles aforesaid, did, by a certain act under the seal of the United States, bearing this day 14 of January, 1784, approve, ratify and confirm the same, and every part and clause thereof, engaging and promising, that we would sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one, or transgresses in any manner, as far as should be in our power; and being sincerely disposed to carry the said articles into execution, truly, honestly and with good faith, according to the intent and meaning thereof, we have thought proper by these presents, to notify the premises to all good citizens of these United States, hereby requiring and enjoining all bodies of magistracy, legislative, executive and judiciary, all persons bearing office, civil or military, of whatever rank, degree or power, and all others the good citizens of these states, of every vocation and condition, that reverencing those stipulations entered into on their behalf, under the authority of that federal bond by which their existence as an independent people is bound up together, and is known and acknowledged by the nations of the world, and with that good faith which is every man's surest guide, within their several offices, jurisdictions and vocations, they carry into effect the said definitive articles, and every clause and sentence thereof, sincerely, strictly and completely.

Given under the seal of the United States. Witness his Excellency THOMAS MIFFLIN, our president, at Annapolis, this 14 day of January, in the year of our Lord, one thousand seven

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hundred and eighty-four, and of the sovereignty and independence of the United States the eighth.

Resolved, unanimously, nine states being present, That it be, and it is hereby earnestly recommended to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts, which were in the possession of his Britannic Majesty's arms, at any time between the 30 day of November, 1782, and the 14 day of January, 1784, and who have not borne arms against the said United States, and that persons of any other description, shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights and properties, as may have been confiscated: And it is also hereby earnestly recommended to the several states, to reconsider and revise all their acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail: and it is hereby also earnestly recommended to the several states, that the estates, rights and properties of such last mentioned persons should be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation.

Ordered, That a copy of the proclamation of this date, together with the recommendation, be transmitted to the several states by the secretary.

[Motion of Mr. Jacob Read]

That Congress do on Wednesday next celebrate the final ratification of the Definitive Treaty of peace. And that a public entertainment be given on that day.

<u>January 23, 1784</u> –

1) On a report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [Arthur] Lee and Mr. [Hugh] Williamson, to whom was referred a petition of Zebulon Butler, and others, claiming under the State of Connecticut, private right of soil within the territory westward of the Delaware, formerly in controversy between the said State, and that of Pensylvania, and lately determined by a court constituted and appointed agreeably to the 9th of the Articles of Confederation and perpetual union, to be within the jurisdiction of the State of Pensylvania, and praying that a court may be instituted under the 9th Article of the Confederation, for determining the said right.

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Resolved, That a court be instituted according to the said ninth Article of the Confederation, for determining the private right of soil within the said territory, so far as the same is by the said article submitted to the determination of such a court.

That the 4 Monday in June next be assigned for the appearance of the parties, by their lawful agents, before Congress, or the committee of the states, wheresoever they shall be then sitting.

That notice of the assignment of the said day, be given to the parties in the following form:

To the claimants of the private right of soil within the territory westward of the Delaware, heretofore in controversy between the states of Connecticut and Pensylvania, and adjudged by the sentence of a court constituted and appointed agreeably to the ninth of the Articles of Confederation and perpetual union, to be within the jurisdiction of the State of Pensylvania, it is hereby made known:

That sundry individuals claiming private right of soil, under the State of Connecticut, within the said territory, have made an application to Congress, stating that they have been disturbed in the said right of soil by others, claiming under the State of Pensylvania; and praying for the institution of a court for determining the said private right of soil, in pursuance of the ninth Article of Confederation: And that the fourth Monday in June next is assigned for the appearance of the parties, by the lawful agents, before Congress, or a committee of the states, wheresoever they shall be then sitting, to proceed in the premises as by the Confederation is directed.

By order of Congress,

CHARLES THOMSON, *Secretary*

Resolved, That the said notice be transmitted by the secretary, to the executives of the states of Connecticut and Pensylvania, with a request that they take proper measures for having the same served on the partied interested under their states respectively.

The committee having not had time to go through so much of the matters referred to them as relates to the claim of the said State of Connecticut to territory westward of the State of Pensylvania beg further time for that purpose.

2) The committee consisting of Mr. [James] Duane, Mr. [Arthur] Lee, Mr. [James] McHenry, Mr. [Samuel] Huntington and Mr. [Richard] Peters, to whom it was referred to consider and devise the Powers with which a Committee of the States shall be bested during a recess of Congress submit the following resolution:

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Resolved, That the Committee of the States which shall be appointed pursuant to the ninth article of confederation and perpetual union to sit in the recess of Congress for managing the affairs of the United States, or any nine of the said Committee shall be and hereby authorized to perform and exercise, in the recess of Congress, all such powers and duties, as may be lawfully exercised by the United States in Congress assembled;

Provided, That no power is, or shall be deemed to be, hereby delegated to the said Committee of the States, for the exercise of which by the articles of confederation the voice of nine States, in the Congress of the United States assembled is requisite.

January 26, 1784 –

1) The Committee [Mr. Thomas Jefferson, Mr. Samuel Osgood and Mr. Arthur Lee] to whom was referred the motion of Mr. [Elbridge] Gerry for procuring access to the papers of the office for foreign affairs, have agreed to the following Resolution:

Resolved, That a Deputy Secretary for foreign affairs, should be appointed at some early date.

(Note: this is a de jure office that was created.)

January 29, 1784 –

1) On a report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [Samuel] Osgood and Mr. [Hugh] Williamson, to whom were referred a letter of 25 December, 1783, from John Allan, and the papers therein enclosed,

Resolved, That a copy of the said letter be sent to the governor of Massachusetts, with a recommendation, that he cause enquiry to be made, whether the encroachments therein suggested, have been actually made on the territories of the State of Massachusetts, by the subjects of his Britannic Majesty, from the government of Nova Scotia, and if he shall find any such to have been made, that he send a representation thereof to the British governor of Nova Scotia, with a copy of the Proclamation of the United States of the 14 instant which is to be enclosed to the governor of Massachusetts for that purpose, requesting him in a friendly manner, and as proof of that disposition for peace and harmony which should subsist between neighboring states, to recall from off the said territory, the said subjects of his Britannic Majesty, so found to have encroached thereon; and that the governor of Massachusetts be requested to inform Congress of his proceedings herein, and the result thereof.

2) The Committee consisting of Mr. [William] Ellery, Mr. [Samuel] Osgood and Mr. [Edward] Hand to whom the letter of Major General Knox of the 3rd of January current with its enclosures was referred offer the following report,

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It appears to your committee from an inspection of said letter and its enclosures, that Major General Knox has made the necessary provisions and arrangements for the security and preservation of the military stores and for the subsistence and cloathing for the troops in the department under his superintendence, that he has reduced the hospital department, and that measures were taken for making suitable reductions in the Cloathiers and Quarter Master's departments;

That in consequence of directions from General Washington the several lines which composed the troops in that quarter are dissolved, and that one regiment of infantry commanded by Brig. Gen. Henry Jackson and fully officered, consisting of five hundred rank and file is formed of the men whose times of service do not expire until the year 1785 and a corps of Artillery under the command of Major Beauman of about one hundred and twenty; - That on comp. of infantry would be detached to Springfield to guard the valuable public stores deposited there, a detachment of artillery at Albany, and in its neighborhood were order'd to fort Schuyler to guard certain stores which were sent there the last summer with an intention of taking possession of the posts on the western lakes; - that a company and a small detachment of artillery *will* be stationed at New York at the request and under the orders of his Excellency Gov. Clinton until the powers of the civil governments are fully established; and that the remainder of the infantry and the corps of artillery would be stationed at the garrison at West-point and its immediate dependencies: -

That great quantities of shot and shells are laying up at the furnances where they were made and it is the opinion of Gen. Knox that those at Mount-Hope and Hibernia in N. Jersey and those at Salisbury in Connecticut should be collected to the post at West-point.

That Gen. Washington had directed him to continue to superintend the posts and military affairs in that department until the pleasure of Congress should be known, that after the several arrangements were made of the public business he was permitted to attend his own private affairs in Boston, and that he should soon set out for that place.

Whereupon the following is submitted

Resolved, That Congress entertain a just sense of the attention of Major Gen. Knox to the business of his department, and approve of the arrangements he hath made for the security and preservation of the public military stores' for the subsistence of the troops under his command, and for the reduction of the hospital, Cloathiers, and Quarter master's department.

Your committee are of opinion that a consideration of the utility of collecting the shot and shells that are at Mount-Hope and Hibernia in the State of N. Jersey and at Salisbury in Connecticut to the post at West-point, cannot be properly taken up until complete returns shall have been made to Congress from the War-Office agreeably to the resolution of ____

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Resolved, That previously to stationing a body of troops at New York under the orders of the Governor, until the powers of the civil government of the state of New York shall be established, a request therefor ought to made to and granted by Congress.

February 3, 1784 –

1) On the report of a committee, consisting of Mr. [Roger] Sherman, Mr. [Samuel] Osgood and Mr. [Jacob] Read, to whom were referred a motion of Mr. [Elbridge] Gerry, respecting the papers belonging to the office for foreign affairs,

Resolved, That an under secretary be appointed to take the charge of the papers belonging to the office for foreign affairs, until the further order of Congress: and that the said under secretary make and lay before Congress, a list of the said papers.

Ordered, That Thursday next be assigned for the election of the said under secretary.

February 10, 1784 –

1) [Motion of David Howell]

Whereas notwithstanding letters have been repeatedly written to the states unrepresented in Congress urging them in the strongest terms to send on the Delegates yet such has been the inattention of several of the states to this important point that there have been but eight states on the floor for twenty days past, and nine states for a few weeks only since the commencement of the present Congressional year,

And whereas Congress have in contemplation to adjourn sometime in May next for the rest of the year, provided the important business before Congress which requires the consent of none states can be by that time decided,

Resolved, That the President write the states of New Hampshire, New York, New Jersey, Delaware and Georgia, earnestly requesting them to send forward their Delegates to Congress, that the important business of the United States which requires a speedy decision may be despatched, that Congress may adjourn at the time proposed.

Resolved, That the President write the Supreme Executives of the States of New Hampshire, New York, New Jersey, Delaware and Georgia, and inform them that Congress have in contemplation to adjourn in the month of May next and leave a Committee of the States in session the rest of the year and that the affairs of the U. States absolutely require those states should send forward their Delegates to Congress for the dispatch of the public business in the mean time.

February 13, 1784 –

Produced by Union States Assembly

1) The Committee consisting of Mr. [Arthur] Lee, Mr. [William] Ellery and Mr. [John] Beatty, to whom was referred a motion of Mr. [David] Howell, beg leave to report the following resolution:

Resolved, That the President be directed to write to the Executives of the Several states in the union informing them that notwithstanding the necessity of a full representation in Congress has been repeatedly pressed upon the states, yet nine states are not represented; that the settling a General Peace with the Indians, assigning the quotas to each state and arranging the western territory, together with many other transactions of the last importance to the honor and interest of the United States require indispensably the presence of nine states, and ought to have the fullest representation of the Union; that Congress think it will be expedient to adjourn in May, and leave the business of less moment to a Committee of the States; that therefore the Executives of the States be most earnestly requested to exert themselves immediately and effectually in urging on the delegates of the same, that business of such high concern to the public may be no longer delayed by their absence.

February 23, 1784 –

1) The Committee, consisting of [Mr. Roger Sherman, Mr. Jacob Read and Mr. Richard Dobbs Spaight,] to whom was referred an Act of the General Assembly of the Commonwealth of Virginia, passed at their session commencing on the 20th day of October 1783, and the form of a deed proposed to be executed pursuant thereto by the Delegates of the said State, for ceding to the United States in Congress assembled all the right title and claim of the said Commonwealth to the territory north west of the Ohio, Report,

That having carefully examined the said papers and compared them with the Act of the United States in Congress assembled of the 13th of September, 1783, find that the said Act of the general assembly of Virginia comports with the terms proposed by said Act of Congress and therefore submit the following resolution:

Whereas the Delegates of the State of Virginia have laid before Congress a copy of an Act of the General Assembly of that State passed at their session begun on the 20th day of October, 1783, authorizing the said Delegates to convey to the United States in Congress assembled all the right title claim of the said State to the territory lying North west of the river Ohio, and also the form of a deed proposed to be executed by the said Delegates pursuant to said Act;

Resolved, That the United States in Congress assembled are ready to receive the deed whenever the Delegates of the State of Virginia are ready to execute the same.

February 26, 1784 –

Produced by Union States Assembly

1) On a motion of Mr. [Elbridge] Gerry, seconded by Mr. [Hugh] Williamson,

Resolved, That a standing committee of qualifications be appointed to examine the commissioners or credentials of the members that are or may be in Congress till the first Monday of November next, and to report thereon, from time to time, to Congress.

2) The Committee consisting of Mr. [Thomas] Jefferson, Mr. [Arthur] Lee and Mr. [Hugh] Williamson to who was referred a letter of the 1st Nov., 1783, to the President of Congress from the Speaker of the House of Representatives of the State of Connecticut in general assembly convened, enclosing an address from that Honorable Body to Congress, beg leave to Report,

That they have considered the address of the House of Representatives of the State of Connecticut with the deference and attention which are due to the representations of so respectable a Branch of the Legislature of a member of the Union.

They perceive that it is a doubt with the House of Representatives of Connecticut, whether the Grant of half pay, or commutation to the officers of the army, is warranted by the Confederation. Among the powers devolved by the Confederation upon the U.S. in Congress is that of ascertaining the necessary sums of money to be raised for the service of the U.S. and to appropriate and apply the same for defraying the public expences. The wages of the Army are clearly a part of the public expence, and to ascertain what these shall be, as well as to appropriate and apply money to the same is clearly and explicitly vested in them as any other power they exercise. The officers were at liberty to say on what terms they would serve the public; and there either must have been no army, or Congress must have had the power of stipulating on the part of the States a compliance with such demands as appeared reasonable.

Congress exercised no other in granting halfpay to the officers, and in so doing seem to have acted in strict conformity with the spirit of the Confederation. The commuting this for a gross sum, proportioned to the value of the half pay, was measure adopted merely to satisfy those States, which objected to the halfpay, because it looked like an establishment of Pensioners, an establishment equally odious and impolitic.

The general assembly have conceived from an answer given to the State of Rhode Island, that Congress deny the right of each individual member of the Union, to consider whether their Requisitions are founded in the Confederation.

Your Committee presume that Congress never intended to question such a right, which seems to be essential to and unalienable from a free Community. On the contrary, Congress will always receive with deference the representations on their proceedings, from any State in the Union – will consider such representations with candor – and will most readily explain the reasons and principles on which their proceedings were grounded.

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That the officers of the army had a right to resign their Commissions, if half pay was not granted to them; that they appeared determined to do so, and that the alternative offered to the then Congress was either to have no army to defend the persons, liberty and property of the people of the U.S. against an invading and implacable foe, or to grant the half pay; are facts of unquestionable notoriety; and as the right of Congress under the Confederation to make such a stipulation appears incontrovertible, so upon the strictest review of the then situation of affairs their prudence in doing so seems equally unquestionable.

But even if both were questionable, yet as the grant has been solemnly made, and the service for which it was made has been performed, nothing remains at the present day but to consider of the ways and means most adequate to the performance of the same by the public with efficacy and good faith.

For the attainment if an object, in which the honor and interests of the U.S. are so deeply concerned, Congress rely on the support of the State of Connecticut, even if their opinion of the measure should continue unaltered, because it must appear to the good sense of the State that Congress cannot possibly conduct the business of the Union unless the minority of the States shall, in important cases, conform to the opinion of the majority and promote the execution of the their measures.

It is made another cause of complaint that tho' the State of Connecticut have actually secured to their officers and soldiers of their line of their full wages to the last of December, 1781, yet Congress have proceeded to secure the same from August, 1780.

Your Committee upon examination do not find that any State was warranted in paying its line farther that the 1st of August 1780; tho' some States, for reasons unknown to Congress, extended it to the last of December. This irregularity was in fact the cause of what has given ground for the complaint. The Paymaster General in settling the accounts of the army governed himself, as was his duty by the Resolution of Congress, in consequence of which the lines of some States may have received double pay from the 1st of August to the last of December, 1780.

To remedy this evil which has arisen from these irregular settlements your Committee recommend the following resolution:

Resolved, That the paymaster general be directed to govern himself in settling the accounts of the army, since the year 1779, by the payments made by the different States to their respective lines in the year 1780, so that where the pay has been secured by the State, the same shall not again be secured by the U.S.

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Whereas by the 5th Article of the Confederation it is provided that "For the more convenient management of the general interests of the United States, delegates shall be annually appointed, in such manner as the legislatures of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates or any of them at any time within the year and to send others in their stead for the remainder of the year;"

And whereas by the above article the annual appointment should be so made as to take effect on the first Monday in November, and ought not to be considered in future as valid unless conformable thereto, as a different construction will embarrass another provision in the Confederation, which is that "no person shall be capable of being a delegate for more than three years in term of six years." Therefore,

Resolved, That the legislatures of the respective states be informed that it will be indispensably necessary for them to regulate the choice of their delegates conformably to the above article of the Confederation, in order that the federal year may uniformly commence at the time appointed.

<u>February 27, 1784</u> –

1) The Committee consisting of Mr. [Arthur] Lee, Mr. [William] Ellery, and Mr. [John] Beatty, to which a motion of Mr. [David] Howell was referred beg leave to submit the following resolution.

Resolved, That the President be directed to write the Executives of the States, which are now unrepresented informing them – That notwithstanding the necessity of a full representation in Congress has been repeatedly pressed upon the States, yet there are not nine represented. That the settling a general peace with the Indians, assigning to each State its quota of the National debt, arranging our foreign affairs and the settlement of the western territory; together with many other transactions of the last importance to the honor and interest of the Union, require indispensibly the presence of nine States, and ought to have the fullest representation. That Congress think it will be expedient to adjourn in May and leave the business of lesser moment to a Committee of the States.

That therefore the Executives of the States now unrepresented, be most earnestly requested to exert themselves immediately and effectually in urging on the respective Delegates that business of such high concern to the public may be no longer delayed by their absence.

<u>March 1, 1784</u> –

Produced by Union States Assembly

1) A letter, of 31 January, from J. Bartlett, President P.T. State of New Hampshire, was read, and also an enclosed copy of an Act passed by the said State, January 1 and 2, 1784, entitled "An Act for granting to the United States in Congress assembled, certain imposts and duties upon foreign goods imported in to this State, and for the purpose of paying the principal and interest of the debt contracted in the prosecution of the late war with Great Britain."

2) A petition of Colonel George Morgan, being read in the words following:

To the United States of America in Congress assembled.

The petition of colonel George Morgan, agent for the State of New Jersey, respectively sheweth. That a controversy now subsists between the said State, and the Commonwealth of Virginia, respecting a tract of land called Indiana, lying on the river Ohio, and being within the United States. That your petitioner and others, owners of the said tract of land, labour under grievances from the said Commonwealth of Virginia, whose legislature have set up pretentions thereto: that in consequence of instructions from the legislature of New Jersey, to their delegates in Congress, Anno 1781, and the petitions of Indiana proprietors, Annis 1779, 1780 and 1781, a hearing was obtained before a very respectable committee of Congress, who, after a full and patient investigation of the matter, did unanimously report, as will appear on reference to their printed journals, for May, 1782, page 364, "that the purchase of the Indiana company, was made *bona fide* for a valuable consideration, according to the then usage and custom of purchasing lands from the Indians, with the knowledge, consent and approbation of the Crown of Great Britain, and the then governments of New York and Virginia." That notwithstanding this report, the State of Virginia still continues to claim the lands in question, to the great injury of your petitioner and others. That your petitioner in behalf of himself and the other proprietors of the said tract of land, applied to the said State of New Jersey, of which some of them are citizens, for its protection. That the legislature of the said State thereupon nominated and appointed your petitioner, the lawful agent of the said State, for the purpose of preparing and presenting to Congress, a memorial or petition on the part and behalf of the said State, representing the matter of the omplaint aforesaid, to pray for a hearing, and to prosecute the said hearing to issue, in the mode pointed out by the Articles of Confederation. That the said legislature ordered that a commission should be issued by the executive authority of the said State, to your petitioner, for the purposes aforesaid. That a commission was accordingly issued to your petitioner, by the executive authority of the said state, a copy whereof accompanies this petition. That your petitioner doth most expressly deny that the State of Virginia hath any just or lawful claim to the lands in question, and doth declare them to be the property of your petitioner, and others as above mentioned. Wherefore your petitioner as lawful agent of the said State of New Jersey, prays for a hearing in the premises, agreeably to

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the ninth Article of Confederation and perpetual Union between the United States of America. Annapolis, February 26th, 1784. (Signed) George Morgan, agent for the State of New Jersey.

A motion was made by Mr. [John] Beatty, seconded by Mr. [John] Montgomery, that the said petition be committed: And on the question for commitment, the yeas and nays being required by Mr. [John] Beatty, so the question was lost.

A motion was then made by Mr. [Hugh] Williamson, seconded by Mr. [Jacob] Read,

That a committee be appointed to consider and prepare an answer to the State of New Jersey, to the application which has been made by Colonel George Morgan, in behalf of that State, for an appointment of a court, under the ninth of the Articles of Confederation, to determine the claim of certain citizens of New Jersey, to a tract of land claimed by the Commonwealth of Virginia to be within its jurisdiction.

On the question to agree to this, the yeas and nays being required by Mr. [Hugh] Williamson, so the question was lost.

A motion was made by Mr. [David] Howell, seconded by Mr. [Richard Dobbs] Spaight,

Whereas the general Assembly of Virginia at their session, commencing on the 20 day of October, 1783, passed an act to authorize their delegates in Congress to convey to the United States in Congress assembled all the right of that Commonwealth, to the territory northwestward of the river Ohio: And whereas the delegates of the said Commonwealth, have presented to Congress the form of a deed proposed to be executed pursuant to the said Act, in the words following:

To all who shall see these presents, we Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, the underwritten delegates for the Commonwealth of Virginia, in the Congress of the United States of America, send greeting:

[Whereas the general assembly of the Commonwealth of Virginia, at their sessions begun on the 20th day of October, 1783, passed an act, entitled "An Act to authorize the delegates of this State in Congress, to convey to the United States in Congress assembled, all the right of this commonwealth, to the territory northwestward of the river Ohio," in these words following, to wit:

"Whereas the Congress of the United States did, by their act of the sixth day of September, in the year 1780, recommend to the several states in the Union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the Union: and whereas this Commonwealth did, on the 2d day of January, in the year 1781, yield to the Congress of the

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United States, for the benefit of the said states, all right, title and claim of which the said Commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession. And whereas the United States in Congress assembled, have, by their act of the 13th of September last, stipulated the terms on which they agree to accept the cession of this State, should the legislature approve thereof, which terms, although they do not come fully up to the propositions of this Commonwealth, are conceived on the whole, to approach so nearly to them, as to induce this State to accept thereof, in full confidence, that Congress will in justice to this State, for the liberal cession she hath made, earnestly press upon the other states claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal, for the coon benefit and support of the union. Be it enacted by the General Assembly, that it shall and may be lawful for the delegates of this State, to the Congress of the United States, or such of them as shall be assembled in Congress, and the said delegates, or such of them so assembled, are hereby fully authorized and empowered, for an on behalf of this State, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign and make over unto the United States in Congress assembled, for the benefit of the said states, all right, title and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying and being to the northwest of the river Ohio, subject to the terms and conditions contained in the before recited act of Congress, of the 13th day of September last; that is to say, upon condition that the territory so ceded, shall be laid out and formed into states, containing a suitable extent, not less than one hundred, nor than more than hundred and fity miles square, or as near thereto as circumstances will admit; and admitted members of the federal union; having the same rights of sovereignty, freedom and independence, as the other states. That the necessary and reasonable expences incurred by this State, in subduing any British posts, or in maintaining forts or garrisons within, and for the defence, or in acquiring any part of the territory so ceded or relinquished, shall be fully reimbursed by the United States: and that one commissioner shall be appointed by Congress, one by this Commonwealth, and another by those two commissioners, who, or a majority of them, shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expences incurred by this State, which they shall judge to be comprised within the intent and meaning of the act of Congress, of the 10th of October, 1780, respecting such expences. That the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this State, shall be allowed and granted to the then Colonel, now General George Rogers Clarke, and to the officers and soldiers of his regiment, who marched with him when the posts of Kaskaskies and St. Vincents were reduced, and to the officers and soldiers

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that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the northwest side of the Ohio, as majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good lands on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tenessee river, which have been reserved by law for the Virginia troops upon continental establishment, should, from the North Carolina line, bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops, in good lands, to be laid off between the rivers Scioto, and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States, as have become or shall become members of the confederation or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever. Provided that the trust hereby reposed in the delegates of this State, shall not be executed, unless three of them at least are present in Congress."

And whereas the said general assembly, by their resolution of June 6th, 1783, had constituted and appointed us the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates to represent the said Commonwealth in Congress for one year, from the first Monday in November then next following, which resolution remains in full force: Now therefore know ye, that we the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said general assembly of Virginia before recited, and in the name, and for and on behalf of the said Commonwealth, do by these presents convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of the said states, Virginia inclusive, all right, title and claim, as well of soil as of jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying and being to the northwest of the river Ohio, to and for the uses and purposes, and on the conditions of the said recited act. In testimony whereof, we have hereunto subscribed our names and affixed our seals, in Congress, the ___ day of ___ in the year of our Lord one thousand and seven hundred and eighty-four, and of the independence of the United States the eighth."

Resolved, That the United States in Congress assembled, are ready to accept this deed, whenever the delegates of the State if Virginia are ready to execute the same.

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A motion was made by Mr. [John] Beatty, seconded by Mr. [John] Montgomery, to add the following proviso: "Provided always, that the acceptance of the said cession, in manner and form aforesaid, shall not be considered as implying any opinion or decision of Congress respecting the extent or validity of the claim of the Commonwealth of Virginia, to western territory, by charter or otherwise."

And on the question to agree to this Amendment, the yeas and nays being required by Mr. [John] Beatty, so it passed in the negative.

On the question to agree to the motion of Mr. [David] Howell, the yeas and nays being required by Mr. [Richard] Beresford, so it was resolved in the affirmative.

The delegates of Virginia then proceeded, and signed, sealed and delivered the said deed; Whereupon Congress came to the following resolution:

The delegates of the Commonwealth of Virginia, having executed the deed:

Resolved, That the same be recorded and enrolled among the acts of the United States in Congress assembled.

3) The Committee [Mr. Thomas Jefferson, Mr. Jeremiah Townley Chase and Mr. David Howell] appointed to prepare a plan for the temporary government of the western territory have agreed to the following resolutions:

Resolved, That the territory ceded or to be ceded by Individual States to the United States whensoever the same shall have been purchased of the Indian inhabitants and offered for sale by the U.S., shall be formed into distinct States, bounded in the following manner as nearly as such cessions will admit, that is to say, Northwardly and Southwardly by parelles of latitude so that each State shall comprehend from South to North two degrees of latitude beginning to count from the completion of thirty ne degrees North of the Equator, but any territory Northwardly of the 47th degree shall make part of the State next below. And Eastwardly and Westwardly they shall be bounded, those on the Mississippi by that river on one side and the meridian of the lowest point of the rapids of Ohio on the other; and those adjoining on the east by the same meridian on their western side, and on their eastern by the meridian of the western cape of the mouth of the Great Kanhaway. And the territory eastward of this last meridian between the Ohio, Lake Erie and Pensylvania shall be one State.

The settlers within the Territory so to be purchased and offered for sale shall either on their own petition, or on the order of Congress, receive authority from them, with appointments of time and place for their free males of full age to meet together for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of these States, so that

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such laws nevertheless shall be subject to alteration by their ordinary legislature, and to erect, subject to a like alteration, counties or townships for the election of members for their legislature.

That such temporary government shall only continue in force in any State until it shall have acquired 20,000 free inhabitants, when giving due proof thereof to Congress, they shall receive from them authority with appointments of time and place to all a convention of representative to establish a permanent constitution and government for themselves.

Provided that both the temporary and permanent Governments be established on these principles as their basis

1. [That they shall forever remain a part of the United States of America.]

2. That in their persons, property and territory they shall be subject to the government of the United States in Congress assembled, and to the Articles of Confederation in all those cases in which the original States shall be so subject.

3. That they shall be subject to pay a part of the federal debts contracted or to be contracted to be apportioned on them by Congress according to the same common rule and measure, by which apportionments thereof shall be made on the other States.

4. That their respective governments shall be in republican forms, and shall admit no person to be a citizen who holds any hereditary title.

5. That after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.

That whensoever any of the said States shall have, of free inhabitants as many as shall then be in any one the least numerous of the thirteen original States, such State shall be admitted by its Delegates into the Congress of the United States, on an equal footing with the said original States, after which the assent of two thirds of the United States in Congress assembled shall be requisite in all those cases, wherein by the Confederation, the assent of nine States is now required, provided the consent of nine States to such admission may be obtained according to the eleventh of the Articles of Confederation. Until such admission by their Delegates into Congress, any of the said States, after the establishment of their temporary government, shall have authority to keep a sitting member in Congress, with a right of debating, but not of voting.

That the Territory northward of the 45th degree, that is to say of the completion of 45° from the equator and extending to the Lake of the Woods, shall be called **Sylvania**; that of the territory under the 45th and 44th degrees, that which lies westward of Lake Michigan shall be called

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Michigania; and that which is eastward thereof within the peninsula formed by the Lakes and water of Michigan, Huron, St. Clair and Erie shall be called **Cherronesus**, and shall include any part of the peninsula which may extend above the 45th degree. On the territory under the 43d & 42d degrees, that to the westward thro' which the Assenisipi or Rock river runs shall be called **Assenisispia**; and that to the eastward in which r the fountains of the Mukingum, the two Miamis of Ohio, the Wabash, the Illinois, the Miami of the Lake and Sandusky rivers, shall be called **Metropotamia**; of the territory which lies under the 41st and 40th degress, the western, thro' which river Illinois runs, shall be called **Illinoia**; that next adjoining to the eastward **Saratoga**, and that between this last and Pensylvania and extending from the Ohio to Lake Erie, shall be called **Washington**; of the territory which lies under the 39th and 38th degrees to which shall be added so much of the point of land within the fork of the Ohio and Mississippi as lies under the 37th degree, that to the westward within and adjacent to which are the confluences of the rivers Wabash, Shawanee, Tanissee, Ohio, Illinois, Missisipi and Missouri, shall be called **Polypotamia**; and that to the eastward farther up the Ohio, otherwise called the Pelisipi shall be called **Pelisipia**.

That the preceding articles shall be formed into a charter of compact, shall be duly executed by the President of the U.S. in Congress assembled under his hand and the seal of the United States, shall be promulgated and shall stand as fundamental constitutions between the thirteen original States, and those now newly described, unalterable but by the joint consent of the U.S. in Congress assembled and of the particular State within such alteration is proposed to be made.

4) The Committee of qualifications [Mr. Roger Sherman, Mr. Thomas Jefferson, Mr. John Beatty, Mr. Jeremiah Townley Chase and Mr. Hugh Williamson] appointed to examine the Commissions or credentials of the Members beg leave to submit to Congress the following Report:

That Mr. [Samuel] Osgood, a Delegate from the State of Massachusetts, was on the 9th day of July last appointed by the legislature of that State a Delegate in Congress for one year to commence the first Monday of November then next.

That on the 14th of February, 1781, he was appointed a Delegate for said State from that time to the first day of November then next, and on the 12th of June then next took his seat in Congress.

That on the 25th of June, 1781, the said Mr. [Samuel] Osgood was again appointed to said office for one year commencing the first Monday of November 1781, and on the 7th of June, 1782, he was again elected for one year, to commence the first Monday of Nov., 1782. That he accepted said trust under each of said appointments.

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That the final ratification of the Articles of Confederation was compleated on the first day of March, 1781. That Congress assembled on the 2nd of March, 1781, and took special notice of said Ratification and entered on the Journal the names of the members then present. Whereupon the Committee are of opinion that Mr. [Samuel] Osgood, is by the 5th Article of the Confederation, *incapable of being a Delegate in Congress after the first day of March, 1784, he having been a Delegate three years since the ratification of the Articles of Confederation expiring on that day*.

March 2, 1784 –

1) According to the order of the day, Congress proceeded to the election of an under secretary in the office for foreign affairs, to take charge of the papers in that office; and, the ballots being taken, Mr. Henry Remsen, Junior was elected, having been previously nominated by Mr. [Elbridge] Gerry.

Ordered, That the election of a deputy Secretary be postponed till to-morrow.

Congress proceeded to the election or a Secretary for foreign affairs, but not coming to a choice.

Ordered, That the election of a Secretary for foreign affairs be postponed, until the Committee appointed to consider what reductions may be made in the civil list, and who were directed to report specially on each department, shall have reported.

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

Resolved, That Mr. H. Remsen, Junior under secretary in the Office of foreign affairs, be, and he is hereby authorized and directed, to take a list of all the papers in the office for foreign affairs, and lay the same before Congress; and that the members of Congress have access to the said papers, under the regulations of the Office.

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

Ordered, That to-morrow be assigned for the consideration of Indian affairs.

March 5, 1784 –

1) On a report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [David] Howell and Mr. [Arthur] Lee, appointed to consider and report what further arrangements are necessary to carry into effect the proposed treaty with the Indians;

Resolved, That the President immediately inform the gentlemen elected commissioners for holding a treaty with the Indians, of the said election, and that, as it is the wish of Congress,

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that negotiations should commence as soon as possible, the commissioners are desired to meet at New York, on the 10th day of April next, to fix upon the times and places of holding the treaties with the different nations and tribes of Indians, and give them respectively the speediest information of the time and place determined on, inviting them to meet accordingly.

Resolved, That all appointments of persons for negotiations with the Indians, prior to that of the 4 instant, be, and they are hereby revoked.

Ordered, That the secretary prepare and lay before Congress, the form of a commission, for the persons appointed to negotiate with the Indians, making any three of the same competent to the business of their commission.

Resolved, That each of the Commissioners attending the Treaty shall be allowed ___ dollars a day, in full for his services during such attendance exclusive of his expences necessarily incurred.

2) The Committee [Mr. Hugh Williamson, Mr. Elbridge Gerry, Mr. James Tilton, Mr. Thomas Jefferson, Mr. James McHenry] appointed to consider what reductions may be made in the civil List have agreed to the following resolutions,

Resolved, That the following offices be discontinued to wit:

The Charge des affaires at the Court of Madrid whose	
salary is	4444
Agent at the Hague	920
2nd Under Secretary of Foreign Affairs	700
The Secretary of the War office	1000
Agent of Marine	1500
Paymaster	1000
Commissary of prisoners	1200
The Assistant to the Superintendant of Finance	1850
3 Clerks in the Office of Finance (meaning that 3 shall remain)	1500
1 Clerk to the Comptroller	500
2 Auditors	2000

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The establishment of the jail	1338 1/3
Doorkeeper to Congress	400

Whereby an annual savings will accrue to the United States of	18,752 1/3

Resolved, That the following salaries may be reduced by taking from the allowances heretofore established the following sums,

The Superintendant of Finance	2000
The three foreign Ministers each 1111 1/9 dols	3333 1/3

Whereby an annual saving will accrue to the United States of	5333 1/3

Resolved, That instead of the annual salary heretofore allowed to the Judges of the Court of appeals they be allowed on every special occasion, wherein they shall be called on, the sum of 14 Dollars each for every day they shall sit in Court, and the same for every day necessarily employed in travelling to and from court.

Resolved, That after the ___ day of ___ the following offices may be discontinued:

13 Commissioners for settling the accounts of the United States	
In the several States	19,500
9 Clerks to the said Commissioners	4,500
5 Commissioners for settling the Accts. of the Staff Departments	7,500
9 Clerks to the Commissioners last mentioned	4,500

Whereby an annual saving will thence ensue of	36,000

Resolved, That the duties of Agent of Marine be performed by the Secretary at War, who for his assistance therein shall retain a Secretary of Marine heretofore allowed in the office of the Agent of Marine.

A view of the Civil List as proposed to be reduced, (stated for the satisfaction of the House, but not made a part of the Report.)

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Secretary of Congress	3000 Doll.	Waiter	300
Deputy Secretary	1000	Comptroller	1850
2 Clerks	1000	Auditor	1000
Messenger	400 ----- 5400	6 Clerks of accts.	3000
Chaplain	400	Register	1200
Secretary of Foreign Affairs	4000	Messenger	192
1 Under Secretary	800	Treasurer	1500
2 Clerks	1000 ----- 5800	Clerk	500 --
--- 18042			
Secretary at War	4000		
37192			
Assistant	1250		
2 Clerks	1000	3 Foreign Ministers	30000
Secretary of Marine	1000	@ 10000 each	
Messenger	300 ----- 7550	1 Secretary of	
Superintendant of Finance	4000	Embassy	1333
1/3			
Secretary	1000		31333
1/3			
3 Clerks	1500	Brought forward	37192
			68525
1/3			
		3 Judges of appeals	

3) [Report upon motion from reducing certain loan office certificates.]

The Committee [Mr. Arthur Lee, Mr. Roger Sherman and Mr. Jacob Read] appointed on a motion of ___ for devising ways and means to discharge that part of the public debt consisting

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of Continental loan office certificates issued between 1st of Sept. 1777 and the 1st of March 1778, beg leave to report,

That it appears from accounts certified by the Register, that the nominal amount of the said certificates is 3,459,000 dollars on which by virtue of the Resolutions of Congress an annual Interest of 6 per ct. is payable in specie amounting to 207,540 dollars, That the said principal sum reduced to specie value by the scale adopted for that purpose amounts to 2,438,571 dols. Which at 6 per ct. would bear an annual interest of 146,314 dols., so that the Interest now paid on the nominal sum of the said certificates is a little more than eight and an half per cent per annum on the real sum and exceeds the interest of 6 per ct. on the specie value 61,226 dols. Per annum, the saving of which is in the opinion of the Committee an object worthy of the immediate attention of the States.

Upon which they submit the following resolution:

Whereas the loan office certificate issued on the credit of the U.S. between the 1st of September 1777 and the 1st of March 1778 draw an annual Interest of 6 per ct. on the nominal sum, being about 8 and an half per cent on the true value reduced by the continental scale of depreciation, the excess above 6 per ct. amounting annually to the sum of 61,226 dols. which cannot be remedied but by paying the principal due on the said certificates.

Resolved, That the States be called upon to raise in such way as may be most convenient to them and pay into the hands of the Continental Receivers in the respective States by the last day of December next, the sum of 2,500,000 dollars in the following proportions:

New Hampshire	87,846	Delaware 37,405
Massachusetts	374,046	Maryland 235,862
Rhode Island	53,863	Virginia 427,478
Connecticut	220,154	North Carolina 181,676
New York	213,738	South Carolina 160,305
New Jersey	138,930	Georgia 26,716

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Pennsylvania 341,982

Which sums may be paid in money or in the loan office certificates aforesaid reduced to specie value by the continental scale of depreciation.

And that each State may be excited to a speedy compliance with this requisition, and not be prejudiced by the negligence of any other States ---

Resolved, That the several States shall be allowed interest at the rate of 6 per ct pr annum on the nominal sums which shall be paid in the said certificates by them respectively from the time the same shall be paid into the hands of the Continental Receiver until every State shall have furnished its quota aforesaid.

Resolved, That the monies arising from the said Requisition be applied to the discharge of the principal of the said loan office certificates, and to no other purpose whatsoever.

March 12, 1784 –

1) The secretary having, agreeable to order, prepared and laid before Congress, the form of a commission for the persons appointed to negotiate with the Indians; the same was agreed to, as follows:

The United States in Congress Assembled

To all who shall see these presents send Greeting:

Whereas, we have judged it proper that one or more convention or conventions be held with the Indians residing within the boundaries of the United States of America in the northern and middle departments comprehending the whole of the Indians known by the name of the Six Nations and all to the northward and westward of the and as far south as the Cherokees exclusive, for the purposes of receiving the into the favour and protection of the United States and of establishing boundary lines or property for separating and dividing the settlements of the citizens of the United States of America from the Indian villages and hunting grounds and thereby extinguishing as far as possible al occasion of future animosities, disquiet and vexation;

Now, therefore, Know Ye that we reposing special trust and confidence in the integrity, prudence and ability of our trusty and beloved George Rogers Clarke, Oliver Wolcott, Nathaniel Greene, Richard Butler and Stephen Higgenson, have nominated, constituted and appointed and by these presents do nominate constitute and appoint them the said George Rogers Clarke, Oliver Wolcott, Nathaniel Greene, Richard Butler and Stephen Higgenson our commissioner giving and granting to them and to any three of them full power and authority for us and in our name to confer, treat, agree and conclude with the said Indians or with any nation or tribe of

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Indians within the boundaries of the United States or bordering thereon in the northern and middle departments aforesaid, of and concerning the establishment of peace with the said Indians, extinguishing their claims and settling boundaries between them and the citizens of the United States, in as ample form and with the same effect as if we were personally present and acted therein, hereby promising to hold valid and to fulfill and execute whatever shall be agreed upon, concluded and signed by our said commissioners or any three of them.

In testimony whereof we have caused the seal of the United States of America to be hereunto affixed, witness his Excellency Thomas Mifflin, president of the United States in Congress assembled this twelfth day of March in the year of our Lord one thousand seven hundred and eighty-four and of our Sovereignty and independence the eight.

2) Congress took into consideration the report of a committee, consisting of Mr. [Samuel] Osgood, Mr, [Arthur] Lee and Mr. [William] Ellery, in answer to the address from the house of representatives of the State of Connecticut, enclosed in Mr. William's letter, of the1 November, and the following paragraph being under debate, respecting the resolution granting half pay for life to the officers of the army.

"The resolution of Congress referred to, appears by the yeas and nays, to have been passed according to the then established rules of that body in transacting the business of the United States; the resolution itself had public notoriety, and does not appear to have been formally objected against by the legislature of any State till after the Confederation was completely adopted, nor till the close of the war."

A motion was made by Mr. [David] Howell, seconded by Mr. [Arthur] Lee, to strike the words, "nor till after the close of the war."

And on the question, shall those words stand the yeas and nays being required by Mr. [Arthur] Lee, so the question was lost, and the words were struck out.

3) The committee [Mr. William Ellery, Mr. Jacob Read and Mr. Hugh Williamson] to whom the Report of the Committee of Qualifications, and a proposed amendment thereto were referred submit the following report.

Whereas the federal year begins on the first Monday in November, and great inconveniencies may be avoided by the several States annually electing their delegates to meet in Congress on the first Monday in November in every year.

Therefore, Resolved, That such states as have not already adopted that mode of appointment be requested to make the annual appointment of their respective delegates to Congress in such

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manner as that the time of their annual services may commence on the first monday in November in every year.

Resolved, That computing the time of the services of Mr. Osgood from the first Monday in November, 1781, he will not have served as a delegate to Congress three federal years until the first Monday in November next.

March 13, 1784 –

1) The standing committee of qualification, consisting of Mr. [Roger] Sherman, Mr. [Thomas] Jefferson, Mr. [John] Beatty, Mr. [Jeremiah Townley] Chase and Mr. [Hugh] Williamson, appointed to examine the commissions or credentials of the members that are, or may be in Congress till the first Monday of November next, and to report thereon, from time to time, to Congress, report,

That the delegates from the State of Delaware, now in Congress, were appointed on the first day of February, 1783, to represent that State in Congress, the ensuing year; that under said appointment, one of the members present took his seat in Congress on the 10th day of March, and the other on the 22nd day of September, 1783. Whereupon, the committee are of opinion, that the year for which the said delegates were appointed, expired on the 1 day of February last.

On the question to agree to this report, the yeas and nays being required by Mr. [Thomas] Tilton, so the question was lost.

A motion was then made by Mr. [David] Howell, seconded by Mr. [Hugh] Williamson, in the words following:

As it appears to Congress, that Mr. G[unning] Bedford was appointed on the first day of February, 1783, by the State of Delaware, to represent the same in Congress for the year ensuing, and that he took his seat in Congress pursuant to said appointment, on the 10 day of March following:

Resolved, That the year for which Mr. [Gunning] Bedford was appointed, is expired.

A motion was made by Mr. [James] Monroe, seconded by Mr. [William] Ellery, to strike out the words, "on the 10 day of March following."

And on the question, shall those words stand the yeas and nays being required by Mr. [Hugh] Williamson, so it passed in the negative, and the words were struck out.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. [Hugh] Williamson, so it was resolved in the affirmative, as follows"

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As it appears to Congress that Mr. [Gunning] Bedford was appointed on the first day of February, 1783, by the State do Delaware, to represent the same in Congress, for the year then ensuing, and that he took his seat in Congress, pursuant to the said appointment:

Resolved, That the year for which Mr. G[unning] Bedfird was appointed, is expired.

A motion was then made by r. [Richard Dobbs] Spaight, seconded by Mr. [Jacob] Read,

As it appears to Congress that Mr. [James] Tilton was appointed on the first day of February, 1783, by the State of Delaware, to represent the same in Congress, for the year then ensuing, and that he took his seat in Congress pursuant to the said appointment:

Resolved, That the year for which Mr. [James] Tilton was appointed, is expired.

On the question to agree to this, the yeas and nays being required by Mr. [Richard Dobbs] Spaight, so it was resolved in the affirmative.

March 15, 1784 –

1) The Committee consisting of Mr. [Jeremiah Townley] Chase [Mr. David Howell and Mr. Roger Sherman] to whom was referred a motion made by Mr. [David] Howell respecting western territory, submit the following report,

Whereas Congress by their resolution of the 6th of September, 1780, recommended to the States having claims to the western country, to pass such laws and give their delegates in Congress such powers as effectually to remove the only obstacle to a final ratification of the Articles of Confederation; and whereas in consequence thereof the legislature of the State of Maryland authorized their delegates to ratify the said articles on behalf of that States, at the same time declaring, "that by acceding to the said confederation, "this State doth not relinquish, any right or interest she hath, with the other United or Confederated States to the back country; but claims the same as fully as was done by the legislature of this State in their declaration which stands entered on the journals of Congress: this State relying on the justice of the several States hereafter as to the said claim made by this State." And whereas similar claims have at different times been made by several of the other States, on the grounds that said territory was formerly claimed by the King of Great Britain, who was divested thereof by the joint exertions and common expense of the United States. And whereas the States of New York and Virginia have ceded to the United States part of their claims to the sadi territory which have been accepted by the United States in Congress, but no act hath been done to quiet or recognize the right of said States to the residue; And whereas an amicable settlement of all disputes respecting the territorial claims aforesaid would promote harmony among the States and strengthen their federal union.

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Resolved, That it be earnestly recommended to those States who still claim large tracts of western territory within the limits of the United States, to authorize their delegates in Congress to make liberal cessions out of said claim to the United States, and instruct them previously to confer with a committee of Congress in order to agree on what cessions it may be proper for such States to make, and the United States to accept, that so an amiable and final settlement may be made of all disputes on that subject and the said States be entitled to the guaranty contained in the articles of Confederation for securing to them the residue of their claims, That the result of such conference be reported to Congress and to the Legislatures of the said States respectively, for their approbation and final ratification.

To commit: Mr. [Elbridge] Gerry, Mr. [Thomas] Jefferson.

March 16, 1784 –

1) On a report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Thomas] Jefferson, Mr. [Roger] Sherman, Mr. [Jacob] Read and Mr. [Hugh] Williamson, to whom were referred a letter of November 1, and one of December 25, from Doctor Franklin, with sundry papers enclosed, together with a letter of 20 October, and one of 14 November, from Thomas Barclay:

A letter from the Marquis de la Fayette, and sundry letters from Mr. Dumas.

Resolved, That it is inconsistent with the interest of the United States o appoint any person not a citizen thereof, to the office of Minister, charge des affaires, Consul, vice-consul, or to any other civil department in a foreign country; and that a copy of this resolve be transmitted to Messrs. Adams, franklin and Jay, ministers of the said states in Europe.

That the said ministers be instructed to inform Mr. William Hodgden, merchant of London, that Congress have a grateful sense of his benevolent and humane attention to the citizens of these United States, who were prisoners in Great Britain during the late war.

That a copy of the application of the Danish Minister, to Dr. Franklin, and of a paragraph of his letter to Congress, on the subject of the capture if the Danish ship *Providentia*, be sent to the supreme executive of Massachusetts, who are requested to order duplicate and authentic copies of the proceedings of their court of admiralty, respecting the said ship and cargo, to be sent to Congress.

That a copy of all letters from Mr. Robert Montgomery, of Alicant, with their enclosures to Congress and the Secretary for foreign Affairs, be transmitted to the said ministers, who are instructed to enquire on hat grounds Mr. Montgomery has undertaken to write in the name of the United States, to the Emperor of Morocco, a letter by which their characters and interest

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may be so materially affected; and to take such measures thereon, as may be proper and consistent with the interest of the said states.

That a copy of a letter from Thomas Barclay, consul of the United States in France, of the 20 of October last, to Congress, be transmitted to the said ministers, who are instructed to take the necessary measures for obtaining free ports in that kingdom, one or more on the Atlantic, and one on the Mediterranean.

March 18, 1784 –

1) Mr. [Jacob] Read and Mr. [Richard] Beresford, delegates for the State of South Carolina, produced a resolution of the legislature of that State, of 11 and 13 February, 1784, empowering the delegates then in Congress "to retain their seats, and continue to represent this State, until a sufficient number of the delegates elected to represent this States, shall arrive and take their seats in Congress."

March 19, 1784 –

1) On a report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [David] Howell and Mr. [Hugh] Williamson, to whom were referred the fourth and fifth of the instructions of the 15 of October, 1783, to the commissioners for negotiating with the Indians,

Resolved, That the fourth and fifth articles of the instructions of the 15 of October, 1783, to the commissioners for negotiating with the Indians be and they are hereby repealed, and in lieu thereof the following be substituted:

4thly. That a meridian lone passing through the lowest point of the rapids of Ohio to the northern boundary of these United States shall be proposed as the line of division between the several Indian tribes and these states, so that all the lands comprehended between the said boundary on the north, the Ohio on the south, the said meridian on the west and Pensylvania on the east or so much thereof as the tribes having title thereto may be induced to part shall be ceded to the United States and at such times as may be agreed upon in the treaty possession thereof or of any part thereof be given to the United States.

5thly. The said commissioners are instructed as far as they shall find it convenient to treat with the several nations at different times and places and where necessity shall oblige them to bring together that they still keep their treaties and conferences as distinct as may be. That they countenance every disposition in any one of the six nations to treat and act separately and independently; and that in general they discourage every coalition and consultation which might tend to involve any one nation in the wars of the others.

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

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Resolved, That the commissioners appointed to negotiate with the Indians, shall be each allowed six and an half dollars per day, for the time they shall be employed in that business, in full for their services and expences, exclusive of heir expences at the place or places where the treaties shall be held.

2) On a report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [David] Howell and Mr. [Arthur] Lee, to whom were referred an additional report on Indian affairs.

Resolved, That the Super intendant of finance cause to be purchased a quantity of goods, to be applied in negotiating the treaty with the Indians, the amount not to exceed the sum of fifteen thousand dollars, including those on hand, according to an estimate, specifying kinds, quantities and qualities, to be furnished by the commissioners for negotiating the treaty.

Resolved, that the commissioners be, and they are hereby are authorised and instructed, to appoint one or more suitable person or persons, with such allowance as they may think reasonable, to receive the aforesaid goods, to take charge of their transportation, to such place or places as may be pointed out by the said commissioners, and to attend to the safe keeping and issuing, agreeably to such orders as he or they may receive from the said commissioners, all goods committed to his or their care, which orders are to be produced as vouchers on the settlement of the accounts. [And that the Superintendant of finance furnish, to the Order of the said commissioners, the sums of money necessary for carrying this resolve into execution.]

Resolved, That the said commissioners be, and they hereby are authorised and directed, to make and transmit to Congress, from time to tie, estimates of such additional quantities of goods, as may be found necessary in the course of their negotiations, in order that proper measures may be taken for procuring and forwarding the same.

March 23, 1784 –

1) On a report of a committee, consisting of Mr. [David] Howell, Mr. [Jeremiah Townley] Chase and Mr. [Arthur] Lee, to whom was referred a letter of 13 January, 1784, from the Superintendant of finance, on the memorial of James Taylor:

Your Committee cannot find that nay mode hath been adopted for settling the accounts of the secret and commercial committees of Congress other than the general resolution of Feby: 27, 1783, which directs that all accounts, for the settlement of which no special provision has been made, shall be settled at the Treasury in the usual manner – and therefore recommend the following resolution –

Resolved, That the comptroller of accounts be, and he hereby is Authorised and directed, to cause a settlement to be made of the accounts between the United States and the secret and

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commercial committees of Congress, and all others existing under contracts made with the said committees, according to the usual mode of settling accounts at the treasury, and to report such settlement to Congress.

2) [Motion of Mr. David Howell, seconded by Mr. Arthur Lee]

Rs that a Committee be appointed to consider of the measures proper to be adopted in order to take possession of and garrison the forts of the frontier posts.

That a sufficient number of the Troops now in Service be ordered to take possession of the Western Posts, the United States paying the extra pay, now paid those Troops by the States by who they were raised.

That Requisitions be made agreeably to the Articles of Confederation on the Respective States for rasing Troops to supply the place of those to be now ordered on Service.

March 26, 1784 –

1) Congress took into consideration the report of a committee, consisting of Mr. [Thomas] Jeferson, Mr. [Elbridge] Gerry and Mr. [Hugh] Williamson, to who were referred sundry letters from the ministers of the United States in Europe. And sundry instructions to the ministers relative to the formation of commercial treaties with sundry European nations being under debate, and the third article or instruction being amended to read as follows:

"That these United States be considered in all such treaties, and in every case arising under them, as one nation, upon the principles of the federal constitution" –

A motion was made by Mr. [William] Ellery, seconded by Mr. [David] Howell, to strike out that instruction; and on the question, Shall it stand, the yeas and nays being required by Mr. [Jacob] Read, so it was resolved in the affirmative.

March 27, 1784 –

1) That in compliance with the repeated applications of Dr. Franklin for a dismission from his public employment, and that he may enjoy that repose in old age which a long series of years spent in the service of his country entitles him to expect, he be permitted to retire from public service.

March 30, 1784 –

1) The grand committee, consisting of Mr. [Thomas] Jefferson, Mr. [Jonathon] Blanchard, Mr. [Elbridge] Gerry, Mr. [David] Howell, Mr. [Roger] Sherman, Mr. [Charles] De Witt, Mr. [Samuel] Dick, Mr. [Edward] Hand, Mr. [Thomas] Stone, Mr. [Hugh] Williamson and Mr. [Jacob] Read, to

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whom was referred a letter of 19 March, 1784, from the Superintendant of finance, with sundry papers enclosed, and who were instructed to revise the institution of the treasury department, and report the draft of a circular letter to the supreme executive of the several states, which was agreed to, as follows:

(Cirular)

SIR,

The Subject of this address claims the attention of your Excellency on the principle of the most urgent necessity.

The state of our finance is such as to require the united efforts of Congress and of the several states for obtaining immediately a supply of money to prevent the loss of public credit.

When the army were furloughed they had the promise of three months' pay and as there was not money in the treasury, the Superintendant of finance was under the necessity of issuing his notes to discharge this and other demands. The notes becoming due, part of them were redeemed with money supplied by the several states; but this being inadequate, the financier drew bills on Holland for the deficiency. A considerable proportion of these drafts have been paid by loans obtained there on the credit of the United States: But the letters from our bankers to the Superintendant of finance inform that they had been under the necessity for the want of funds to suffer so many of his bills to be protested for non-acceptance as with the damages on protest n case of non-payment will amount to the sum of 636,000.

We expect the return of these bills under a protest for non-payment, and should there not be money in the treasury of the United State to discharge them, your excellency may easily conceive the deplorable consequences.

Under such circumstances Congress think it their duty to communicate the matter confidentially to the Supreme executive of each State and to request in the most pressing terms their influence and exertion to furnish with all possible dispatch on requisitions unsatisfied their respective quotas of the sum mentioned according to the apportionment herewith transmitted.

I shall only add, Sir, that Congress rely on your wisdom for accomplishing their views with as much dispatch as possible, and that the estimates and requisitions for the year will be soon transmitted to your excellency.

I am, &c.

(to be signed by the President)

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The apportionment of the 636,000 dollars as follows

Newhampshire	22,348	Delaware	9,516
Massachusetts	95,157	Maryland	60,003
Rhode Island	13,703	Virginia	108,750
Connecticut	56,007	North Carolina	46,218
New York	54,375	South Carolina	40,782
New Jersey	35,344	Georgia	6,797
Pensylvania	87,000		

April 2, 1784 –

1) Congress resumed the consideration of the report so far as relates to the formation of treaties of amity and commerce; and it being determined,

That it will be advantageous to these United States to conclude such treaties with Russia, the Emperor of Germany for his Austrian possessions, with Prussia, Denmark, Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, Rome, the two Sicilies, Venice, Sardinia and the Ottoman Porte –

And the instructions relative to the making the treaties being amended to read as follows:

"That in the formation of these treaties the following points be carefully stipulated:

That each party shall have a right to carry their own produce, manufactures and merchandise in their own bottoms to the ports of the other, and thence, to take the produce and merchandise of the other, paying, in both cases, such duties only as are paid by the most favored nation, freely where it is freely granted to such nation, or paying the compensation where such nation does the same.

That with the nations holding territorial possessions in America a direct and similar intercourse be admitted between the United States and such possessions; that if this neither can be obtained, permission be stipulated to bring from such possessions in their own bottoms the produce and merchandise thereof to these states directly; or lastly, a permission to the inhabitants of such possessions to carry their produce and merchandise in their own bottoms to the free ports of other nations; and thence to take back directly the produce and merchandise of these states.

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That these United States be considered in all such treaties, and in every case arising under them, as one nation upon the principles of the federal Constitution.

That it be proposed, though not indispensably required, that if war should hereafter arise between the two contracting parties, the Merchants of either Country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed, and inhabiting unfortified towns, villages or places, who labour for the common subsistence and benefit of mankind, and peaceably following their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the Enemy in whose power, by events of war, they may happen to fall; but if any thing of such armed force, the same shall be paid for at a reasonable price; and all Merchants and traders exchanging the products of different places, and thereby rendering the necessaries, conveniences and comforts of human life more easy to obtain, and more general, shall be allowed to pass free and unmolested; and neither of the contracting powers shall grant or issue any Commission to any private armed Vessel empowering them to take or destroy such trading ships, or interrupt such Commerce.

And in case either of the contracting parties shall happen to be engaged in war with any other Nation, it is further agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the Merchandise heretofore called contraband, such as arms, ammunition and military stores of all kinds, that no such articles, carrying by the ships or subjects of one of the parties to the enemies of the other, shall on any account be deemed contraband, so as to induce confiscation and a loss of property to individuals; nethertheless, it shall be lawful to stop such ships, and detain them for such length of time as the captors may think necessary, to prevent the inconvenience or damage that might unsue from their proceeding on their voyage, paying however a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall farther be allowed to use, in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But if the other contracting party will not consent to discontinue the confiscation of contraband goods, then that it be stipulated, that if the master of the vessel stopped will deliver out the goods charged to be contraband, he shall be admitted to do it; and the vessel shall not in that case be carried into any port, but shall be allowed to proceed in her voyage.

That in the same case, where neither of the contracting parties shall happen to be engaged in war with any other power, all goods not contraband belonging to the subjects of that other power, and shipped in the bottoms of the party hereto, who is not engaged in the war, shall be

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entirely free. And that to ascertain what shall constitute the blockade of any such place or port, it shall be understood to be in such predicament, when the assailing power shall have taken such a station as to expose to imminent danger any ship or shops that would attempt to sail in or out of the said ports. And that no vessel of the party who is not engaged in the said was shall be stopped without a material and well grounded cause: and in such cases, justice hall be done, and an indemnification given without loss of time to the persons aggrieved, and thus stopped without sufficient cause.

That no rights be stipulated for aliens to hold real estates within these states, this being utterly inadmissible by their several laws and policy; but where, on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would by their laws descend on a Subject or Citizen of the other, were he not disqualified by alienage, there he shall be allowed a reasonable time to dispose of the same, and withdraw without molestation.

And that such treaties be made for a term not exceeding ten years from the exchange of ratifications".

A motion was made by Mr. [John Francis] Mercer, seconded by Mr. [Richard Dobbs] Spaight, to postpone the consideration thereof, in order to take up the following proposition:

Whereas the harmony of the Union will be best promoted by consulting the disposition and obtaining the concurrence of the respective parts in its most important interests: And whereas the Constitution of the United States renders such concurrence of the different legislatures highly prudent, if not indispensably necessary, in forming the Commercial treaties:

Resolved, That the Ministers of the United States in Europe be directed to inform the powers, who have made or shall make offers of Commercial treaties with the United States, that the United States are desirous of forming such treaties upon terms of perfect reciprocity and equality; and for that purpose are ready to enter into negotiations in America with their ministers properly authorized.

On the question to agree to the said instructions, the yeas and nays being required by Mr. [John Francis] Mercer – so the question was lost.

Ordered, That the report be recommitted.

April 5, 1784 -

1) Congress took into consideration the report of a grand committee, consisting of Mr. [Thomas] Jefferson, Mr. [Abiel] Foster, Mr. [George] Partridge, Mr. [David] Howell, Mr. [Roger] Sherman, Mr. [John Beatty, Mr. [John] Montgomery, Mr. [James] Tilton, Mr. [Jeremiah

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Townley] Chase, Mr. [Richard Dobbs] Spaight and Mr. [Jacob[Read, appointed to prepare and report to Congress, the arrears of interest on the national debt, together with the interest and expences of the year 1784, from the first to the last day thereof inclusive, and a requisition of money on the states for discharging the same.

A motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Jacob] Read, that it be referred to the superintendant of finance to report. The report of the grand committee being as follows:

"*Resolved*, That there will be wanting for arrears of interest, and for the interest and services of the present year 1784, from the first to the last day thereof inclusive, the following sums expressed in dollars, tenths, and hundredths of Dollars.

The Civil Department	107,525.33	
The Military Department	200,000	
The Marine Department	30,000	
Purchases of Indian rights of soil, and		
The incidental expences	60,000	
Contingencies	60,000	
		457,525.33
Debts contracted and still unpaid for the		
Services of 1782 and 1783		1,000,000

Interest on the National Debt as follows:

Foreign Debt

1782.

Dec. 31.	Three years' interest on the		
	Spanish loan of 150,000		
	Dollars, at 5 per cent	22,500	
			22,500

1783.

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Dec. 31.	Spanish loan	7,500	
	Private French loan of 4 million		
	livres, at 5 per cent	37,037	
			44,537
1784.			
June 1.	Dutch loan of 1,800,000 florins,		
	at 5 per cent	35,000	
Sept. 3.	Public French loan of 24 millions		
	livres, at 5 per cent	222,000	
Nov. 5.	Dutch loan of 10 million livres,		
	guaranteed by France	74,074	
Dec. 31.	Spanish loan	7,500	
	Private French loan	37,037	
			375,611

Domestic Debt

1782.			
Dec. 31.	Loan-office debt, 11,473,802.26	1,184,176	
	at 6 per cent		
	Liquidated debt, 701404 at	21,042	
	Ditto		
	Army debt, 5,635,618 at	676,272	
	Ditto		
			1,881,490
	Deduct the requisition of		

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	September 1, 1782	1,200,000	
			681,490
	1783.		
Dec. 31.	Loan-office debt	749,050	
	Liquidated debt	42,084	
	Unliquidated debt of 8 million		
	Dollars, suppose one-third		
	Now liquidated, at 6 per cent	160,000	
	Army debt	338,136	
			1,289,270
	1784.		
Dec. 31.	Loan-office debt	749,050	
	Liquidated date	42,084	
	Unliquidated debt, suppose		
	The whole now liquidated	480,000	
	Army debt	338,136	
			1,609,270
		Total,	5,480,203.33

The committee were apprized that the resolutions of Congress of April the 18th, 1783, had recommended to the several States the raising an annual revenue, by the establishment of certain imposts, for the purpose of discharging the national debt, principal and interest: but it occurred to them, that those recommendations were still before several of the legislatures; that however desirable a compliance therewith is for the preservation of our faith, and establishment of a national Credit, yet as time has already elapsed, and more must elapse before their final confirmation can be hoped, as, after it shall be obtained, time will also be requisite to advance the plan to the term of actual collection, good faith requires that in the

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mean while other measures should be resorted to for the purpose of discharging the growing interest.

In the statement of the interest due at the close of the year 1782, the committee have supposed its amount lessened by 1,200,000 Dollars, required and apportioned by the resolutions of Congress of September the 4th and 10th, 1782, and appropriated to the sole purpose of paying the interest of the public debt. This requisition gave license to the states, to apply so much as should be necessary of their respective quotas of it to the payment of interest due on Certificates issued from the Loan office of their own states, and other liquidated debts of the United States contracted therein. Hence they suppose it has happened, that the actual payment of these quotas, have been uncommunicated to the Office of finance for the United States. The committee are of opinion, that the state should be desired to communicate to the Superintendant of Finance, the payments they have made under its requisition, and where they have been incomplete, to hasten their completion, as the means still relied on by Congress for the discharge of that part of the interest of the public debt. And while on this subject, they beg leave to add, that from the representation to Congress by the Minister of Finance, referred to this committee, they learn that in some of the states, a discrimination has taken place between the citizens of their own, and subjects or citizens of other countries, which was not authorised by the said resolution: They are of opinion, that such states should be requested to revise and reform their proceedings herein, and to extend the benefits of this provision equally and impartially to all persons within its description.

Your committee came then to consider in what way it would be best to call for the sums requisite for the services before stated: and they thought it their duty in the first place to enquire, whether no surpluses might remain on former requisitions of Congress, after the purposes were effected to which they were originally appropriated; under n assurance that it would be both the duty and sense of Congress to apply such surpluses, in every instance, towards lessening the next requisitions on the states. They found in fact that such a surplus would remain on the requisition of October 30, 1781, for eight millions of Dollars for the services of the ensuing year; and that this surplus would be great from the following circumstances: that requisition was estimated on supposition, that the continental Army would be completed by the states, to its full establishment; and that cloathing, subsistence and other necessaries for such an army, must of course be provided. The states were far short of producing such an army. Hence the calls for money were proportionally abridged. It was estimated too on the further supposition that we might be disappointed in the endeavors we were then exerting to borrow money, both at home and abroad, and of course that the whole must be supplied by taxes. Loans however were obtained, and the surplus increased by this second cause. A third circumstance has further enlarged it. The payments on this requisition have been small and slow. Hence, instead of money, those who served and supplied the United

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States have received certificates only that money is due to them, and these debts have been transferred to the fund proposed to be raised by way of impost: so that, though the debts exit, they are removed from this to another fund. To know then the amount of this surplus, the committee extended their enquiries to the sums actually received under this requisition, the purposes to which they have been applied, and the applications thereof still unsatisfied. They found that 1,486,511.71 only of the eight millions of Dollars had been received at the treasury at the close of the year 1783; that these had been applied to the services of the years 1782 and 1783, and that for other services of the same years, debts were contracted to the amount of about one million of Dollars more, which depend for their discharge on further receipts under this requisition. Your committee then are of opinion, that a surplus of 5,513,488.28 Dollars will remain of this requisition after answering all the demands which actually arose against it, which were not answered by other means, nor transferred to other funds; and that this surplus ought to be applied so far as to prevent new requisitions on them till the ld shall have been exhausted, and to show to those who may have paid their whole quota of any requisition, that they will not be called on anew till all the other states shall in like manner have paid up their quotas.

Your committee found also that there was a requisition of Congress of October 16, 1782, for two millions of dollars for the services of the year 1783, on which some small payments had been tendered, but that the Superintendant of Finance had found it better to receive and credit them as part of the eight millions. These are accordingly comprehended in the sum before stated to have been paid in under that head.

Having thus stated the demands existing against the states, the committee would have performed but half their duty, had they passed over, unnoticed, their condition to pay them. Their abilities must ne measured in weighing their burthens. Their creditors themselves will view them just relieved from the ravages of predatory armies, returning from an attendance on camps, to the culture of their fields; beginning to sow, but not yet having reaped; exhausted of the necessaries and habitual comforts, and therefore needing new supplies out of the first proceeds of their labour. Forbearance then, to a certain degree, will suggest itself to them, will suppose both parties desirous that their mutual situations should be considered and accommodated. Your committee are of opinion, that if the whole balances of the two requisitions of eight and of two millions, should be rigorously called into payment within the course of the present year, a compliance with such call would produce much distress; and that some term short of this should be fixed on, within the reach of the least as well s of the most able states. They propose therefore, that the sates be required to furnish, within the course of the present year, such part of their deficiencies under the requisition of eight million, as, with the payments to the close of the last year, will make up three-fourths of their original quota thereof: and that these payments be appropriated to the services of the present year 1784, in

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conformity with the statement in the first part of this report, giving generally where accommodation cannot be effected among the several objects, a preference according to the order in which they are arranged in the said statement.

But while this proportion of former deficiencies is of necessity called for, under the pressure of demands which will admit neither denial nor delay, the committee must acknowledge that even the punctual compliance expected from all the states will not effect completely all the purposes of their preceding statement. To accomplish these perfectly, to enable the federal administration to fulfil the whole of those just and desirable objects, they wish earnestly and warmly to encourage to abler states to go as far beyond this proportion as their happier situation will admit, under an assurance that their further contributions will be applied towards reducing the interest and principal of the public debt, and will be placed to their credit in the next requisitions, with interest thereon from the time of payment.

Individual states have at times thought it hard that while, in their own opinion, they were in advance for the United States on accounts existing and unsettled between them, they should yet be called on to furnish actual contributions of money. The committee observe in answer to this, first, that almost every State thinks itself in advance: And secondly, that it has been the constant wish of Congress that these accounts should be settled, and the contributions of each be known and credited. They have accordingly put it in the power of the states to effect these settlements: And as a further encouragement to hasten this desirable work, the committee are of opinion Congress should declare, that so soon as these accounts shall be all settled, and it shall appear in favour of what states balances arise, such states shall have credit for the same in the requisitions next ensuing.

But it will be necessary also to remind the states, that no materials have yet been furnished to enable Congress to adjust the ultimate ratio in which the expenditures of the late war shall be apportioned on the states. The Confederation directs that this shall be regulated by the value of the lands in the several states with the buildings and improvements thereon. Experiments made, however, since the date of that instrument, for the purposes of ordinary taxation, had induced doubts as to the practicability of this rule of apportionment; yet Congress thought it their duty to give it fair trial, and recommended to the several states, on the 17th of February, 1783, to furnish n account of their lands, buildings and number of inhabitants, whereon they might proceed to estimate their respective quotas: but apprehending that the incompetence of the rule would immediately show itself, and desirous that no time should be unnecessarily lost, they followed it with another recommendation of the 18th of April, 1783, to substitute in lieu of that article in the Confederation another, which should make the number of inhabitants, under certain modifications, the measure of contributions for each State. Both these propositions are still under reference to the several legislatures; the latter accompanied by the earnest wished

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and preference of Congress, under full conviction that it will be found in event as equal, more satisfactory, and more easy of execution: The former only pressed if the other should be rejected: The committee are informed, that the states of Connecticut, New Jersey, Pensylvania and South Carolina, have acceded to the alteration proposed, but have no evidence that the other states have as yet decided thereon. As it is necessary that the one or the other measure should be immediately resorted to, they are of opinion it should be recommended to the legislatures which have not yet decided between them, to come to decision at their next meeting.

In order to present to the eye a general view of the several existing requisitions, and of the payments made under them, the Committee had subjoined them in the form of a table, wherein the first column enumerates the states,; the 2d the apportionment of the 1,200,000 dollars; the 3d that of the 8,000,000; the 4th that of the 2 millions; the 5th the sums paid by the several states in the part of their respective quotas to the last day of the year 1783; and the 6th the sums now required to make up three-fourths of their respective quotas of the 8 millions expressed in Dollars, tenths and hundredths of Dollars.

	Appor. of the 1,200,000	Appor. of the 8,000,000	Appor. of the 2,000,000	Paid of the 8 million	Sums now required
New Hampshire	48,000	373,598	80,000	3,000	277,198.05
Massachusetts	192,000	1,307,596	320,000	247,676.66	733,020.33
Rhode Island	28,000	216,684	48,000	67,847.95	94,655.00
Connecticut	133,200	747,196	222,000	131,577.83	428,819.25
New York	54,000	373,598	90,000	39,064.01	241,134.04
New Jersey	66,000	485,679	110,000	102,004.95	262,254.03
Pensylvania	180,000	1,920,794	300,000	346,632.98	493,962.51
Delaware	16,800	112,085	28,000	----------	84,063.75
Maryland	132,000	933,006	220,000	89,302.11	611,194.88
Virginia	174,000	1,307,594	290,000	115,103.53	865,591.54
North Carolina	88,800	622,677	148,000	----------	467,007.75

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South Carolina	72,000	373,598	120,000	433,301.57	----------
Georgia	14,400	24,905	24,000	----------	18,678.75

It remained lastly to consider, whether no facilities might be given to the payment of these sums by the several states. The Committee observed, that of the purposes for which money is wanting, about a moiety can be answered by nothing but money itself; but that the other moiety, consisting of interest on our domestic Debt, may be effected by procuring a discount of the demand in the hands of the holders; an operation which will be shorter, and less impoverishing to the State. And however, in times of greater plenty, the accuracy of the fiscal administration might require all transactions to be in actual money, at the treasury itself, yet till our constituents shall have had some respite frothier late difficulties, it behoves us to prefer their easement. The committee are therefore of opinion, that the several legislatures may be admitted so to model the collection of the sums now called for, as that, the one half being paid in actual money, the other may be discharges by procuring discounts of interest with our domestic creditors; only taking care that the collection of money shall proceed at least in equal pace with the operations of discount. And to ascertain the evidence of discount which shall be receivable in lieu of money, the holders of Loan Office Certificates shall be at liberty to carry them to the office from which they issued; and the holders of certificates and of other liquidated debts of the United States, to carry the same to the Loan Office of that State wherein the debt was contracted, and to have the interest due thereon, settled and certified to the last day of the year 1783: for which interest, the Loan Office shall give a certificate in such for, and under such cautions and instructions, as the Superintendant of Finance shall transmit to him: which certificates of interest being parted with by the holder of the principal, shall be deemed evidence that he has received satisfaction for the same, and therefore, shall be receivable from the bearer, within the same State, in lieu of money in the proportion before stated. And where Loan Office Certificates, issued after the first day of March, 1778, shall be presented to the Loan Officer, they shall be reduced to their specie value, according to the resolutions of Congress of June 28, 1780, that specie value expressed on some part of the certificate, and the interest thereon settled and certified as in other cases.

<u>April 6, 1784</u> –

1) [Report of Committee appointed to consider of the measures proper to be adopted to take possession of the Frontier Posts.]

The Committee consisting of Mr. [John Francis] Mercer, Mr. [Arthur] Lee, Mr. [Elbridge] Gerry, Mr. [David] Howell and Mr. [Ephraim] Paine, appointed "to consider of the measures proper to be adopted in order to take possession of the Frontier Posts" having considered the same and sundry papers to them referred thereon beg leave to observe, That to accomplish what they

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conceive to be the views of Congress, tow objects appear to them as intimately blended and equally necessary, the one the taking possession of the fortifications of the United States now occupied by British Troops whenever they shall evacuate them, and the other, the establishment of such additional Posts, as may be necessary for the defence of the Western Territory proposed to be purchased of the Indian Inhabitants by the United States. Your Committee considered these measures as connected and indeed inseparable for the following reasons: 1st, The Posts to be relinquished by the British will extend but little protection to settlers in the New Country. 2nd, The number of Troops requisite to Garrison them must in a great measure be regulated by the number and force of such other Posts; and 3rd. The Establishment of such Posts will render other now occupied at the expence of the United States altogether unnecessary.

The extending of Garrisons to the Northward or to the Westward of Detroit can only be necessary at this period to protect the peltry and fur trade, to keep a watch upon our Neighbours and to prevent their encroaching on our Territory unobserved. These objects cannot be attained but by a considerable force and that much detached, and whether when accomplished they will not be overbalanced by the inconvenience arising from the great distance of the Posts, their exposed situation, and the expence attending them is a question which your Committee are unprepared to decide. Should the latter however be the opinion of Congress, it will become unnecessary to extend our views to Michilimackinac and its dependancies. But your Committee are of opinion that all possible dispatch should be used in making the necessary arrangements for taking possession of the other Posts viz, Niagara, Oswego, Fort Erie and Detroit; and as the season in which they will probably be evacuated is already far advanced they recommend for this purpose the employment of Troops, now in service, in preference to raising others (the unavoidable delay of which might endanger the destruction of the Public works). In giving this opinion your Committee find it necessary to state to Congress an obstacle to the measure. The troops retained in the service of the United States are chiefly from New Hampshire and Massachusetts, and are engaged under various stipulations to be paid whilst in service extra pay, amounting on an average (as your Committee are informed) to more than double the pay allowed by the Continent, this great expence has heretofore been defrayed by the Inhabitants of those States, but to detain those troops in the service of the United States after the accomplishment of the object for which they were engaged, without exonerating those States from this burthen, might be considered as an act of injustice, and give rise to impediments that would obstruct their march; wherefore your Committee judged it best to advise first the employment of 100 men now stationed at Fort Pitt who are according to the best information your Committee can procure engaged on better terms, and to propose that the United States should exonerate New Hampshire and Massachusetts from the payment of the extra pay to such of their Troops as may be required for this service, in addition to those 100 men.

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But as this extraordinary expence can only be justified by the most urgent necessity, and as the terms for which the men now in service will shortly expire your Committee conceived it their duty to prepare a plan for raising the number of Troops requisite for defence of the North Western Frontier of the United States on economical and military principles. In doing this they avoided as much as possible entering into minute details; those will more properly be considered as entirely distinct from the present measure. They have therefore (whilst they endeavoured so to model their plan that it may become a part of the general system when adopted) confined themselves to those details which it may be necessary to promulgate for the satisfaction of the officers and soldiers to be employed.

On all which Principles your Committee submit the following report:

Resolved, That the Commanding Officer of the Troops now in service of the United States, be and he is hereby directed to open a correspondence with the Commander in Chief of his Britannic Majesty's forces in Canada, in order to ascertain the precise time when each of the Posts within the Territories of the United States, now occupied by British Troops shall be delivered up.

"That he take effectual measures to have ready at those Posts at such time a sufficient number of the Troops of the United States to take possession of them, viz: at the Post of.

(see chart on page 204 for disposition of Officers and Troops.)

"That he order the officers and men now stationed at Fort Pitt to march to such of the above Posts as may be most convenient, taking care to have well secured the stores that remain there, and that the officers and men who shall be necessary in addition to the, to compleat the number above detailed, be drawn from the other Troops remaining in service.

"That he endeavor to effect an exchange with the British Commanding Officer in Canada of the Cannon and Stores at the Posts to be evacuated for Cannon and Stores to be delivered at West Point or N. York, and if this cannot be accomplished that then he cause the complement of Cannon and Stores requisite for those Posts, to be transported thither in the most convenient and expeditous manner possible.

"That he take measures for supplying the Troops at those Posts by contract with the neighbouring Inhabitants, and if that cannot be effected, that then he cause Magazines to be erected convenient for the transportation of Supplies from different points of the United States, taking care to open as many avenues for supply as possible.

Resolved, That the Inhabitants of the States of Massachusetts and N. Hampshire be exonerated from the extra pay, due by contract, to those Soldiers who may be employed by virtue of these

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Resolutions from the time of their being so employed, and that those States be authorized to charge the same to the United States to be deducted out of the requisitions of the current year provided that is does not exceed the rate of 100 dollars per man per annum.

Resolved, That the Superintendant of Finance take order for the payment of such sums of money as may [be] necessary to carry into execution the foregoing resolutions.

Resolved, That there be enlisted as soon as possible to serve for the term of three years, eight hundred and ninety six men to be employed for defence of the North Western Frontier of the United States, and that the different States furnish their quotas in the following proportions, viz:

(note: no numbers are actually specified for each of the 13 States, see page 205)

Resolved, That the Troops so raised be formed into three Battalions of Infantry and one of Artillery, and that the establishment of a Battalion of Infantry be as follows, viz:

(See pages 205-206).

Resolved, That there be employed 1 Adjutant General and 1 Inspector General who shall have each the rank and pay of Major of Infantry.

Resolved, That there be employed three Engineer whose rank and pay shall be as follows viz:

(See page 206).

Resolved, That the Quarter Master captains, and Pay and Cloathing aster Captains have the ranks and pay of Captains and be entitled to promotion in the line as such, but have no Companies

Resolved, That the above allowance of Pay to Commissioned and staff officers be in lieu of the Pay, Rations, Forrage and servants heretofore allowed, and that no officer of whatever rank or on any pretence whatever presume (on pain of being cashiered) to keep a soldier as a servant.

Resolved, That the non Commissioned officers and Privates be furnished with one ration per day per man to consist of 1 lb. of bread, flour or Rice, ¾ lb of slat or 1 lb of fresh Beef, Pork, or fish, 1 Gill of vinegar and half a Gill of Salt, and with Cloathing in the following proportions per man, vi: Once in two years with a Cloth Coat, waistcoat and overall, and with a linnen frock, 2 pair of linnen overalls, 2 leathern stocks and 1 Hatt yearly.

Resolved, That the infantry so raised be distributed in Garrisons at the different Posts in manner following viz:

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	C	LC	M	Ca	L	E	Su	M	Sg	D&F	R&F
North End of Lake Champlain	-	-	-	1	1	1	-	-	4	2	50
Niagara	1	-	1	2	2	2	1	1	8	4	100
Oswego and Fort Erie	-	-	-	1	1	1	-	-	4	2	50
Detroit	-	1	-	2	2	2	-	1	8	4	100
Michilimackinac and the carrying place at the west End of Lake Superior	-	1	1	2	2	2	-	1	8	4	100
Mouth of Scioto and the carrying place between Scioto and Sandusky	-	1	-	2	2	2	-	1	8	4	100
Rapids and Mouth of the Ohio, and at the Mouth of Illinois River	-	-	1	2	2	2	-	1	8	4	100

Resolved, That the Artillery be proportioned to the different Posts in such manner as the Commanding officer of the United States shall judge most expedient.

April 7, 1784 –

1) The delegates for the state of New Jersey laid before Congress an act passed by the legislature of that State the 17 June, 1783, entitled "An Act to authorize the delegates representing this State in the Congress of the United States to ratify an Alteration in one of the Articles of the Confederation," in the following words:

Whereas it has been recommended by Congress to the several states in Union, to authorize their respective delegates to subscribe and ratify an Alteration in the eighth of the Articles of Confederation and perpetual Union; and as the reasons urged by Congress appear to make the alteration recommended necessary; therefore,

Sec. 1 Be it enacted by the council and general Assembly of this State, and it is hereby enacted by the authority of the same, That so much of the eighth of the Articles of Confederation and perpetual Union, between the thirteen states of America, as is contained in the words following, to wit: "All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in

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proportion to the value of all land within each State, granted to or surveyed for any person as such land and the buildings and improvements thereon, shall be estimate according to such mode as the United States in Congress assembled, shall, from time to time, direct and appoint," shall be, and the same is hereby revoked and made void, so far as the same extended to this State.

2. And be it further enacted, that it shall and may be lawful for the delegates representing this State in the Congress of the United States, and they are hereby required to subscribe and ratify the following as part of the said instrument of Union, and in place of the part revoked and made void s aforesaid, to wit: "That all charges of war, and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the whole number of white and other free citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes in each State," which said alteration, when so subscribed and ratified, shall be deemed and held to be as sufficient and valid for the purposes therein mentioned, as the part herein before revoked and made void, was or ought to have been before the revocation and disannulling thereof.

Also an act passed the 11 June, 1783, entitled "An act to authorize the United States in Congress assembled, to levy on certain goods and merchandise imported into this State, from any foreign port, island or plantation, and for the appropriation thereof."

And an act passed the 20 December, 1783, entitled "An act of raising a revenue of thirty-one thousand two hundred and fifty-nine pounds five shillings per annum, for the term of twenty-five years, for the purpose of paying the interest and principal of the debts due from the United States, agreeably to a recommendation of Congress of the 18th day of April, one thousand seven hundred and eighty-three, and for appropriating the same."

The above three acts being passed pursuant to the recommendations of the 18th April, 1783.

April 10, 1784 –

1) [Motion of Mr. Elbridge Gerry]

Resolved, That the Legislatures of the several States be informed that whilst they are represented in Congress by two delegates only such an unanimity for conducting the most important publick concerns is necessary as can be rarely expected.

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That if each of the thirteen States should be represented by two members, five out of twenty-six members making on 1/5 of the whole may negative any measure requiring the voice of nine States.

That of eleven states now on the floor of Congress 9 being represented by only 2 members from each, it is in the power of 3 out of 25 making only 1/8 of the whole to negative such a measure, notwithstanding that by the Articles of Confederation the dissent of 5 out of 13 states, being more than 1/3 of the number is necessary for such a negative.

That should each of the States be represented by 3 members not less than 10 of 39 could so negative a matter requiring the voice of 9 states.

That therefore Congress conceive it to be indispensably necessary and earnestly recommend that each state should at all times when Congress are sitting be represented by 3 members at least and that the most injurious consequences may be expected from the want of such representation.

From the 1st Monday of November to the 11th of March last there were 72 meetings of Congress at 25 of which there were less than 7 states and at 14 of the nothing was done.

April 12, 1784 –

1) Congress resumed the consideration of the report of the committee appointed to prepare and report to Congress the arears of interest on the national debt, together with the interest and expences for the year 1784, from the first to the last day thereof inclusive, and a requisition of money on the states, when a motion was made by Mr. [Thomas] Jefferson, seconded by Mr. [Arthur] Lee, in that part where it is proposed, "that the states be required to furnish within the course of the present year, such part of their deficiencies under the requisition of eight millions, as with their payments to the close of the last year, will make up three-fourths of their original quota thereof;" that here-fourths" be struck out, and in lieu thereof, "one half" inserted: And on the question to agree to this amendment, the yeas and nays being required by Mr. [Edward] Hand, so the question was lost.

A motion was then made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to strike out the words "three-fourths," and in lieu thereof, insert "three-fifths:" And on the question to agree to this amendment, the yeas and nays being required by Mr. [Edward] Hand, So the question was lost.

A motion was them made by Mr. [David] Howell, seconded by Mr. [Abiel] Foster, to reconsider the first motion, to strike out "three-fourths," and insert "one-half;" which being agreed to, on

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the question to, on the question to agree to this amendment, the yeas and nays being required by Mr. [Edward] Hand, so it was resolved in the affirmative.

April 15, 1784 –

1) Congress resumed the consideration of the report on the letter of 24 March, from Major General Baron Steuben; and thereupon

Resolved, That the resignation of Baron Steuben, late inspector general and major general, be accepted.

That the thanks of the United States in Congress assembled, be given to Baron Steuben, for the great zeal and abilities he has discovered in the discharge of the several duties of his office; that a gold hilted sword be presented to him, as a mark of the high sense Congress entertain of his character and services, and that the Superindentant of finance take order for procuring the same.

[Motion by Mr. Thomas Jefferson]

Congress having been made sensible that Major General Baron de Steuben when he left Europe to enter into the service of America indepenantly of other sacrifices relinquished offices of very considerable income and honor.

Resolved, That the proper officers proceed to the liquidation of the monies due from these states to Major General Baron de Steuben: that the Superintendant of Finance report to Congress his opinion of the most speedy and efficacious means of procuring and paying the same either here or in Europe, that Baron Steuben be assured that Congress will adopt these or such others shall appear most proper and effectual for doing him that injustice which the peculiarity of his case authorizes.

A motion was made by Mr. [Thomas] Jefferson, seconded by Mr. [Elbridge] Gerry, that the sum of ten thousand dollars be presented to Baron Steuben, for which the Superintendant of finance will take order; on which the yeas and nays being required by Mr. [James] Wadsworth, so the question was lost.

A motion was them made by Mr. [Ephraim] Pine, seconded by Mr. [Elbridge] Gerry, that the sum of 8000 dollars be presented to Baron Steuben; on which the yeas and nays being required by Mr. [James] Wadsworth, so the question was lost.

On motion of Mr. [Roger] Sherman, seconded by Mr. [William] Ellery, Resolved, That the Superintendant of finance take account for immediately advancing to Baron Steuben, on

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account, the sum of ten thousand dollars. On the question to agree to this, the yeas and nays being required by Mr. [William] Ellery, so ti was resolved in the affirmative.

2) On a report of a committee, consisting of Mr. [David] Howell, Mr. [Elbridge] Gerry and Mr. [Hugh] Williamson, from Major General Baron Steuben, late inspector general, informing that he had appointed Major North, inspector to the troops under the command of General Knox.

Resolved, that Congress approve of and confirm the appointment of Major William North, as inspector to the troops remaining in the service and pay of the United States.

Om the question to agree to this the yeas and nays being required by Mr. [James] Wadsworth, so it was resolved in the affirmative.

April 16, 1784 –

1) On the report of a committee, consisting of Mr. [Edward] Hand, Mr. [Hugh] Williamson and Mr. [David] Howell, to whom was referred a motion of Mr. [Edward] Hand,

Resolved, That the commissioners for treating with the Indian nations be informed that as Congress are desirous of having that important business effected with the utmost dispatch and at as little expence as possible, the fifth article of their instructions so far as it enjoins the holding of separate and distinct treaties with the several nations is dispensed with, and that they the said commissioners are hereby authorised to treat with the said several nations of Indians collectively or at different times and places as they shal find most conductive to the Interest of the United States.

April 19, 1784 –

1) On a report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Roger] Sherman and Mr. [Arthur] Lee, to whom was referred a motion of Mr. [Elbridge] Gerry;

Resolved, That the legislatures of the several states be informed, that whilst they are respectively represented in Congress by two delegates only, such an unanimity for conducting the most important public concerns is necessary as can be rarely expected. That if each of the thirteen states should be represented by two members, five out of twenty-six, being only a fifth of the whole, may negative any measure requiring the voice of nine states: that of eleven states now on the floor of Congress, nine being represented by only two members from each, it is in the power of three out of twenty-five, making only one-eighth of the whole, to negative such a measure, notwithstanding that by the Articles of Confederation, the dissent of five out of thirteen being more than one-third of the number, is necessary for such a negative. That in a s representation of three members from each State, not less than ten of thirty-nine could so negative a matter requiring the voice of nine states: that from facts under the observation of

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Congress they are clearly convinced, that a representation of two members from the several States, is extremely injurious by producing delays, and for this reason is likewise much more expensive than a general representation of three member from each State: that therefore Congress conceive it to be indispensably necessary, and earnestly recommend, that each State, at all times when Congress are sitting, be hereafter represented by three members at least; as the most injurious consequence may be expected from the want of such representation.

April 20, 1784 –

1) Congress resumed the consideration of the report of the committee on a temporary government of the western territory, and the following clause being under debate, viz. That they shall be subject to the government of the United States in Congress assembled, and to the Articles of Confederation in all those cases in which the original States shall be so subject.

A motion was made by Mr. [Roger] Sherman, seconded by Mr. [William] Ellery, to strike the words "to the government of the United States in Congress assembled, and,"

And on the question, shall the words moved to be struck out stand the yeas and nays being required by Mr. [William] Ellery, so the question was lost and the words struck out.

In the clause, "provided the temporary and permanent governments be established on thse principles, &c. a motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Jacob] Read, to strike the words, "temporary and:" And on the question, shall those words stand the yeas and nays being required by Mr. [Hugh] Williamson, so it was resolved in the affirmative.

In the following clause, "That their respective governments shall be republican, and shall adit no person to be a citizen who holds any hereditary title."

A motion was made by Mr. [Edward] Hand, seconded by Mr. [Jacob] Read, to strike out the words, "and shall admit no person to be a citizen who holds hereditary title:" And on the question, shall those words stand the yeas and nays being required by Mr. [David] Howell, so the question was lost and the words were struck out.

In the following clause, "provided nine states agree to such admission, according to the reservation of the eleventh of the articles of Confederation;"

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [George] Partridge, to strike out the words, "nine States agree to," and the words, "the reservation of the eleventh of," and after "admission," to insert the word "be," so that it read , Provided such admission be according to the articles of Confederation: And on the question to agree to this amendment, the yeas and nays being required by Mr. [Elbridge] Gerry, so the question was lost.

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A motion was then made by Mr. [Hugh] Williamson, seconded by Mr. [Elbridge] Gerry, to strike out the words, "nine states agree," and in lieu thereof insert "the consent of so many states in Congress is first obtained as ay at the time be competent," and then strike out what follows "admission:" And on the question to agree to this amendment, the yeas and nays being required by Mr. [Hugh] Williamson, so it was resolved in the affirmative.

April 21, 1784 –

1) Congress resumed the consideration of the report on the plan of a temporary government of the Western territory.

And on the following clause, "That settlers on any territory so purchased and offered for sale shall, either on their own petition or on the order of Congress, receive authority from them with appointment of tie and place, for their free makes of full age within the limits of their state, to meet together for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original states."

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Thomas] Jefferson, to strike out the first part of the said clause as far as to the words "full age," inclusive, and in lieu thereof to insert,

That on the petition of the settlers on any territory so purchased of the Indians, or otherwise obtained and sold to individuals, or on the order of Congress, authority may be given by Congress with appointment of time and place, for all free makes if full age, being citizens of the United States, and owning lands or residing.

And on the question to agree to this amendment, the yeas and nays being required by Mr. [John] Montgomery, so the motion was lost.

A motion was then made by Mr. [Elbridge] Gerry, seconded by Mr. [Thomas] Jefferson, to amend the report by inserting immediately after the principle or condition, "that the respective governments shall be republican," the following:

That the lands and improvements thereon of non-resident proprietors shall, in no case, be taxed higher than those of residents within any new State, before the admission thereof to a vote by its delegates in Congress.

A motion was made by Mr. [David] Howell, seconded by Mr. [John] Montgomery, to amend the amendment by striking out the words, "and improvements thereon:" And on the question shall those words stand the yeas and nays being required by Mr. [David] Howell, so the question was lost, and the words were struck out.

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A motion was then made by Mr. [David] Howell, seconded by Mr. [William] Ellery, to amend the amendment further, by striking out the words, "before the admission thereof to vote by its delegates in Congress:" And on the question, shall those words stand the yeas and nays being required by Mr. [George[] Partridge, so it was resolved in the affirmative.

On the question to agree to the amendment as amended, the yeas and nays being required by Mr. [Elbridge] Gerry, so it was resolved in the affirmative, to amend the report by inserting,

That the lands of non-resident proprietors shall, in no case, be taxed higher than those of residents within any new State, before admission thereof to a vote by its delegates in Congress.

A motion was then made by Mr. [Jacob] Read, seconded by Mr. [James] McHenry, to amend the report further, by adding thereto,

That till such time as the settlers aforesaid shall have adopted the constitution and laws of some one of the Original states as aforesaid, for a temporary government, the said settlers shall be ruled by magistrates to be appointed by the United States in Congress assembled, and under such laws and regulations as the United States in Congress assembled shall direct.

On the question to agree to this amendment, the yeas and nays being required by Mr. [Jacob] Read, so the question was lost.

April 22, 1784 –

1) On a report of Mr. [Samuel] Osgood, Mr. [Arthur] Lee and Mr. [William] Ellery,

The Committee consisting of Mr. [Samuel] Osgood, Mr. [Arthur] Lee and Mr. [William] Ellery to whom was referred the Report on the letter of William Williams of the 1st of November, 1783, enclosing an Address from the House of Representatives of the State of Connecticut of the same date and signed by himself as Speaker,

Report, That the following letter be signed by the President of Congress and forwarded to the Speaker foresaid in answer to the above Address –

ANNAPOLIS *March 1784*

SIR,

Congress have received your Letter of Nov. 1st, 1783 enclosing an Address from the House of Representatives of the State of Connecticut setting forth that in the Statement of the public debt accompanying the Recommendations and Address of Congress of the 18th of April last, they observe charge of five millions of Dollars as due to the Officers of the Army granted them by Congress in exchange for half Pay for life. That they are not satisfied that half pay for life or

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five years full pay in lieu thereof, are warranted by the Articles of Confederation, or that the power to make such grant was ever delegated to Congress.

That it is considered as an unnecessary exercise if not an unwarrantable stretch of Power; and that they cannot reconcile it to Principles of Justice, more especially as it respects the Officers of that State.

That on account of the above Considerations it seems impracticable to execute any measures for raising its Quota of the public Debt as stated; tho' they are not disposed to pass a negative on the *Requisition* of Congress, on the ground of its being unsupported by the Articles of Confederation as to the mode of Collection.

That they most earnestly request the serious attention of Congress to this important subject and that they will take measures consistent with public faith and the principles of Justice to remove all causes of Jealousy and Complaint.

From the above Observations the following Questions are suggested:

First. Whether The Congress that passed the Resolution of the 21st of October, 1780, were authorized and empowered to make the grant of half Pay for Life contained therein?

Second. If they were vested with Power to make such a grant, whether it was necessary and expedient?

With respect to the first Question, *it cannot be expected that the present Congress should be able to define the Powers under which the Delegates from the several states acted previously to the Confederation*. The States themselves *have not done it*. *They all* gave general Powers to carry on the War and to oppose the then Enemy effectually.

The Resolution of Congress referred to, appears by the Yeas an Nays to have been pass'd, according to the then established Rules of that Body in transacting the Business of the United States. The Resolution itself had public Notoriety, and doe not appear to have been formally objected against by the legislature of any State till after the Confederation was compleatly adopted.

By the 12th Article of the Confederation, all Debts contracted by or under the Authority of Congress, before the assembling of the United States in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States for the Payment of which the Faith of the United States is solemnly pledged.

The Question is not whether Congress are vested by the Confederation with a Power to grant half Pay for Life. This need not be enquired into. It is, whether by the 12th Article of the

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Confederation, they can do otherwise than to acknowledge that a debt was created by the resolution of the 21dt of Oct., 1789, Which Resolution was agreed to by persons, having Plenipotentiary powers from their respective States, to do whatever appeared to them necessary and expedient for opposing the then enemy effectually.

With respect to the expediency or necessity of the measure we can only observe, that of we were clearly empowered we have great reason to distrust our own competency to judge in this smatter, none of the Delegates present having been in Congress at that particular time. That a proper degree of Respect to the States, obliges us to suppose that they appointed persons most worthy of the trust and confidence placed in the, That tenderness to the character of those who constituted that Congress, who acted from an immediate view of the most cogent reasons that operated in favor of it, which we cannot now be fully impressed with, demands liberality of sentiment in this respect.

The alteration of the mode of payent cannot be material in the question unless it can be proved that the exchange is less favorable to the United States than the half pay for life.

We have omitted to remark on several other matters contained in the address, and have confined ourselves to that which seems to have been the occasion thereof – We have only to requiest a candid examination of the question by the House of Representatives of the State of Connecticut, and we cannot but flatter ourselves that the Union will have in this as in all other federal Matters their firm support; that they will always exercise that Candor and liberality of sentiment towards the opinions of others, without which it will be impossible to provide for the general Interest of the United States.

To remedy the evil which has arisen from the irregular settlements the committee recommend the following resolution:

Resolved, That the paymaster general be, and he hereby is directed to govern himself in settling the accounts of the army since the year 1779, by the payments made by the respective states to their lines, so that where the pay has been secured by any State, the same shall not be again secured by the United States.

2) The Committee [Mr. Elbridge Gerry, Mr. Jacob Read, Mr. Hugh Williamson, Mr. Jeremiah Townley Chase and Mr. Thomas Jefferson] to whom was referred sundry Letters and Papers relative to Commercial matters, submit the following circular letter and Resolves:

The trust reposed in Congress renders it their duty to be attentive to the conduct of foreign nations, and to prevent or restrain as far as may be, all such proceedings as might prove injurious to the United States.

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The situation of commerce at this time, claim the attention of the several States, and few objects of greater importance can present themselves to their notice. The fortune of every Citizen is interested and wealth; and the value of our produce and our land must ever rise or fall in proportion to the prosperous or adverse state of trade.

Already has Great-Britain attempted a monopoly which is destructive of our trade with her West-India Islands. There was reason to expect that a measure so unequal, and so little calculated to promote mercantile intercourse, would not be preserved in by an enlightened nation: but the measure seems to be growing into a system, and if it should be attended with success, there is too much reason to apprehend other nations might follow the example, and the commerce of America become the victim of illiberal policy.

It would have been the duty of Congress, as it was their wish, at an earlier period, to have met the attempts of Great-Britain with similar and adequate restrictions on her commerce, but their powers on this head were not explicit; and though they are not to suppose that a free people would be jealous of men whom they chuse from year to year to consult and guard their interest, yet it with reluctance that Congress now make a proposition which may be suspected to have originated in a desire of power, although the measure already adopted by the legislatures of the several States seem to render it their duty to take the general sense of the union on this subject.

It will certainly be admitted, that unless the United States can act as a nation and be regarded as such by foreign powers competent to the protection of commerce, they can never command reciprocal advantages in trade; and without such reciprocity, our foreign commerce must decline and eventually be annihilated.

That the United States may be enabled to secure such terms of equality in their commerce with foreign nations, is the object of this address; and it will appear by the papers herewith transmitted, that however desirous some of the states may be, that further powers should be vested in Congress for the external regulation of trade, much time and valuable opportunities might be lost before any thing effective could be done, considering the vague and different powers that are proposed to be given by different States. Hence it seems necessary that the States should be explicit, and fix on some particular mode by which foreign commerce not founded on principles of reciprocity, may be restrained. Imposts or duties have been the general instruments for effecting this purpose, but Congress have agreed to recommend another measure which is more simple, equally effective, and may be less exceptionable: For this purpose they have

Resolved, That it be recommended to the Legislatures of the several States, to vest the United States in Congress assembled, for the term of fifteen years, with power to prohibit any goods,

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wares or merchandise from being imported into or exported from any of the States in vessels belonging to or navigated by the subjects of any power with whom these States shall not have formed Treaties of Commerce.

Resolved, That it be recommended to the legislatures of the several States, to vest the United States in Congress assembled, for the term of fifteen years, with the power of prohibiting the subjects of any foreign state, kingdom or empire authorized by Treaty from importing into the United States, any good wares or merchandize which are not the produce or manufacture of the Dominions of the Sovereign or whose subjects they are.

April 23, 1784 –

1) Congress resumed the consideration of the report of a committee, on a plan for a temporary government of the Western territory.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Hugh] Williamson, to amend the report by inserting after the words "but not of voting," the following clause:

That such measures as may from time to time be necessary not inconsistent with the principles of the confederation are reserved for and shall be taken by Congress to preserve peace and good order among the settlers in any of the said States, previous to their assuming a temporary government as aforesaid.

"That measures not inconsistent with the principles of the Confederation, and necessary for the preservation of peace and good order among the settlers in any of the said new states, until they shall assume a temporary government as aforesaid, may, from time to time, be taken by the United States in Congress assembled.

A motion was made by Mr. [Jacob] Read, seconded by Mr. [Richard Dobbs] Spaight, to postpone that amendment in order to take up the following:

That until such time as the settlers aforesaid, shall have adopted the constitution and laws of some one of the original states as aforesaid, for a temporary government, the said settlers settlers shall be ruled by magistrates to be appointed by the United States in Congress assembled, and under such laws and regulations as the United States in Congress assembled, shall direct.

On the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Jacob] Read, so the question was lost.

The amendment of Mr. [Elbridge] Gerry being adopted, the report as amended was agreed to as follows:

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Resolved, That so much of the territory ceded or to be ceded by individual states to the United States, as is already purchased or shall be purchased of the Indian inhabitants, and offered for sale by Congress, shall be divided into distinct states, in the following manner, as nearly as such cessions will admit; that is to say, by parallels of latitude, so that each State shall comprehend from north to south two degrees of latitude, beginning to count from the completion of forty-five degrees north of the equator; and by meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western cape of the mouth of the Great Kanhaway: but the territory eastward of this last meridian, between the Ohio, Lake Erie and Pensylvania, shall be one State whatsoever may be it comprehension of latitude. That which may lie beyond the completion of the 45th degree between the said meridians, shall make part of the State adjoining it on the south: and that part of the Ohio, which is between the same meridians coinciding nearly with the parallel of 39° shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased, and offered for sale, shall, either on their own petition or on the order of Congress, receive authority from them, with appointments of time and place, and their free makes of full age within the limits of their State to meet together, for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original States; so that such laws nevertheless shall be subject to alteration by their ordinary legislature; and to erect, subject to a like alteration, counties, townships, or other divisions, for the election of members for their legislature.

[That when any such State shall have acquired twenty thousand free inhabitants, on] giving due proof thereof to Congress, they shall receive from them authority with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves, Provided that both the temporary and permanent governments be established on these principles as their basis:

First. That they shall for ever remain a part of this confederacy of the United States of America.

Second. That they shall be subject to the Articles of Confederation in all those cases in which the original states shall be so subject, [and to all the acts and ordinances of the United States in Congress assembled, conformable thereto.]

Third. That they in no case shall interfere with the primary disposal of the soil by the United states in Congress assembled, not the ordinance and regulations which Congress may find necessary, for securing the title in such soil to the bona fide purchasers.]

Fourth. That they shall be subject to pay a part of the federal debts contracted or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made of the other states.

Fifth. That no tax shall be imposed on lands, the property of the United States.

Sixth. That their respective governments shall be republican.

[Seventh. That the lands of non-resident proprietors shall, in no case, be taxed higher than those of residents within any new State, before the admission thereof to a vote by its delegates in Congress.]

That whensoever any of the said states shall have, of free inhabitants, as many as shall then be in any one the least numerous of the thirteen Original states, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original states' provided ~~nine states agree to such admission, according to the reservation of the eleventh of the Articles of Confederation~~ the consent of so many states in Congress is first obtained as may at the time be competent to such admission. And in order to adapt the said Articles of Confederation to the state of Congress when its numbers shall be thus increased, it shall be proposed to the legislatures of the states, originally parties thereto, to require the assent of two-thirds of the United States in Congress assembled, in all those cases wherein, by the said articles, the assent of nine states is now required, which being agreed to by them, shall be binding on the new states. Until such admission by their delegates into Congress, any of the said states, after the establishment of their temporary government, shall have authority to keep a member in Congress, with a right of debating but not of voting.

[That measures not inconsistent with the principles of the Confederation, and necessary for the preservation of peace and good order among the settlers in any of the said new states, until they shall assume a temporary government as aforesaid, may, from time to time, be taken by the United States in Congress assembled.]\That the preceding articles shall be formed into a charter of compact; shall be duly executed by the President of the United States in Congress assembled, under his hand, and the seal fo the United States; shall be promulgated; and shall stand as fundamental constitutions between the thirteen original states, and each of the several states now newly described, unalterable [from and after the sale of any part of the territory of such State, pursuant to this resolve] but by the joint consent of the United States in Congress assembled, and of the particular State within which such alteration is proposed.

On the question to agree to the foregoing, the yeas and nays being required by Mr. [Richard] Beresford. So it was resolved in the affirmative.

April 24, 1784 –

1) A motion was made by Mr. [Edward] Hand, seconded by Mr. [John] Montgomery, in the words following:

"Whereas Congress have by their resolution of the 23 day of January last, on the petition of Zebulon Butler and others, directed the institution of a court to determine the private right of soil within the territory westward of the Delaware, formerly in dispute between the states of Connecticut and Pensylvania, agreeably to the ninth of the Articles Confederation, and have assigned the fourth Monday in June next, for the appearance of the parties by their lawful agents, before Congress, or a committee of the states, to proceed in the premises as by the Confederation is directed. And whereas the general assembly of the State of Pensylvania have, by their resolutions of the 14th day of February last, instructed their delegates in Congress as follows:

IN GENERAL ASSEMBLY, *Saturday, February 14, 1784, A.M.*

Resolved, 1. That the delegates of the State be instructed to apply immediately to Congress for an explanation of their act the 23 day of last month, it appeared to be uncertain whether the fourth Monday in June next is fixed for the purpose of appointing commissioners or judges to constitute a court for hearing and determining the matter in question, or for the purpose of deciding how far the same is, by the ninth Article of Confederation, submitted to the determination of such a court.

2. That if Congress by their said act meant the appointment of commissioners of judges next Judge, then the said delegates move for a re-consideration of the said act, and represent to Congress, that the agents for the State of Connecticut did, upon the late trial at Trenton, suggest to the court there, that the tenants in possession of the lands in controversy, and particularly the companies of Delaware and Susquehanna, were improving and holding large tracts of land under title from the State of Connecticut; and that by the said Article of Confederation, a court is to be established for the trial of the private right of soil where it is claimed, under different grants of two or more states, so that Zebulon Butler and the other claimants cannot be entitled to such a court, unless they come within the description aforesaid, which it is apprehended they do not. That if Congress should consent to establish courts at the instance of persons, not first proving themselves to be included in the description aforesaid, the citizens of this State may be harassed by a multitude of pretended claims at the suit of adventurers or invaders of the State, and in the present instant at the suit of persons who have settled in defiance of the resolution of Congress of the 23 day of December, 1775.

3. That if Congress shall resolve that the matter in question is, by the said Article of the Confederation, submitted to the determination of such a court, then the said delegates insist that Zebulon Butler, and other claimants, be required, immediately, to exhibit to Congress schedules particularizing claims.

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Resolved, That it was the intention of Congress, by their act of the 23 day of January last, that commissioners or judges should be appointed on the fourth Monday in June next, agreeably to the ninth of the Articles of Confederation, to determine the private right of soil within the territory westward of the Delaware, formerly in controversy between the States of Connecticut and Pensylvania, and lately determined to be within the jurisdiction of the State of Pensylvania,

Nevertheless, as the petitioners aforesaid have not shewn to the Congress that their claims to the private right of soil, within the territory aforesaid, originate from grants obtained from the State of Connecticut, which alone can entitle them to a court agreeably to the 9th of the Articles of Confederation.

Resolved, That the resolution of the 23 day of January last, directing the institution of a court for determining the private right of soil within the territory westward of the Delaware, formerly in controversy between the States of Connecticut and Pensylvania, and appointing the fourth Monday in June next, for the appearance of the parties, by their lawful agents, before Congress, or a committee of the states, be, and it is hereby suspended until Zebulon Butler, and the other petitioners, claimants as aforesaid, exhibit to Congress, or a committee of the states, schedules, particularizing their claims.

Resolved, That the parties, claimants as aforesaid, be informed, that their appearance, by their agents, before Congress, or a committee of the states, as specified by the resolution of Congress of the 23 day of January last, will not be necessary, until the further determinations of Congress, or a committee of the states, in the premises, be made known to them.

A motion was made by Mr. [David] Howell, seconded by Mr. [John] Montgomery, that the foregoing motion be committed; and on the question for commitment, the yeas and nays being required by Mr. [Edward] Hand, so it was resolved to commit it.

2) [Representation of the Delegates for New York resp'g the New Hampshire Grants]

To the United States of America in Congress Assembled:

The under written Delegates for the State of New York have the honor in obedience to an express instruction from the Legislature of the said State to represent that in compliance with an Act of Congress bearing date the twenty fourth day of Sept., 1779 [In which Act of Congress it is among other things declared that disputes at present subsist between the States of New Hampshire, Massachusetts Bay and New York forthwith to pass laws expressly authorising Congress to hear and determine all differences between them relative to their respective Boundaries in the Mode prescribed by the Articles of Confederation, so that Congress may proceed thereon by the first day of February next at farthest; and further, that the said States of Massachusetts Bay, New Hampshire and New York do, by express laws for that purpose,

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refer to the decision of Congress all differences or disputes relative to Jurisdiction which they may respectively have with the people of the district aforesaid, so that Congress may proceed thereon on the first day of February next, and also to authorize Congress to hear and determine all disputes subsisting between the Grantees of the several States aforesaid with each other or with either of the said States respecting Title to lands lying in the said District, to be heard and determined in the mode prescribed for such cases by the Articles of Confederation aforesaid; and further to provide that no advantage be taken of the nonperformance of the Conditions of any of the Grants of the said land, but that further reasonable time be allowed for fulfilling such conditions.

Resolved unanimously, That Congress will and do hereby pledge their faith to carry into Execution, and support their Decision and determinations in the premises, in favour of whichsoever of the parties the same may be to the end that permanent concord and harmony may be established between them, and all cause of uneasiness be removed; and that Congress will on the said first day of February next proceed without delay to hear and examine into the disputes and differences relative to the Jurisdiction aforesaid, between the said three States respectively, or such of them as shall pass the laws before mentioned, on the one part, and the people of the District aforesaid, who claim to be a separate Jurisdiction on the other, and after a full and fair hearing will decide and determine the same according to equity.) The Legislature of the State of New York did on the twenty first day of October, 1779, pass a law entitled "An Act to empower the Congress of the United States of America to determine all controversies relative to certain lands in the Counties of Cumberland, Gloucester, Charlotte, and Albany, commonly called the New Hampshire Grants" by which said act or law the State of New York did fully comply with the recommendation contained in the aforesaid (in part recited) Act of Congress as by comparing the said Act or law of the State of New York with the said Act of Congress will appear.

That on the nineteenth day of September, 1780, all the parties concerned in the said Controversy (Massachusetts Bay excepted) being present, Congress did attend to the hearing of the said Controversy, but have not to this day decided the same.

The underwritten further represent that the Inhabitants of the said District have paid no regard to the Act of Congress which inhibited the people of the said District who deny the Jurisdiction of all the aforementioned States from granting lands or exercising any Authority over those who profess themselves to be Citizens of, or to own Allegiance to, any or either of the said States but in violation and Contempt thereof have granted lands and exercised Authority over those in the said District who profess to owe and yield Allegiance to the Authority of the State of New York, to the utter ruin of many of the Citizens thereof.

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That the Inhabitants of the said District have shewn the utmost contempt of the Act of Congress of the fifth day of December, 1782, by refusing to restore the Estates which they had confiscated belonging to persons who refused to yield obedience to the laws of (the Assumed State of) Vermont, although the said persons professed to own and yield Allegiance to the State of New York and who were guilty of no other offence.

The Inhabitants of the said District have likewise refused to set at liberty those who were in confinement for like causes as aforesaid, unless upon large bonds for their good behaviour, and have actually taken up and confined in close Jail, divers of the Citizens of the State of New York who have been banished by the authority of the assumed State of Vermont aforesaid, and for the offence aforesaid and who returned to their habitations in the District aforesaid under the sanction of the last mentioned act of Congress.

That the Inhabitants of the said District under the name and tile of the State of Vermont have in and during the course of the winter now last past actually raised Troops and levyed war upon and against the Citizens of the State of New York in Cumberland County, in the District aforesaid, where numbers were wounded, made prisoners of and inhumanly loaded with Irons and Confined in close Jail, while others were driven from their habitations and obliged to fly into the Neighbouring States and for no other cause than the offence aforesaid. The underwritten further represent that the pretended Government of Vermont, hath lately extended its claim and granted lands far to the westward of any of the most westerly Grants ever made by the Government of the late Colony of New Hampshire, and have actually seized the lands so granted, although the same have long since passed to the Citizens of the State of New York, under the Great Seal of the late Colony of New York.

The underwritten further represent that the Legislature of the State of New York, to prevent the evils of civic discord, have besides a chearful compliance with the recommendations of Congress to submit the said Controversy to their final determination, made many liberal cessions in favour of those claimants, particularly a certain Act entitled “An Act for quieting the minds of the Inhabitants in the North Eastern Parts of this State,” passed the fourteenth day of April, 1782, by which the said Act the lands granted by New Hampshire and the pretended State of Vermont were Confirmed to the claimants, and even occupants without right, were liberally provided for, and there was no exception or reserve, but in favor of the oldest patents in question.

The underwritten further represent that they are expressly instructed in the most pointed manner to press Congress for a decision of this long protracted Controversy, not on Consideration of public expediency, but consistently with the Assurances of Congress according to equity.

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That the State of New York complains of the most grievous injustice done them by Congress by delaying the said Decision, especially after a submission in compliance with the unanimous recommendations of Congress, in full confidence that Congress would have kept their faith inviolate, and which in the most solemn manner they had pledged.

That great danger and distress will arise from further procrastination of the said Decision, as the leaders of the said District have raised Troops and do now employ them to reduce other Inhabitants, resident in the said District and acknowledging themselves Citizens of and to one allegiance to the State of New York, to submit to the said assumed Government of Vermont, and many of the Inhabitants of the said District, for professing to owe Allegiance to the State of New York, are now in the most grievous state of distress under close confinement, calling upon the State of New York for protection, calling upon the State of New York of protection and redress, and that when every State ought to be in the full enjoyment of the blessing of peace under the protection of the federal Union, the State of New York alone, is on the point of experiencing the calamities of an internal war; but that if she must recur to force for the preservation of her lawful Authority the impartial world will pronounce that none of the blood shed or disorder which may ensue, can be imputed to the Legislature thereof, who appeal to the Journals of Congress for the rectitude, moderation and liberality of the measures they have invariably pursued to produce an amicable determination of the Controversy.

That in order to afford another instance of the Upright intentions of the Government of the State of New York, Congress be entreated to Guarantee the Concessions made on her part by the said Act of the fourteenth day of April, 1782.

The Underwritten further represent that the Legislature of the State of New York conceive themselves to be urgently pressed by the great duty of self-preservation to prepare without loss of time for the Worst events, and however sincerely they are disposed to maintain the Union and to manifest an Inviolable respect for Congress, yet if the decision which has so long in vain been solicited, should not be pronounced within two Months next after nine States shall be represented in Congress, subsequent to a representation of the State of New York, no further expectation can be entertained of such decision; and the said State of New York, with whatever deep regret, will be compelled to consider herself as left to pursue her own Councils destitute of the protection of the United States to whose Judgment they have chearfully submitted and on whose Justice they have hitherto relied.

The Underwritten do therefore by this public Act, which they pray may be received and filed among the records of the United States, make known the just expectation and earnest request of the Legislature of the State of New York, declaring their readiness to lay before such of the Members of Congress as may be uninformed, satisfactory evidence of the title of the State of

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New York to all that part of the Controverted District which lies on the West Side of Connecticut River.

Done at Annapolis, in obedience to the express instructions of the Legislature of the State of New York, the 24th day of April, 1784.

CH. DE WITT |*Delegates for the State of New York*

and

EPHRAIM PAINE |*Agents in the Controversy referred to.*

April 26, 1784 –

1) A motion was made by Mr. [David] Howell, seconded by Mr. [Elbridge] Gerry,

The Delegates for the State of Rhode Island and Providence Plantations pursuant to their instructions as entered on the Journals of the 14th instant beg leave to renew their motion of that day entered and amended as follows, viz, *Resolved*:

That the President be, and he hereby is authorised and directed, to adjourn Congress on the third day of June next, to meet on the thirtieth of October next at Trenton, for the dispatch of public business; and that a committee of the states be appointed to sit in the recess of Congress.

A motion was made by Mr. [James] McHenry, seconded by Mr. [Richard Dobbs] Spaight, to postpone the consideration of the foregoing motion in order to take into consideration the report of a committee, consisting of Mr. [Thomas] Jefferson, Mr. [Samuel] Osgood and Mr. [Roger] Sherman, to whom was referred a report on the powers with which a committee of the states should be vested during the recess of Congress, and a motion on the same subject, which report is as follows:

"That the committee of the states which shall be appointed, pursuant to the 9th Article of Confederation and perpetual Union, to sit in the recess of Congress, for transacting the business of the United States, shall possess all the powers which may be exercised by seven states in Congress assembled; except those of sending ambassadors, ministers, envoys, residents or consuls; establishing rules for deciding what captures by land or water shall be legal, and in what manner prizes taken by land or naval or naval forces in the service of the United States, shall be dived or appropriated; establishing in courts for the receiving and determining finally appeals in cases of capture; constituting courts for deciding disputes and differences arising between two or more states; fixing the standard of weights and measures for the United States; changing the rate of postage on the papers passing through the post-

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office established by Congress, and of repealing or contravening any ordinance passed by Congress.

That nine members shall be requisite to proceed to business.

That no question, except for adjourning from day to day, shall be determined without the concurrence of seven votes.

That the Secretary and other officers of Congress shall attend on the said committee.

That they shall keep an accurate journal of their proceedings, to be laid before Congress; and that in these journals shall be entered the yeas and nays of the members, when any one of them shall have desired it before the question be put.

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [James] McHenry, so it passed din the negative.

A motion was then made by Mr. [Hugh] Williamson, seconded by Mr. [James] McHenry, to amend the motion of Mr. [David] Howell, by adding thereto, "provided a committee of the states shall have first been appointed to sit in the recess of Congress, and the powers defined with which the said committee shall be vested, according the tenth of the Articles of Confederation."

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Hugh] Williamson, so it passed in the negative.

A motion was them made by Mr. [James] McHenry, seconded by Mr. [John Francis] Mercer, to postpone the further consideration of the motion under debate, in order to take up the following:

That as soon as a proper place shall be reported by the committee appointed to view and report a proper place for a federal town, at or near Georgetown, on the Potomack, and the soil and jurisdiction obtained as well for the town on Potomack as that Delaware, Congress will, forthwith, proceed to erect such public buildings as may be necessary for their sessions, at the expence of the United States, out of the common treasury thereof; that the foundations of the said buildings shall be laid at the same time, and no sum of money appropriated for the one, unless an equal sum be appropriated for the other.

And on the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [James] McHenry, so it passed in the negative.

A motion was then made by Mr. [Samuel] Hardy, seconded by Mr. [Jacob] Read, to postpone the consideration of the motion under debate, in order to take up the following:

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Whereas the resolution of the 20 of October last provides that Congress shall reside at Trenton and Annnapolis, alternately, at equal periods, of not less than six months, or more than twelve, until the buildings on the banks of Potomack and Delaware, be ready for their reception.

And whereas the delegates from Rhode Island, pursuant to instructions from that State, have moved a resolution that Congress adjourn to Newport, in the State of Rhode Island, from which it is evidently the sense of that State, that the resolution for two federal towns should not be carried into effect.

And whereas it appears to be the sense of a majority of the states in Congress assembled, by a motion from the state of Connecticut, forbidding the committee appointed to view the ground at or near Georgetown, to proceed in that business, until the further order of Congress, and by a motion for allowing the states of Maryland and Virginia, to advance ___ pounds for the purpose of erecting public buildings, at or near Georgetown, and for giving the credit for the same in the requisition for ___ year, which last being negative, amounts to a virtual repeal of the aforesaid act; and as it will be expedient to fix on a situation the most central to all parts of the union, for holding the sessions of Congress,

Resolved, That Congress hold their sessions in Annapolis, in the State of Maryland, until they decide on some place for their permananet residence, and the necessary public buildings be erected for their accommodation.

On this motion, the previous question was moved by the State of Connecticut, seconded by the State of Rhode Island; and on the question to agree to the previous question, the yeas and nays being required by Mr. [Samuel] Hardy, so it was resolved in the affirmative, and the motion was set aside.

On the question to agree to the original motion, the yeas and nays being required by Mr. [Thomas] Stone, so it was *Resolved*, That the President be, and he hereby is authorised and directed to adjourn Congress on the third day of June next, to meet on the thirtieth day of October next at Trenton, for the despatch of public business, and that a committee of the states shall be appointed to sit in the recess of Congress.

<u>April 29, 1784</u> –

1) Congress took into consideration the report of a grand committee, to whom was referred the report of a committee on the subject of Western territory, and the following paragraph being under debate:

“Congress, by their resolution of September 6, 1780, having thought it adviseable to press upon the states having claims to the western country.”

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A motion was made by Mr. [Richard Dobbs] Spaight, seconded by Mr. [Richard] Beresford, to strike out the words "claims to the:" And on the question, shall these words stand the yeas and nays being required by Mr. [Richard Dobbs] Spaight, so it was resolved in the affirmative.

The report being amended, was agreed to as follows:

Congress, by their resolution of September 6, 1780, having thought it adviseable to press upon the states having claims to the western country, a liberal surrender of a portion of their territorial claims; by that of the 10th of October, in the same year, having fixed conditions to which the Union should be bound on receiving such cessions: and having again proposed the same subject those states, in their address of April 18, 1783, wherein stating the national debt, and expressing their reliance for its discharge, on the prospect of vacant territory, in aid of other resources, they, for that purpose, as well as to obviate disagreeable controversies and confusions, included in the same recommendations, a renewal of those of September 6, and of October the 10th, 1780; which several recommendations have not yet been fully complied with:

Resolved, That the same subject be again presented to the attention of the said states; that they be urged to consider that the war being now brought to a happy termination by the personal services of our citizens, and loans of money from them as well as from foreigners; these several creditors have a right to expect that funds shall be provided on which they may rely for indemnification;

That Congress still consider vacant territory as a capital resource; that this too is the time when our Confederacy, with all the territory included within its limits should assume its ultimate and permanent form; and that therefore the said states be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to remove those obstacles which disturb the harmony of the Union, which embarrass its councils and obstruct its operations.

That Congress still consider vacant territory as an important resource: and that therefore the said states be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to promote the harmony of the Union.

<u>April 30, 1784</u> –

1) Congress took into consideration the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Jacob] Read, Mr. [Hugh] Williamson, Mr. [Jeremiah Townley] Chase and Mr. [Thomas] Jefferson, to whom were referred sundry letters and papers relative to commercial matters, and the following paragraph being under debate:

The Committee to whom were referred sundry letters and papers relative to Commercial matters, submit the following circular letter and resolves:

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The report being amended was agreed to as follows:

The trust reposed in Congress, renders it their duty to be attentive to the conduct of foreign nations, and to prevent or restrain, as far as may be, all such proceedings as might prove injurious to the United States. The situation of Commerce at this time claims the attention of the several states, and few objects of greater importance can present themselves to their notice. The fortune of every citizen is interested in the success thereof; for it is the constant source of wealth and incentive to industry; and the value or our produce and our land must ever rise or fall in proportion to the prosperous or adverse state of trade.

Already has Great Britain adopted regulations destructive of our commerce with her West India islands. There was reason to expect measures so unequal and so little calculated to promote mercantile intercourse, would not be preserved in by an enlightened nation. But these measures are growing into system. It would be the duty of Congress, as it is their wish, to meet the attempts of Great Britain with similar restrictions on her commerce; but powers on this head are not explicit, and the propositions made by the legislatures of the several states, render it necessary to take the general sense of the Union on this subject.

Unless the United States in Congress assembled shall be vested with powers competent to the protection of commerce, they can never command reciprocal advantages in trade; and without these, our foreign commerce must decline, and eventually be annihilated. Hence it is necessary that the states should be explicit, and fix on some effectual mode by which foreign commerce, not founded on principles of equality, may be restrained.

That the United States may be enabled to secure such terms, they have

Resolved, That it be, and it hereby is recommended to the legislatures of the several states, to vest the United States in Congress assembled, for the term of fifteen years, with the power to prohibit any goods, wares or merchandize from being imported into or exported from any of the states, in vessels belonging to or navigated by the subjects of any power with whom these states shall not have formed treaties of Commerce.

Resolved, That is be, and it hereby is recommended to the legislatures of the several states, to vest the United States in Congress assembled, for the term of fifteen years, with the power of prohibiting the subjects of any foreign state, kingdom or empire, unless authorised by treaty, from importing into the United States any goods, wares or merchandise, which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.

Provided, That to all acts of the United States in Congress assembled, in pursuance of the above powers, the assent of nine states shall be necessary.

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2) [Report of Mr. Thomas Jefferson, Mr. Hugh Williamson, Mr., David Howell, Mr. Elbridge Gerry, Mr. Jacob Read. An Ordinance for ascertaining the mode of locating and disposing of lands in the western territory.]

Be it ordained by the United States in Congress assembled, that the territory ceded by individual States to the United States, when the same shall have been purchased of the Indian inhabitants, and shall be divided into Hundreds of ten geographical miles square, each mile containing 6086 feet and four tenths of a foot, by lines to be run and marked due North and South, and others crossing these at right angles, the first of which lines each way shall be at ten miles distance from one of the corners of the State within which they shall be, but if the Indian purchase shall not have included any one of the corners of the State, the lines shall then be run at the termination of integral miles, as measured from some one of the corners, but shall be extended, by actual arks, only so far as the purchase extends. These Hundreds shall be subdivided into lots of one mile square each, or 850 acres and four tenths of an acre by marked lines running in like manner due North and South, and others crossing these at right angles.

For laying off the said territory, Surveyors shall be appointed by Congress, or the Committee of the States, who shall proceed forthwith, under the direction of the Register hereafter to be mentioned, to divide the same into hundreds, by lines in the directions, and at the intervals before mentioned, which lines shall be measured with a chain, shall be plainly marked by chaps or marks on the trees, and shall be exactly described on a plat whereon shall be noted, at their proper distances all water courses, mountains, and other remarkable and permanent things, over or near which such lines shall pass.

The Hundreds being laid off and marked, nine of them shall be assigned as a district to each surveyor, who shall then proceed to divide each Hundred of this district into lots as before directed, beginning with the Hundreds most in demand, and measuring, marking, and platting the said dividing lines thereof in the manner before directed for the Hundreds, save only that the lines of the lots shall be distinguished by a single mark on each tree, and those of the hundreds by three marks. And that the said lots may be capable of more accurate description and distinction from each other, those in every hundred shall be designated by the numbers in their order from 1 to 100, beginning at the northwestern lot of the Hundred and applying the numbers from 1 to 10 to the lots of the first row from West to East successively, those from 11 to 20 to the lots of the second row from west to east and so on; the Surveyors shall pay due and constant attention to the variation of the magnetic meridian, and shall run and note all lines by the true meridian, certifying with every plat what was the variation at the time of running the lines thereon noted.

A Register shall be appointed by Congress, for each of the States within which the said territory shall lie, who shall keep his Office within the said State, be a resident at it himself, and provide a

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seal for authenticating it acts; to hi returns shall be made, by several Surveyors, on the last days of March and August in every year, of the plats of all lines, measured and marked by them in the preceding half year, to be by him collated, and reduced into a general map of the whole State for which he acts, he shall annually, to wit, on the first Monday in November of every year, deliver or cause to be delivered, to the Secretary of Congress, a copy of such portions of the said general map as shall have been formed, or further filled up, during the preceding year, retaining one in his own Office for the use thereof, he shall have power to suspend any Surveyor for negligence or malversation, making report thereof to Congress, or a Committee of the States, that they may direct a proper enquiry.

Each Register shall cause to be printed under such devices, difficult of imitation, as he shall think best, warrants each of which shall give right to one lot of a mile square described as before directed, and other warrants for each of the said States which shall give right, each of them, to one of the Hundreds of ten miles square as before described; these warrants shall have blanks for names and dates, shall be numbered and signed by the Register, sealed with the seal of his Office, and shall be cut with indentures from a book, the margin of which shall be numbered in correspondence with the warrant cut therefrom, and shall be preserved in the Office as a further check, the said warrants shall be deposited in the Treasury of the United States, and the Treasurer thereon debited with them, from thence they shall be sent in such numbers as the Register issuing them shall direct, to the Commissioner of the Loan Office for the United States in each of the States within the Union, the Treasurer countersigning them on parting therewith, and having a credit duly entered in his own account with the United States, and a debit against the loan Officer, to whom they are sent.

Any person, chusing to become purchaser of lands within the said territory and paying to the Treasurer, or Loan Office, the sum of ___ dollars, shall receive in lieu thereof one of the said smaller warrants entitling him to a lot, or paying ___ dollars, shall receive in lieu thereof on of the said larger warrants, entitling him to a whole Hundred within the State from which the warrant issued; the Treasurer or Loan Office inserting the name of the purchaser in the proper blank, filling up the date, and attesting the warrant by his own subscription. Loan Office certificates of liquidated debts of the United States, shall be receivable for the said warrants in lieu of money; and evidences of military rights to lands, hereinafter to be described, shall be receivable instead of the price itself of so much land; these warrants shall pass as lands, by descent or devise, but not by assignment nor by survivorship. The owner of any warrant proceeding to locate the same, shall deliver it to the Surveyor of the district, wherein his location is to be, describing to him the particular lot on which he places it, or the Hundred, if it be a warrant for a hundred, by a designation of some point, either natural or artificial, within the said lot or Hundred, so singular and certain as may be adapted to no other lot or Hundred, or by reference to the position of the Hundred, or number of the lot, which description the

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Surveyor shall immediately enter in a block well bound, with the date of the entry, describing the warrant located thereon by its number, date, signatures and name of the original owner, and leaving no blank space or leaf between that and the preceeding entry, nor any margin by its side. If the location be made before the lot or hundred be yet laid off lines actually run and marked, the surveyor shall retain the warrant in his hands until the Hundred, if it be for a Hundred, or until all the lots of the Hundred, if it be for a lot, shall be actually laid off by marked lines, and then, or at the time of the entry, if the lines were marked before the entry was made, having satisfied himself by proper evidence, or by his own inspection and examination, on what particular lot, or on what Hundred, the location is, and that there has been no previous location on the same, he shall give to the party a certificate, describing the lot or Hundred so specially as that it may be known from all others, by particular marks or circumstances, natural or artificial, by stating the order or position of the Hundred relatively to the boundaries of the States, and specifying the lots by its number, with which certificate he shall return the warrant also to the party, these being delivered to the Register, and the warrant examined, and found genuine by him, he shall give a receipt for the same, and in due time proceed to execute a grant of the land in the following form:

"A.B. register of the Land Office of the United States within the State of ___ to all to whom these presents shall come greeting. Know ye that for good considerations there is granted by the United States fo America unto C.D. a certain lot [or Hundred of land as the case shall be, describing it from the certificate] within the said State of ___ to have and to hold the said lot [or Hundred] of land, with its appurtenances, to him the said C.D. and his heirs for ever. In witness whereof the said A.B. Register of the land office of his office to be affixed, this ___ day of ___ in the year ___ and of the independence of the United States the ___ " – which grant shall be entered of record, at full length, in good well bound books to be provided for that purpose, at the expense of the United States, and kept by the Register, and being so entered, shall be certified to have been registered, and then be delivered to the party to this order, different lots, adjoining side by side within the same Hundred, may be included and passed by the same grant, but separate lots, and lots in different Hundreds, as also different Hundreds, shall be passed by different grants. No fractions of a lot shall be granted, unless where such fractions are occasioned by the boundary of the State, or of the Indian conveyance. Until a temporary government shall be established in any State according to the resolutions of Congress of April ___, 1784 the lands therein shall pass in descent and dower, according to the customs known in the common law by the name of Gavelkind, and shall be transferrable by deed or will proved by two witnesses, but so soon as a temporary government shall be established, they shall become subject to the laws of the State, and shall never after in any case, revert to the United States. Where a grant shall be made out to the heir or devisee of the person in whose name the warrant was originally issued, he shall be named in the said grant as heir or devisee.

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For preventing hasty and surreptitious titles, the Register shall execute no grant for lands until the warrant and certificate delivered him for the same shall have remained in his office ___ months, at any time within which period any person claiming the same lands under a prior location, shall be at liberty to enter a caveat, with the register, against the execution of any grant to the other, setting forth in the entry a copy of the location under which himself claims. The Register shall thereupon issue a summons, reciting the entry made with him, and calling the defendant to appear at a certain time and place, in defence of his right, which summons being served, and the parties appearing, he shall refer the decision to three arbitrators to be chosen by them of if they cannot agree then to three intelligent, honest and indifferent persons to be named by himself, which arbitrators being first sworn to do justice between the parties according the best of their knowledge and abilities, by the Register, who is hereby authorised to administer such oath, shall proceed thereon at such times and places as they shall appoint, giving notice thereof to the parties and their award being rendered, the Register shall execute a grant to the plaintiff or defendant, comformably therewith. The party whose location is annulled shall be authorized to receive again his warrant, and to locate it on other lands. If the defendant, being summoned, or the plaintiff fails to appear by himself or another before the Register on the day appointed, the Register may give a further day, or in his discretion may proceed on the evidence before him to execute a grant to the party having the right; if the defendant fails to appear, and there be no sufficient proof that the summons has been served, the Register shall issue a new summons, unless it shall be proved that he hath been sought at the usual place of his dwelling and hath not been found, in which case the summons shall be advertised three times in some gazette of the State wherein he resides, or last was known to reside giving a new day of appearance, which shall not be within less than ___ months after the date of the third publication, and on his failing to appear at that day, the Register shall proceed to decision, but in case of a decision against the defendant, where there was no actual service of the summons, he shall be allowed at the time within one year after such decision, a rehearsing before arbitrators to be appointed and qualified as directed in the case of an appearance, but on such rehearsing the mere right alone shall be tried.

The Register, together with the map before directed to be delivered annually to the Secretary of Congress, shall report a calendar of all grants executed by him, stating in different columns thereof the date, grantee, quantity, how much of that was for military service, the hundred and lot.

The monies arising from the sale be applied to the sinking such part of the principal of the national debt as Congress shall from time to time direct, and to no other purpose whatsoever.

The Register before he enters on the duties of his office shall give such bond and security for the faithful discharge thereof as Congress or the Committee of the States shall approve, and

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shall be entitled to receive, for the execution of every grant ___ dollar, for every lot the same shall contain, or ___ dollars if it be for a whole hundred, which shall be paid at the time he receives the warrant and certificate, and shall be deemed satisfaction for all the services and expences of his office, except the purchase of books for registering grants and the seal of his office.

Every Surveyor shall also, before he enters on the duties of his office, give such bond and security for the faithful discharge thereof as Congress, or the Committee of the States shall approved, and shall be entitled to receive for every lot located with him ___ dollar and ___ dollars for a whole hundred, which shall be paid at the time of location and shall be deemed satisfaction for all the services and expences of his office, but where he shall have admitted more locations than one on the same land, he shall restore the fees received from the party whose location shall be set aside.

A Surveyor desiring to locate lands for himself shall make such location with the Register.

And whereas Congress by their resolutions of Sept: 16, 1776, and Aug: 12, 1780, stipulated grants of land to the officers and souldiers who should engage in the service of the United States, and continue therein to the close of the war, or until discharged by Congress, and to the representatives of such officers and souldiers as should be slain by the enemy, in the following proportions, to wit, to a Major General 1100 acres, to a Brigadier 50, to a Colonel 500, to a Lt. Colonel 450, to a Major 400, to a Captain 300, to a Lieutenant 200, to an Ensign 150, and to a non commissioned officer or souldier 100. For complying therefore with such stipulation, and for ascertaining the evidence of rights accruing under the same which shall be receivable instar of money, it is ordained that the evidence to be required from commissioned officers shall be a certificate from the War Office of their rank and continuance n service to the end of the war; from non commissioned officers and souldiers, a certificate from the Captain of their company, countersigned by the officer who commanded their regiment at the time of their discharge, that they were enlisted into the service of the United States, during the war, and continued therein to the close of it, to wit to the ___ day of ___ 1783, and from the representatives of such officers and souldiers as were slain by the enemy, a certificate, from the same authority, of the rank or term of enlistment of the deceased and he was slain by the enemy, together, together with satisfactory affidavits that they are his representatives, which evidences shall be receivable by the Loan Officer of the United States in the State to the lone of which he belonged, or by the Treasurer if he belonged to the line of no State, and on the warrant issued shall be an endorsement signed by the treasurer or loan officer declaring the proportion thereof which was satisfied by military service and in the same proportion shall all fees be abated to which that warrant would otherwise be subject. The proceedings on it in all other respects shall be the same as on a warrant issued wholly for money.

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Saving and confirming always to all officers and souldiers entitled to lands on the northern side of the Ohio, by donation or bounty from the Commonwealth of Virginia, and to all persons claiming under them all rights to which they are so entitled by the laws of the said State and the acts of Congress accepting the cession of western territory from the said State.

May 3, 1784 –

1) On motion of Mr. [Thomas] Jefferson, seconded by Mr. [Richard Dobbs] Spaight,

Ordered, That all letters from the ministers of these United States in Europe, be considered, at all times, as under an injunction of secrecy, except as to such parts of them as Congress, shall, by special permission, allow to be published or communicated.

On the question to agree to this order, the yeas and nays being required by Mr. [Richard Dobbs] Spaight, so it was resolved in the affirmative.

May 7, 1784 –

1) *Resolved*, That from the first day of August next, the salary of a Minister of the United States at a foreign court, shall not exceed nine thousand dollars per annum.

A motion was then made by Mr. [Elbridge] Gerry, seconded by Mr. [Samuel] Hardy, that Congress proceed in the order of the day, to the election of Secretary for foreign Affairs . . .

Thereupon, Congress proceeded to the election, and being this day informed by a letter of the 9 of March last, fro Dr. Franklin, that Mr. J. Jay, proposed to embark for America, in the month of April, and this information corresponding with the intelligence communicated to Congress by Mr. Jay himself, in his letters of last year, Mr. Jay was put in nomination; and the ballots being taken,

Mr. John Jay was elected Secretary for foreign affairs, having been previously nominated by Mr. [Elbridge] Gerry.

2) On motion of Mr. [Samuel] Hardy, seconded by Mr. [Elbridge] Gerry,

Resolved, That a minister plenipotentiary be appointed, in addition to Mr. John Adams and Mr. Benjamin Franklin, for the purpose of negotiating treaties of Commerce.

Congress proceeded to the election, and the ballots being taken, Mr. Thomas Jefferson was elected, having been previously nominated by Mr. [Samuel] Hardy.

3) An ordinance for ascertaining the mode of locating and disposing of lands in the west territory, and for other purposes therein mentioned, being reported by a committee, consisting

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of Mr. [Thomas] Jefferson, Mr. [Hugh] Williamson, Mr. [David] Howell, Mr. [Elbridge] Gerry and Mr. [Jacob] Read, appointed for that purpose, was read a first time.

Ordered, That Monday next be assigned for the second reading.

4) The grand committee, consisting or Mr. [Thomas] Jefferson, Mr. [Jonathon] Blanchard, Mr. [Elbridge] Gerry, Mr. [David] Howell, Mr. [Roger] Sherman, Mr. [Charles] De Witt, Mr. [Samuel] Dick, Mr. [Edward] Hand, Mr. [Thomas] Stone, Mr. [Hugh] Williamson and Mr. [Jacob] Read, to whom was referred a motion of the delegates of Massachusetts, to revise the institution of the treasury department, and report such alterations as they may think proper, reported the draught of an ordinance, which was read a first time.

Ordered, That Tuesday next be assigned for a second reading.

May 12, 1784 –

1) On the report of a committee, consisting of Mr. [John Francis] Mercer, Mr. [Arthur] Lee, Mr. [Elbridge] Gerry, Mr. [David] Howell and Mr. [Ephraim] Paine, appointed to consider of the measures proper to be adopted in order to take possession of the frontier posts.

Resolved, That the commanding Officer of the troops now in service of the United States be, and he is hereby directed to open a correspondence with the commander in chief of his Britannic Majesty's forces in Canada, in order to ascertain the precise time when each of the posts within the territories of the United States, now occupied by British troops, shall be delivered up.

That he endeavor to effect an exchange with the british commanding Officer in Canada, of the cannon and stores, at the posts to be evacuated, for cannon and stores to be delivered at West point, New York, or some other convenient place; and if this cannot be accomplished, that then he cause the complement of cannon and stores, requisite for those posts, to be in readiness to be transported thither in the most convenient and expeditious manner possible.

May 13, 1784 –

1) A motion was then made by the delegates for New York, in the words following:

Whereas the legislature of the States of New York have instructed their delegates in Congress as follows, to wit:

"Whereas upon the conclusion of a general peace between the several belligerent powers in Europe and these United States, the posts at present occupied by the british troops in the northern and western parts of this State, will be evacuated by them, and may be seized by savages inimical to these United States, whereby the inhabitants of the frontiers may be

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exposed to great danger and distress: And whereas by the sixth Article of Confederation and perpetual Union between the United States of America, it is declared, "That no body of forces shall be kept up by any State in tie of peace, except such number only as in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State,"

Resolved, therefore, That the delegates of this State in Congress be, and they are hereby instructed to represent to the United States in Congress assembled, that this State deem it essentially necessary to make provision to garrison the said posts immediately on the evacuation thereof by the british troops: that therefore the said delegates request the United States in Congress assembled, to declare the number of troops which they may deem necessary for such garrisons. The said delegates at the same time informing the said United States, that it is the opinion of this legislature, that a body of troops not exceeding five hundred rank and file, properly officered, would be adequate for the purpose aforesaid; which request was accordingly made by the said delegates.

And whereas it is a manifestly just construction of the said section and articles, that when the sovereignty of any State shall deem it necessary, in time of peace, to garrison forts for its defence, the troops are to be raised by and at the expence of such State, and that the number only is to be determined by the judgment of the United States in Congress assembled.

Resolved, therefore, further, That the delegates from this State be instructed to inform Congress, that the legislature cannot, consistent with the public safety, and longer delay measures for raising a body of troops for the purposes aforesaid; that such number will not exceed that stated in the said recited resolution, as in the opinion of the legislature adequate to the purpose. That the said delegates do, without delay, press upon the said United States in Congress assembled, the just right of this State to the determination aforesaid, and intreat that it may be given without further delay."

The delegates for the State of New York, in obedience to the aforesaid instructions, move that it be resolved,

That for the purpose of garrisoning the forts within the State fo New York, necessary for the defence thereof, the said State be allowed to keep up a body of troops or forces not exceeding five hundred rank and file, properly officered. And on this the said delegates require the yeas and nays.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [George] Partridge, that the motion of the delegates of New York be committed.

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And on the question of commitment, the yeas and nays being required by Mr. [Charles] De Witt, so it was resolved in the affirmative.

May 15, 1784 –

1) Congress proceeded in the consideration of the report of the committee of Qualifications as entered on the 13th of this month; and a division being called for by Mr. [Arthur] Lee,

On the question to agree to the first clause, to wit: That no State has right to empower its delegates to sit in Congress more than one year, under one appointment:

The yeas and nays being required by Mr. [David] Howell, Resolved in the affirmative, every ember answering ay.

May 17, 1784 –

1) The Grand Committee consisting of Mr. [Thomas] Stone, Mr. [Jonathon] Blanchard, Mr. [Elbridge] Gerry, Mr. [David] Howell, Mr. [Roger] Sherman, Mr. [Charles] De Witt, Mr. [Samuel] Dick, Mr. [Edward] Hand, Mr. [Samuel] Hardy, Mr. [Hugh] Williamson and Mr. [Jacob] Read, to whom were referred an act of the Legislature of Connecticut, and a letter from the Governor of Massachusetts respecting the expences of that State in an expedition against the British force at Penobscot and other matters submit the following resolves.

That all sums paid or contracted to be paid by any States from and after the 19th of April, 1775, to the conclusion of the late war, for services performed by State troops or militia in defence of any of the U. States, or for provisions ammunition, wagons or supplies of any kind necessary for such troops or militia or for the transportation thereof, may be reduced to specie by the scale of depreciation of such State be charged to the United States, provided such troops r militia shall not have been less than ten days in service, or shall have been drawn out to repel an actual invasion pursuant to the laws of the State, and that the pay and rations or subsistence of the officers and privates and also the proportion of commissioned and non commissioned officers to the privates, and of wagons or other articles shall not exceed the allowance stipulated for the continental army, at the time when such State troops or Militia were in service.

That the sums paid or contracted to be paid by the State of Massachusetts for armed vessels or transports employed and lost in the year 1779 in an expedition of that State against the British forces then at Penobscot, or for the hire of such of the said vessels and transports as were not lost, may when so reduced to specie be charged to the U.S. as aforesaid.

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2) The Grand Committee to whom was referred a letter of the Governor of Massachusetts, of the 28th of October, 1783, relative to the Continental Bills of credit of the old emissions, submit the following:

Resolved, That all sums of Continental bill of credit *paid by or to any State*, on account of the United States, shall be credited or debited in account, according to the specie value of such bills at the time of payment, as settled by the legislature of the same state, in their table of depreciation formed for the use of their state; and where none such has been formed, an average shall be taken from those states adjoining, wherein such table have been formed: on which payments an interest shall be allowed at the rate of six per centum per annum from the time of paiment.

That all such bills *now in the treasury* of any state, shall be credited to such state at the value they bore in specie, at the time they were received by the State, which value shall be settled by a table of depreciation as directed in the proceeding resolution, for all the period of time comprehended in such depreciation table; and if the said bills were received after the last day to which such table descends, they shall then be credited at the rate at which they were actually purchased or received; or if not purchased or received at any particular rate, then the market value of such bills within the State at the time, to be estimated on the best evidence which may be obtained" on which sums also a like interest of 6 percent. Per annum, from the time of receipt shall be allowed; and the affidavit of the Treasurer receiving the said bills shall be evidence of the time and rate at which they were received.

That all such bills now in the hands of individuals shall be redeemed at the same rates prescribed for those in the Treasury of their State. That the holders of such bill shall be at liberty to carry them to the loan officer of the United States within their State, who shall give them in Exchange for the same, a certificate expressing the sum in specie, which the United States own in lieu thereof and the time from which it bears interest, which time shall be the 1st day of April, 1781, where the said bills were received before that day, and where shall require from the holder, the best evidence of the time of his circumstances and disinterested persons, where to be had and where not to be had, to his satisfaction, then resorting to the examination of the party himself on oath, and giving thereto so much credit as in his conscience he shall think associate to himself two honest and able persons to assist him in the examination and judgment. These certificates shall be funded and aid as the other debts of the United States; but no certificate shall be issued for a less sum than twenty specie dollars.

That the Superintendant of Finance direct the form and mode of issuing the aforesaid certificates, and take order for destroying the Continental bill of credit brought in.

3) Passed in committee, May 7, 1784.

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That Committee consisting of [Mr. Thomas Stone, Mr. Elbridge Gerry and Mr. James Monroe,] appointed [May 11] submit the following Report:

That the Reports in the File and schedule No. 1 should be passed on previous to the adjournment of Congress.

That the Reports in No. 2 should be taken up, if time will permit, previous to the adjournment, but after the others have been considered.

That the Reports in No. 3should be referred to the Committee of the States, to take order, so as not to exceed the Powers delegated to seven of the U. States in Congress.

That the Reports in No. 4 should be referred to the said Committee of the States to report.

That the reports in No. 5 should be referred to the consideration of the next Congress.

That the Reports in No. 6 require no consideration, being rendered unnecessary by subsequent acts of Congress, or by alteration of time and other circumstances.

That a similar arrangement should be made of matters in the hands of Committees who have not reported.

Your Committee having considered the fixed determination of Congress to adjourn on the 3rd June next, the short time which Congress now have to consider the matters requisite to be passed on before adjournment; the impracticability of effecting this, unless debates are in great measure dispensed with, or at least reduced, and the injury that may result to the publick from not improving with assiduity the time preceding the adjournment, are of opinion that it will be necessary in this instance.

1st. To authorize the President to take the sense of Congress, for putting any question without debate when he shall [deem] it requisite.

2nd. To preclude every member from speaking more than once, or longer than the President shall judge necessary on any question, provided the President shall adopt one rule to be equally applyed to all the Members.

3rd. To prevent more than two Members from speaking on one side of any question.

4th. To finish on each day, every matter that shall be taken up, without regard to the usual time of adjournment.

Reports as filed by Committee of 17 April [May] in five Bundles.

(see pages 398 – 405 for a complete listing all of all the various reports).

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4) The grand Committee to whom was referred a letter from the Superintendant of Finance of the 29th April last are of opinion that it will be necessary to continue the Continental Loan offices in the several States for the purpose of paying the monies borrowed in said offices and the annual interest thereon, pursuant to the Act of the Congress of the 3rd day of October, 1776. That all monies collected by the several States for the U.S. may likewise be paid into that office, and the other receivers be discontinued, The Committee thereupon submit the following resolves:

That from and after the 1st day of August next all monies collected in the several States for the Use of the U.S. shall be paid into the Continental loan office in said States respectively, and all receivers of such monies shall be discontinued.

That Loan officers shall be appointed by the Legislatures or in their recess or by their consent the supreme Executive of the States respectively, but when so appointed shall be amenable to and removable by the U.S. in Congress assembled, or such officer or Board as shall have the management of the Finances of the U.S.

That no person shall be appointed to such office, who shall have neglected or refused to adjust his publick accounts or to pay the Balance due thereon to the U.S.

That the said Loan officers respectively be entitled to receive ___ per cent on all monies that shall be brought into their respective loan offices in lieu of all claims and demands from transacting the business of said offices.

That the Receivers of Continental Taxes who have been appointed in the several States by the Superintendant of Finance, shall receive for their services a commission on the monies by them actually received for the U.S. at the rates heretofore fixed by the said Superintendant of Finance.

That with respect to the receipts taken by the loan officer in Connecticut for interest by him paid on Loan office certificates, it would have been regular to have inserted the number of the certificate at the time of payment; but as the sum of money paid was endorsed on the certificates at the time of payment the Committee are of opinion, that the U.S. are secured against any further demand for the interest paid, and that said receipts may be admitted as vouchers of the payments in settling the accounts of the Loan office.

<u>May 26, 1784</u> –

1) The report of the committee, "appointed to consider the measures proper to be adopted in order to ake possession of the frontier posts," being under debate,

A motion was made by Mr. [Jacob] Read, seconded by Mr. [John Francis] Mercer.

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That there be inlisted as soon as possible, to serve for the term of three years, unless sooner discharged, 896 men, to give protection to the commissioners appointed to negotiate treaties of peace with the Indians, and to defend the northwestern frontiers of the United States, and that the different states furnish their quotas, &c.

A motion was made by Mr. {Elbridge] Gerry, seconded by Mr. [Francis] Dana, to postpone the consideration of the said motion, in order to take up the following:

Whereas different opinions exist in Congress respecting their authority to make requisitions on the several states for land forces in time of peace: and whereas such a construction of the Confederation as will enable Congress to make requisitions for a small number of lands forces for a short period, must admit an unlimited power to extend their requisitions, both with respect to numbers and time of service, and must preclude the states from a right of deliberating, and leave them only an executive authority on the subject. And whereas Congress being authorised to make foreign and domestic loans, and to issue bill of credit, if permitted to raise land forces as aforesaid in time of peace, will be furnished with such coercive means as must be very alarming to the several states: and whereas standing armies in time of peace are inconsistent with the principles of republican governments, dangerous to the liberties of a free people, and generally converted into destructive engines for establishing despotism. And whereas the United States, being remote from nations that have peace establishments, may avoid the heavy expences thereof by providing a small number of troops for garrisoning their posts and guarding their magazines, and by being always in a state of defence, on the plan of the Confedeartion, which provides that, "every State shall always keep up a well regulated and disciplined Militia, sufficiently armed and accoutred; and shall provide and have constantly ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage." And whereas in a matter so doubtful, as it respects the authority of Congress, and if such high importance to the Union, it is expedient that the delegates should take the sense of their Constituents on the subject; and it is the duty of Congress in the interim to suspend the exercise of the powers aforesaid for that purpose.

It is therefore Resolved, That recommendations in lieu of requisitions shall be sent to the several states for raising the troops which may be immediately necessary for garrisoning the western posts, and guarding the magazines of the United States, unless Congress should think it expedient to employ the Continental troops now at West Point, in the service aforesaid.

On this motion the previous question was moved by the State of South Caroline, seconded by the State of North Carolina:

And on the question to agree to the previous question, the yeas and nays being required by Mr. [Elbridge] Gerry, so it was resolved in the affirmative.

Produced by Union States Assembly

May 27, 1784 –

1) Ordered, That Saturday next be assigned for appointing a committee of the states to sit in the recess of Congress.

May 28, 1784 –

1) Sundry reports being called for, which were orders of the day, and the title of the first called for, being read, viz. "An Ordinance for ascertaining the mode of locating and disposing of lands in the Western territory," which is as follows:

(See pages 446-453 for report). On the question, shall this be taken into consideration the yeas and nays being required by Mr. [David] Howell, so the question was lost.

2) The title of the second report called for, being read, viz.

"Report of Mr. [Richard] Beresford, Mr. [Thomas] Jefferson, Mr. [Jeremiah Townley] Chase, Mr. [Richard Dobbs] Spaight and Mr. [Jacob] Read, on Indian affairs in the southern department," which is in the words following:

The Committee consisting of Mr. [Richard] Beresford, Mr. [Thomas] Jefferson, Mr. [Jeremiah Townley] Chase, Mr. [Richard Dobbs] Spaight, and Mr. [Jacob] Read, appointed to take into consideration the State of Indian affairs in the Southern department, beg leave to report,

That a Report was made upon Indian Affairs in the northern and middle Departments, and being amended was agreed to on the 15th of October 1783. That, as any of the Principles contained in that Report will apply with equal propriety to the Southern Department, and the sense of Congress was then expressed, the Committee propose, so often as the circumstances agree, to adopt them in the present. That the Department consigned to their particular consideration extends as it is defined by an Act of Congress of July 12th, 1775, so far northward as to include the Cherokees, and so far southward as to include all the other Southern Tribes – That all claims made by South Carolina and Georgia upon the Indians have been satisfied – That in a conference with a Deputation of Indians held in Charleston South Carolina in December 1782 by Governor Mathews, there appeared in them a pacific disposition; and from the circumstances on which our treaty with Great Britain has left the hostile Indians, the same disposition may be supposed to be universal among them. That the preservation thereof is an object greatly desirable; for though a weak, they are a destructive Foe; and in a contest with them much may be lost, but nothing won which will be useful to us, or which will not be more useful when it will be more easily won. That f an Indian was should be rekindled, repeated victories might produce the retreat of the Indians, but could not prevent them from regaining possession of some of the distant Territory of the United States; that while such temporary

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expulsions could only be effected at a great charge, they could not be maintained but by numerous Garrisons and an expensive Peace Establishment. That even of the Indians could be totally expelled, the policy of reducing them to such an extremity is deeded questionable; for in case of any future rupture with Great Britain they would thereby become an useful ally to that Power, and a formidable Enemy to the United States. That it is highly fortunate that in the Southern Department no subject of contention threatens is when we are but little prepared to content. Yet how long that may continue which at present seems to be in some degree the effect of disappointment and despair it cannot be ascertained, and it will probably depend upon the Measures which the occasion may suggest. That Generosity, Clemency and Mercy ought to appear in the Transactions of the Grand Council of the United States with a people who live in a lamentable state of ignorance and error; and that these will perhaps be found ultimately to compose the best Policy. That so often as the Interests of both Parties can be made to accord, mutual advantage ought to be attempted; and that nothing else can form so solid and durable a foundation for harmony and peace. That Small benefits should be cheerfully resigned for the probable attainment of those which are important; more especially as it cannot be presumed the Indians will in their present circumstances venture upon any extravagant demands.

That Congress, however desirous that may be to gratify their better feelings in acts of humanity, will not be warranted in advancing beyond the essential interests of their constituents; and furthermore generosity becomes bankrupt and frustrates its own designs by prodigal bounty. That the States which are inhabited by the Indians in the southern department have in common with the rest of the United States, pledged themselves for the payment of the publick debts; that Justice, Gratitude, and good Policy, direct them to make ample provision more especially for their own quota of the virtuous army whose patient courage has so eminently conduced to the establishment of their liberty and independence; that it is become necessary by the increase of domestick population and emigrations from abroad to provide speedily for the settlement of their respective territories, and their finances do not admit of any considerable expenditure to extinguish the Indian claims upon such lands: the Committee are therefore of opinion that the Indians in the Southern department should be prevailed upon to ascertain and establish between the United States and themselves such lines of property, and to make such cessions of uncultivated land to the States they inhabit respectively as may be convenient to those nations and commensurate to the present and approaching necessities of those States. Nor in the opinion of the Committee, can the Indians make any reasonable objection against the measures recommended. They were themselves aggressors in the war, without even a pretence of provocation, and the barbarities which attend their mode of warfare are too shocking and of too great notoriety to be here recited. These circumstances are sufficient to manifest the obligation they are under to make atonement for their outrages, and a reasonable compensation for the expences and alarms to

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which they have exposed their offending neighbours, and they possess no other means to do this act of justice then by a compliance with the proposed terms.

The Committee are of opinion that care should be taken neither to yield nor require too much; to accommodate the Indians as far as the publick good will admit, and to avoid the hazard of a war the expences of which may exceed the value of the acquisition sought for; but it is supposed that when they shall have been informed of the damages which our citizens have sustained from their irruptions and those of their British Ally all unreasonable expectations will be suppressed,

Resolved, That Conventions be held with the Indians residing in the southern department who have taken up arms against the United States, for the purpose of receiving them into the favour of the United States, and of establishing boundary lines of property for separating and dividing the settlements of the citizens of the United States from the Indian villages and hunting grounds, and thereby extinguishing as far as possible all occasion for future animosity, disquiet and contention. That First, and as a preliminary, it shall be required, that all prisoners of whatever age or sex among the Indians, and all fugitive and other slaves shall be delivered up.

Secondly, That the Indians be informed that after a contest of eight years of the sovereignty of this country, Great Britain has relinquished to the United States all claim to the country within the limits described by the second article of the definitive treaty between the United States and the King of Great Britain signed on the third day of September in the year 1783, that is to say (here insert the limits).

Thirdly. That as the Indians in contempt of every principle of justice and humanity regardless of the friendly temper and designs of the United States, and in defiance of their power or resentment, were determined to join their arms to those of Great Britain and to share her fortunes, so consequently by a less generous people than Americans they might be compelled to retire to the most distant parts of the Continent. But as we prefer clemency to rigour, as we persuade ourselves that their eyes are open to their error, and that they have found by fatal experience that their true interest and safety must depend upon friendship, as the country is large enough to maintain and support us all, and as we are disposed to be Kind to them, to supply their wants, and to partake of their trade; we from these considerations and from motives of compassion, draw a veil over what is past, and will establish a boundary line between us and them beyond which we will restrain our citizens from hunting and settling, and within which the Indians shall not come but for the purposes of trading, treating, or other business equally unexceptionable. That Congress are desirous that most friendly transactions may be conducted upon the most equitable principles, and such as ay equally promote the interests of both parties. But that they take warning of th perils of a fresh rupture. That a second injury is ore grievous than the first.

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That an offence against one State will be resented by the whole, That their friends have deserted them, and that our arms obliged them to do so, that without their friends they must be immediately overwhelmed. That we also have friends who never deceived us, but on the contrary enabled us to capture an army the loss of which ruined the British cause in America; that their friends in the late treaty of peace left them to the mercy of their enemies, having made no stipulation in their favour, yet that we are not disposed to take advantage of their distress; that men ought to be preferred who are merciful as enemies to men who are treacherous as friends.

Fourthly. The Commissioners which shall be appointed to treat with these Indians are instructed to use their own discretion in establishing between the United States and the several nations of Indians the advantageous boundary lines to which they can be induced to accede, unless they shall hereafter be otherwise directed by Congress.

Fifthly. The Commissioners are instructed to treat with the Indian Nations collectively or at different times and places as they shall find most conducive to the interest of the United States, care being taken to avert the mischiefs which may arise from united councils or powerful combinations among the Indians, and to encourage in them every disposition to act independently.

Sixthly. The Commissioners are instructed not to admit into a treaty with the Indians or suffer to be in any manner connected with it, any article, stipulation or condition whatsoever making or confining or tending to make or confirm to any individual or individuals any grant or grants of land whether real or pretend, within the bounds of the United States as before described, moreover that no treaty which may have concluded with the Indians by any State or States and not by the United States in Congress assembled, for obtaining land or for any other purpose, shall be confirmed by the Treaty or treaties now proposed to be held, unless the said treaties which may have been concluded by such State or States appear manifestly and perfectly consistent with the design of the Treaties now proposed to be held.

Seventhly. The Commissioners are instructed to take security from the Indians for the performance of their engagements if they shall find this measure practicable.

Eighthly. The Commissioners are instructed to warn all persons not properly authorised from trading with the Indians. That the Commissioners do not allow the Indian Traders to take advantage of the intoxication of the Indians, or to wrong them in any manner in their dealings, and in order that the Traders may be kept under the control of the Commissioners and that their fidelity may be insured and these evils may be prevented, the Commissioners are instructed to put the under the obligation of a bond with good and sufficient security.

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Ninthly. The Commissioners are instructed to encourage the Indians to give intelligence of any mischievous designs which may be concerted in any neighbouring Tribe against the United States, thus will evil be prevented in the first instance, and the strength of the Indians be divided and diminished by violated faith should any Tribe, at present friendly to us, become in future hostile, and threaten an invasion. That the Commissioners take proper steps for obtaining and transmitting such intelligence with all possible dispatch.

Tenthly. That is be recommended to the Executive of the State of South Carolina to furnish the Commissioners which shall be appointed to treat with the Indians in the Southern Department with all such Goods and sums of money as may be necessary at the proposed Treaty or Treaties and fully to carry into effect the views of the United States in Congress assembled: and that a credit shall be allowed to the said State for the amount of such advances as part of the Quota of the said State on any of the Requisitions of Congress against the State now unsatisfied. But if the State of South Carolina should fail to grant the supplies above mentioned that the Superintendant of Finance be directed to purchase Goods of such kinds as are most useful and acceptable to the Indians to the amount of ___ Dollars. And that Goods or sums of money which may be furnished by the Executive of South Carolina or the Superintendant of Finance, be deposited in the hands of the Commissioners, they having previously appointed an Agent, subject to their orders, to take them under his care. That the Commissioners make the usual presents to the Indians at their first interview. That the rest of the Goods be disposed of at such prices as shall appear to the Commissioners prudent and convenient.

Eleventhly. That the Commissioners use such arguments as shall appear to them the most likely to prevail with the Indians to enter into the society of the Citizens of the United States, and that they make them acquainted with such Laws as exist in the different States, particularly those in their vicinity, for the encouragement of new settlers.

The Committee are more over of opinion that Commissioners not exceeding ___ in number with Salaries of ___ Dollars per day each, exclusive of their expences, be immediately appointed with instructions to form a Treaty or Treaties with the Indians in the Southern Department upon the principles contained in the foregoing Report so far as shall be consistent with the Articles of Confederation.

The Committee also think it advisable that Congress recommend that Laws be passed for preventing persons not authorised by Congress from trading with the Indians; also fo e the security if the Indians, and the punishment of those who invade them, or in any manner treat them unjustly and thereby endanger the tranquility of the United States; also to adapt their Laws as much as convenient to the purpose of inducing the Indians to become citizens.

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The Committee upon Indian Affairs in the Southern Department have also been directed to take under consideration several Papers consisting of a Letter from General Wilkinson to the President dated Falls of Ohio Jan. 17, 1784; a letter from Mr. J. Donne to General Wilkinson of the same Date; a Talk of five Chiefs of the Chickasaw Nation of Indians dated Chick-ul-issah July 20th, 1783, addressed to the President, and forwarded by Mr. Donne through General Wilkinson; also a copy of the commission of Captain Colbert (taken from the Original by Mr. Donne) under which he served the King of Great Britain in the late war, and commanded a volunteer corps of white men and Southern Indians, also forwarded by Mr. Donne. The Committee have attentively perused these Papers, and from the representations they contain, have agreed to report their opinion as follows –

That long before the Declaration of Peace with Great Britain and as early as the beginning of the Year 1782, the Chickasaw Nation of Indians made overtures for a Peace with the United States, but before a Messenger despatched by General Clark to assist in concluding the same, could reach their country, the hunting season had arrived, and the Chiefs were abroad; but that the most friendly disposition prevailed throughout the Nation; and that they have remained in this disposition ever since. That attempts have been made by the Spaniards to attach them to their interests, but they prefer a connexion with us, and have been offered to them unless they shall be driven to that resource by our neglect, and are now anxiously waiting the result of their application to Congress. That they have expelled out of their Nation all those who were on the Misisissippi under Colbert lest their presence should be offensive to the Americans. That although long since desirous of Peace, they have been confused and perplexed with contradictory accounts and knew not where they should make their application, whether to any State in their vicinity or to Congress. That they were finally determined by the advice of Mr. J. Donne at this time or heretofore an Officer of the State of Virginia, (and as the Committee believes) in the Indian Department; and that they promised to confide in the answer he should return them. That during the British Government the Indian Nations were accustomed to have a Commissary residing among them who made known their wants, studied their ruling passions, and became so useful and necessary to them, that they styled the *beloved Man*. That by his influence it was easy to excite them to war or compose them to Peace. That he could easily preclude or expel from among them characters unfriendly to his designs. That he acted frequently as a magistrate in settling disputes among the Indians, and also among the white residents; and from his importance with both these Parties may be supposed to have been often usefully employed as a mediator between them. That he prevented Innovations on the established Trade of the Indians; and by keeping a watchful eye over their conduct, withheld them from the pursuit of new objects, and secured their attachment to his own cause. That such a person is peculiarly necessary at this time among the Chickesaws, they having made it an earnest request, being very importunate for supplies, particularly ammunition and clothing, being alarmed and exasperated by the menaces of mischievous Persons who threaten to take

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possession of their Country, and being exposed to the arts of the Spaniards and the temptations of their proferred Trade. That Captain James Colbert possesses considerable influence over the Chickesaws, Choctaws and Creeks; and although by his activity against the Spaniards during the late war he had made himself very obnoxious to them, yet they have been so sensible of his importance as to make proposals to him; that he has thought proper to decline the same, hoping to meet with a favorable reception from the Americans; that ever since the Peace, he has been principally instrumental in baffling the Spaniards in their attempts to tamper with the Chickesaws, and in preserving order and steadiness among the Indians, and promises to employ all his interest for these purposes until he shall be informed of the destiny which awaits him. That he is disposed to enter into the employment of the United States, urging "that having served his Master faithfully ought not to be brought in evidence against him, and that he was now deserted by that Master." That should the good offices of this man be rejected, some disadvantage and danger are to be apprehended from his despair. That it will therefore be prudent to secure him to our Party by a subordinate Office in the Indian Department. That Mr. Donne who has furnished Congress with the late communications appears to have obtained a considerable insight into Indian Affairs, and from the character he seems to have sustained is worthy of the notice of Congress. That it is expedient that a Talk be forthwith returned by Congress in answer to the Talk lately received from five Chiefs of the Chickesaw Nation.

Whereupon the Committee have come to the following Resolutions:

First, That Superintendants of Indian Affairs be immediately appointed, not exceeding ___ in number, with Salaries of ___ Dollars each, to reside at such places as shall be named by the Commissioners appointed or to be appointed for settling a Peace with the Indians, in the Department to which each Superintendant may respectively belong, and that they be subject to such orders and regulations as shall be framed and agreed to by the said Commissioners in the their respective Departments until further pleasure of Congress be known. Moreover that the Superintendant of Indian Affairs in the District inhabited by the Cickesaws be, and he is hereby directed, to employ Mr. James Colbert in the service of the United States in the Indian Department in such manner as shall best promote the honor and interest of the same.

Secondly, Resolved, That a Committee be appointed to prepare a Talk in answer to the Talk lately received from five Chiefs of the Chickesaw Nation.

On the question, shall this be taken into consideration the yeas and nays being required by Mr. [Jacob] Read, so the question was lost.

3) The third report called for was taken up, viz.

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A report of the grand committee, consisting of Mr. [Thomas] Jefferson, Mr. [Jonathon] Blanchard, Mr. [Elbridge] Gerry, Mr. [David] Howell, Mr. [Roger] Sherman, Mr. [Charles] De Witt, Mr. [Samuel] Dick, Mr. [Edward] Hand. Mr. [Thomas] Stone, Mr. [Hugh] Williamson and Mr. [Jacob] Read, to who were referred the motion of the delegates from Massachusetts, to revise the institution of the treasury department, and report such alterations as they may think necessary; which report is in the words following:

The Committee are of Opinion, that the United States have derived very great advantages from their arrangement and management of their finances, under the administration of the honorable Robert Morris, as Superintendant thereof: but as he has signified his resolution to retire from the said Office, your Committee are of Opinion, that is will be expedient to make seasonable provision for such event: And for preventing the inconveniences that may attend the filling the said office when vacancies happen, by persons unexperienced in the business thereof, and for securing the general confidence of the states in the administration of the business of the treasury, that it will be proper to vest the authorities of the treasury, that it will be proper to vest the authorities of the said office in a board of commissioners: and therefore the committee submit to Congress the following ordinance: Here follows the Ordinance for putting the department of the finance into commission, as entered on the journal of the 27th instant.

Resolved, That a committee be appointed to prepare an Ordinance for making the necessary alterations in the arrangement of the treasury department, and for more particularly defining the powers of the Board of Treasury.

A motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Jacob] Read, to postpone the said report, in order to consider the proper means of securing the western posts, and protecting the Commissioners in negotiating treaties with the Indians.

And on the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [Hugh] Williamson, so the question was lost.

4) Congress took into consideration the "Ordinance for putting the department of finance into commission;" and the following clause being under debate:

That each of the said commissioners shall be allowed an Annual Salary of ___ dollars:

A motion was made by Mr. [Jacob] Read, seconded by Mr. [Samuel] Hardy, to fill the blank with "three thousand six hundred:" And on the question to agree to this sum, the yeas and nays being required by Mr. [Arthur] Lee, so it passed in the negative.

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A motion was made by Mr. [Hugh] Williamson, seconded by Mr. [Richard Dobbs] Spaight, to fill the blank with "two thousand nine hundred and fifty:" And on the question to agree to this, the yeas and nays being required by Mr. [Thomas] Stone, so it was resolved in the affirmative.

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

Resolved, That the last vote be reconsidered; and instead of two thousand nine hundred and fifty, be inserted two thousand five hundred.

The ordinance being amended and read a second time, ordered that it be read a third time.

The Ordinance as amended, being read a third time, on the question to agree to the same, the yeas and nays being required by Mr. [Elbridge] Gerry, so it was resolved in the affirmative, and the Ordinance passed as follows:

(See pages 469-471 for the amended Ordinance).

5) *Ordered*, That Monday next be assigned for appointing commissioners to constitute the Board of Treasury.

May 29, 1784 –

1) The report of the committee [Mr. Thomas Jefferson, Mr. Samuel Osgood and Mr. Roger Sherman], on the powers with which the Committee of the states should be invested, was then taken up; Whereupon,

Resolved, That the Committee of the states, which shall be appointed pursuant to the ninth of the Articles of Confederation and perpetual Union, to sit in the recess of Congress, for transacting the business of the United States, shall possess all the powers which ay be exercised by seven states in Congress assembled, except those of sending Ambassadors, ministers, envoys, residents, consuls or agents, to foreign countries or courts; establishing rules for deciding 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; establishing courts for receiving and determining finally appeals in cases of capture; constituting courts for deciding disputes and differences arising between two or more states; fixing the standard of weights and measures for the United States; changing the rate of postage on the papers passing through the post offices established by Congress; and of repealing or contravening any Ordinance or act passed by Congress; [appointing civil or military officers, unless to supply the places such within the United States as the Committee may suspend for mal-conduct, or to fill up vacancies which hereafter may happen, by death, resignation, or otherways, within the said states; provided such appointments shall not continue more than one month after the assembling of Congress in November next, unless confirmed by them.]

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That no business, except for adjourning from day to day, shall be determined without the concurrence of nine states.

That a chairman, to be chosen by the Committee, shall preside.

That the officers of Congress, when required, shall attend on the said Committee.

That the Committee shall keep a journal of their proceedings to be laid before Congress; and that in these journals, which shall be published monthly, and transmitted to the executives of the several states, shall be entered the yeas and nays of the members, when any one of them shall have desired it before the question be put.

[That if it shall happen that any of these United States shall not be represented in Congress, at the time of electing the Committee of the states, or if no delegate shall be elected by Congress for any particular State, such State or states may be represented therein by any one of the delegates of such State or states, and the members of the delegation of any State ay relieve each other, in such manner as may be agreed on by themselves, or directed by their State.]

[In case any unexpected and very important business occurs, in which the committee may think the happiness or peace of the United States is involved, and to which they are not competent, it shall be their duty to appoint a day for the meeting of Congress, prior to that to which they stand adjourned, and to give notice of the same to the supreme executives of the several states, that the delegates may have notice to attend.]

[That the committee shall have power to receive communications from foreign ministers, and lay them before the Congress when they shall convene, but shall transact no business with them, unless authorised thereto by particular acts of Congress.]

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

Resolved, That the Committee of the states be, and they are hereby Authorised and instructed to prepare and report to Congress, an Ordinance for making the necessary arrangements of the treasury, and for more particularly defining the powers of the Board of Treasury, and also to revise the institutions of the Office for Foreign Affairs, and (of the War Office, and to report such alterations as they may judge necessary).

Congress proceeded to appoint *"a committee of the states,"* and, the ballots being taken, the following members were elected:

For New Hampshire, Pennsylvania,

Mr. Blanchard, Mr. Hand,

Massachusetts, Maryland,

Mr. Dana, Mr. Chase,

Rhode Island, Virginia,

Mr. Ellery, Mr. Hardy,

Connecticut, North Carolina,

Mr. Sherman, Mr. Spiaght,

New York, South Carolina,

Mr. De Witt, Mr. Read

New Jersey,

Mr. Dick.

2) [Mr. Ephraim Paine and Mr. Charles D' Witt's motion.]

Whereas the Memorial of the Delegates of the States of New York bearing date the 24th Day of April 1784 together with the papers accompanying the same stands Committed;

And whereas the subject matter contained in the said memorial is important;

Resolved, That the Committee to whom the said memorial and papers where referred be called upon to Report by Tuesday next.

3) The Committee, consisting of Mr. [Jacob] Read, Mr. [Roger] Sherman, Mr. [William] Ellery, Mr. [Samuel] Hardy and Mr. [George] Partridge, to whom was referred the Representation of the Delegates from the State of New York, respecting the controversy between the said State and the people inhabiting the Territory called the New Hampshire Grants, made in pursuance of express Instructions from the Legislature of the said State urging the necessity of an immediate decision of the said Controversy with sundry affidavits and other papers accompanying the same having carefully examined the said papers and the files and proceedings of Congress respecting the said Controversy and maturely considered the case, report thereon as follows:

That by an Act of Congress of the 7th of August, 1781, reciting that the States of New Hampshire and New York had submitted to Congress the decision of the disputes between them and the People Inhabiting the New Hampshire Grants on the west side of Connecticut River, called State of Vermont, concerning their respective claims of Jurisdiction over the said Territory, and had been heard thereon, And that the people aforesaid did claim and exercise the Powers of a

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Sovereign Independent State, and had requested to be admitted into the federal union of the States, it was among other things resolved "That a Committee of five be appointed by the people residing on the New Hampshire Grants on the West Side of Connecticut River, or by their Representative Body respecting their claim to be an Independent State and on what terms it may be proper to admit them into the federal union of these States, in case the United States in Congress Assembled shall determine to recognize their Independence, and thereof make report."

"And it is hereby recommended to the People of the Territory aforesaid or their Representative Body to appoint an Agent or Agents to repair immediately to Philadelphia with full powers and Instructions to confer with the said Committee on the Matters aforesaid and on behalf of the said People to agree upon and ratify terms and Articles of Union and Confederation with the United States of America, in case they shall be admitted into the Union, and the said Committee are hereby instructed to give Notice to the Agents of the States of New Hampshire and New York to be present at the Conference aforesaid."

And on the 8th day of said August a Committee was accordingly appointed, who afterwards had a conference with Jonas Fay, Ira Allen and Bezaleel Woodward Agents appointed by the Authority of the People Inhabiting the said Territory called New Hampshire Grants to repair to Congress and to propose and receive from them terms of a Union with the United States.

That the Committee appointed as aforesaid having made their report to Congress on the 20th day of August 1781, came to the following resolution. "It being the fixed purpose of Congress to adhere to the Guarantee to the States of New Hampshire and New York contained in the resolutions of the 7th instant.

Resolved, That it be an indispensable preliminary to the recognition of the independence of the people inhabiting the Territory called Vermont and their admission into the federal Union that they explicitly relinquish all demands of lands or Jurisdiction on the East Side of the West Bank of Connecticut River and on the West side of a line beginning at the Northwest Corner of the State of Massachusetts, thence running twenty Miles East of Hudson's River so far as the said River runs North Easterly in its General course, the by the West Bounds of the Townships granted by the late Government of New Hampshire, to the River running from South Bay to Lake Champlain, thence along the waters of Lake Champlain to the Latitude of forty five degrees North excepting a neck of land between Missiskoy Bay and the waters of Lake Champlain" which resolution was agreed to by nine States.

That on 19th of October, 1781, The Assembly of Vermont taking into their Consideration the aforesaid Act of Congress, Resolved that they could not comply with it without destroying the

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harmony then subsisting in that State and a violation of a solemn compact entered into by articles of union, &c., as appears on the Journals of Congress of the 4th of April, 1782.

That afterward, on the 22nd day of February, 1782, the people inhabiting the said Territory called Vermont by their Representatives in General Assembly, in compliance with the aforesaid Act of Congress then remaining unaltered and unrepealed, came to the following resolutions, to wit

"*Resolved*, That the West Bank of Connecticut River and a line beginning at the North West Corner of the Commonwealth of Massachusetts from thence Northward twenty Miles East of Hudsons River as specified in the Resolutions of Congress in August last shall be considered at the East and West Boundaries of this State, and that this Assembly do hereby relinquish all claims and demands to, and Jurisdiction in and over any and every District of Territory without said Boundary lines."

And afterward in said month of February, 1782, the said General Assembly appointed, Moses Robinson, Paul Spooner, Isaac Tichenor and Jonas Fay Esquire Agents with plenary powers on behalf of the people fo the said District to negotiate and agree on terms for their admission in to Confederation with these United States, and upon such admission to represent the said State of Vermont in Congress, and it being now represented by the State of New York, that great danger and distress will arise from a further delay of the decision of the said Controversy, and the people of Vermont having complied as aforesaid with the terms prescribed by Congress as a preliminary to the recognition of their Independence. Your Committee submit the following resolves:

Resolved, that the District of Territory lying on the west side of Connecticut River called Vermont within the limits and boundaries described in the Act of Congress of the 20th of August, 1781, and the people inhabiting the same be, and they are hereby recognized and declared to be a free Sovereingn and Independent State by the name of the State of Vermont.

That the said State of Vermont being within the limits of the United States shall be considered as a part of the Confederacy, on the same principles as the new States who shall have established permanent Governments agreeably to the Act of Congress of the 23 day of April last, until it shall accede to the Articles of Confederation and be admitted into the Federal Union of the States.

Resolved, That Congress adhere to the Guarantee to the States of New Hampshire and New York agreeably to the resolutions of the 7th and 20th days of August, 1781, and if it shall appear on running the line between the States of New York and Vermont that the latter hath made any Encroachments on the Territory of the former the same shall be immediately removed.

Produced by the Union States Assembly

Your Committee further report with respect to the matters alledged by the Delegates of New York concerning the sufferings of Individuals by banishment and Confiscation of property and the disorders and violences that have happened in consequence of the opposite and interfering Jurisdictions exercised by the State of New York and the Government of Vermont over the same persons within the said Districts,

That several letters and papers from the Governor of New York and the people of Vermont relative to those matters have been heretofore committed and no report hath been made thereon. Your Committee are therefore of opinion, That if Congress shall judge it expedient to take any further order respecting these matters it will be proper again to commit the said papers.

May 31, 1784 –

1) The Committee consisting of Mr. [Edward] Hand, Mr. [Samuel] Hardy and Mr. [James] Monroe to whom were referred a motion of Mr. [Elbridge] Gerry, beg leave to report the following resolutions:

Resolved, That the Secretary at War or Officer having the direction of the War Office be and he is hereby authorized and directed to take effectual measures for having the arms of the United States, repaired and for keeping them in a state of preservation.

Resolved, That the Superintendant of Finance be and he hereby is directed to furnish the money which may from time to time be necessary to carry the foregoing resolution into effect.

2) [Motion of Mr. Dana, Mr. Gerry. Referred to Mr. Edward Hand, Mr. Samuel Hardy, Mr. James Monroe.]

Whereas the United States in Congress Assembled did on the 15th day of February, 1781, instruct the Honorable John Jay, Esquire, Minister Plenipotentiary to the Court of Spain, to recede from the instructions given to him on the 29thth of September 1779 and the 4th of October 1780 relative to the claim of the United States to the free navigation of the river Mississippi &c. "so far as they insist on the free navigation of that part of the river Mississippi which lies below the 31st degree of North latitude and on a free port of ports below the same, provided the free navigation of the said river above the said degree of North latitude shall be acknowledged and guarantied by his Catholic Majesty to the Citizens of the United States in common with his own subjects," and ordered him at the same time to "exert every possible effort to obtain from his Catholic Majesty the use of the river aforesaid with a port or ports below the said 31st degree of North latitude for the citizens of the United States under such regulations and restrictions only as may be a necessary safeguard against illicit commerce."

Produced by Union States Assembly

And whereas the instructions given to the said Minister Plenipotentiary, on the 7th day of August 182 may not be considered as a plenary revocation of the instructions given to him on the 15th day of February 1781 and there is reason to think that the last mentioned instructions came to the knowledge of the Minister of Spain previously to the reception of them by Mr. Jay, and it is of the utmost importance to the interest of the United States that the citizens thereof should enjoy the free navigation of the said river Mississippi.

Therefore Resolved, That the ministers Plenipotentiary to negotiate Commercial treaties &c. with foreign powers be instructed in any negotiations they may enter upon with the Court of Spain to assert in the strongest terms the right of the citizens of these United States to the free navigation of the river Mississippi from its source to the Ocean, and not to cede the said right in any event whatsoever.

June 1, 1784 –

1) A motion was then made by Mr. [James] Monroe, seconded by Mr. [David] Howell, which being amended to read as follows:

That General Knox be instructed to order 350 men properly Officered, to arch immediately, to be in readiness to take possession of the Western posts, as soon as evacuated by the troops of his britanic Majesty. That 700 men, officers included, to serve for the term of three years, unless sooner discharged, be raised for the relief of those troops, the protection of the western frontiers, and for guarding the pubic stores; and that the several states furnish their quotas in the following proportions, viz.

That General Knox be instructed to make arrangements for the rendezvous of those troops, and report thereon to the committee of the states.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Francis] Dana, to amend the motion by adding that the states of New Hampshire and Massachusetts be exonerated by the United States from the extra pay of such of the soldiers of their respective lines as may march to the western posts, from the time of their marching until they shall be discharged; reserving to those states their claims to be exonerated from the residue of such extra pay, due since the 3d of November last to such of the troops as have been detained in the continental service from that time, (when the rest of the continental army was disbanded) until the said troops shall be respectively discharged.

A division of the amendment was called for; and on the question to agree to the first part, as far as “reserving,” exclusive, the yeas and nays being required by Mr. [Elbridge] Gerry, so it was resolved in the affirmative.

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On the question to agree to the second clause, “reserving, &c.” to the end, the yeas and nays being required by Mr. [Elbridge] Gerry, so it was resolved in the affirmative.

A motion was then made by Mr. [Ephraim] Paine, seconded by Mr. [Charles] De Witt, to amend further, by inserting, “except Oswego and Niagara,” after the words “western posts:”

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Ephraim] Paine, so it passed in the negative.

2) The President having requested the decision of Congress in the following question,

Is it expedient that the President should continue in Office during the recess of Congress?

On motion of Mr. [James] McHenry, seconded by Mr. [Edward] Hand,

Resolved, That it is the sense of Congress, that on the adjournment of the present Congress, the duties of their President cease; and that when the United States assemble pursuant to such adjournment, or in consequence of a call from the Committee of the states, his Excellency Thomas Mifflin, do resume the chair.

June 2, 1784 –

1) The Committee consisting of Mr. [William] Ellery, Mr. [Hugh] Williamson, and Mr. [Arthur] Lee, to whom were referred the petition of Zebulon Butler and others,

Submit the following report,

Resolved, That the institution of a court as ordered by a resolution of Congress of the 23rd of January last for determining the private right of soil within the territory westward of the River Delaware, between Zebulon Butler and others claiming under the State of Connecticut, and other persons claiming under the State of Pennsylvania, be and it hereby postponed to the first Monday in November next, and referred to the United States then to be assembled in Congress at Trenton in the State of New Jersey, of which all persons concerned are to take notice and attend accordingly.

And whereas the said claimants under the State of Connecticut, by their petition to Congress, dated the first of May, 1784, complain that they have been disturbed, and greatly injured in their persons and possessions, and have prayed Congress that they may be quieted in their possessions until there can be a fair trial of their private right of soil.

Resolved, That all persons who were actually possessed of lands or buildings within the said Territory before and at the time of rendering final judgement in the late controversy, between the States of Connecticut & Pennsylvania respecting the said territory when it was adjudged to

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be within the jurisdiction of the latter ought to be protected in a quiet and undisturbed enjoyment of their possessions, until a legal decision can be had on their right; and it is hereby recommended, to the Supreme Executive of the State of Pennsylvania to take order to quiet such persons accordingly.

Resolved, That a copy of these resolutions be transmitted by the Secretary to the Executives of the States of Connecticut and Pennsylvania, with a respect that they take proper measures for notifying to the parties concerned the time to which the institution of a court for determining the private right of soil within the Territory aforesaid is postponed.

2) *Resolved*, That it be and it hereby recommended to the States of New York, New Jersey and Pennsylvania, forthwith to embody ___ men to be furnished by those states in the following proportions, viz, to continue in service for the terms of ___ months unless sooner discharged subject to the orders of the United States in Congress or a Committee of the States, for the purpose of taking possession of the posts on the North-western frontier whenever they shall be evacuated by the troops [of his Britannic Majesty, their militia or such other men as they may have in service with a due proportion of officers.]

June 3, 1784 –

1) On a report of a committee, consisting of Mr. [Edward] Hand, Mr. [Samuel] Hardy and Mr. [James] Monroe, to whom was referred a motion of Mr. Dana,

Resolved, That the ministers plenipotentiary of the United States for negotiating commercial treaties with foreign powers be and they are hereby instructed, in any negotiations they may enter upon with the court of Spain, not to relinquish or cede, in any event whatsoever, the right of the citizens of these United States to free navigation of the river Mississippi from its source to the ocean.

Ordered, That the secretary prepare a commission or commissions to Messrs. Adams, Franklin and Jefferson, or a majority of them to make supplementary treaties of commerce with France, the United Netherlands, and Sweden.

2) The committee, consisting of Mr. [Roger] Sherman, Mr. [Jacob] Read, Mr. [James] McHenry, Mr. [James] Monroe and Mr. [Samuel] Dick, to whom was referred a motion of Mr. [Jacob] Read, having reported, and the report being taken into consideration, being as follows:

Whereas a body of troops to consist of seven hundred ono-commissioned officers and privates, properly officered, are immediately and indispensably necessary for securing and protecting the northwestern frontiers of the United States, and their Indian friends and allies, and for garrisoning the posts soon to be evacuated by the troops of his britannic Majesty: *Resolved*,

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That is be, and it is hereby recommended to the states hereafter named, and as most conveniently situated, to furnish forthwith from their Militia, 700 men to serve 12 months, unless sooner discharged, in the following proportions, viz. Connecticut, 165; New-York, 165; New Jersey, 110; Pensylvania, 260; making in the whole 700.

Resolved, That the Secretary at War take order for forming the said troops when assembled, into one regiment, to consist of eight companies of infantry, and two of artillery, arming and equipping them in a soldier-like manner: and that he be authorised to direct their destination and operations, subject to the order of Congress, and of the Committee of the states in the recess of Congress.

Resolved, That the pay, subsistence and rations of the officers and men shall be the same as has been heretofore allowed to the troops of the United States, and that each officer and soldier shall receive one month's pay after they are embodied, before their march.

Resolved, That it be recommended to the several states, to employ such officers of their late line of the continental army, as may be willing to enter into the present service.

Resolved, That the staff and commissioned officers of the said troops consist of the following, and be furnished by the several states hereinafter mentioned; that is to say, one lieutenant-colonel commandant , each major to command from Pensylvania, two majors, one from Connecticut, and one from New-York, each major to command a company; eight captains from the several states furnishing the troops in the nearest proportion to the number of men furnished; ten lieutenants, one to act as adjutant; ten ensigns, one chaplain, one surgeon, four mates.

Resolved, That the Secretary at War give the necessary order for the inferior arrangements and organization of the said troops, and make the apportionment of the officers to be furnished by the several states, not herein particularly directed.

Resolved, That the said troops when embodied, on their march, on duty, and in garrison, shall be liable to all the rules and regulations formed for the government of the late army of the United States.

Resolved, That the Superintendant of the Finances of the United States, take order for furnishing on the warrant of the Secretary at War, the sums requisite for carrying the foregoing resolutions into effect.

3) A motion was made by Mr. [Ephraim] Paine, seconded by Mr. [Charles] De Witt, to postpone the consideration thereof, in order to take up the report of the committee, on the representation fro the delegates of New-York, and which is as follows:

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"The committee, consisting of Mr. [Jacob] Read, Mr. [Roger] Sherman, Mr. [William] Ellery, Mr. [Samuel] Hardy, and Mr. [George] Partridge, to whom was referred the representation of the delegates from the State of New York, respecting the controversy between the said State, and the people inhabiting the territory called New Hampshire Grants, made in pursuance of express instructions from the legislature of the said State, urging the necessity of an immediate decision of the said controversy, with sundry affidavits and other papers accompanying the same, having carefully examined the papers, and the files and proceedings of Congress, respecting the said controversy, and maturely considered the case, report thereon as follows: That by an act of Congress of the 7th of August, 1781, reciting, that the States of New Hampshire and New York had submitted to Congress the decision of the disputes between them, and the people inhabiting the New Hampshire Grants, on the west side of Connecticut river, called the State of Vermont, concerning their respective claims of jurisdiction over the said territory, and had been heard thereon, and that the people aforesaid did claim and exercise the powers of a sovereign independent State, and had requested to be admitted in the federal Union of these States: It was among other things resolved, "That a committee of five be appointed to confer with such person or persons as may be appointed by the people residing on the west side of Connecticut river, or by their representative body, respecting their claim to be an independent State, and on what terms it may be proper to admit them into the federal Union of these States, in case the United States in Congress assembled, shall determine to recognize their independence and thereof make report." "And it is hereby recommended to the people of the territory aforesaid, or their representative body, to appoint an agent or agents to repair immediately to Philadelphia, with full powers and instructions to confer with the said committee on the matters aforesaid, and on behalf of the said people to agree upon and ratify terms of articles of Union and confederation with the United States of America, in case they shall be admitted into the Union; and the said committee are hereby instructed to give notice to the agents of the States of New Hampshire and New York, to be present at the conference aforesaid."

And on the 8 day of the said August, a committee was accordingly appointed, who afterwards has a conference with Jonas Fay, Ira Allen and Bezaleel Woodward, agents appointed by the authority of the people inhabiting the said territory called the New Hampshire Grants, to repair to Congress, and to propose and receive from them, terms of a Union with the United States.

That the committee appointed as aforesaid having made their report, Congress on the 20 day of August, 1781, came to the following resolution:

"It being the fixed purpose of Congress to adhere to the guarantee to the states of New Hampshire and New York, contained in the resolutions of the 7 instant:

Resolved, That it be an indispensable preliminary to the recognition of the independence of the people inhabiting the territory called Vermont, and their admission into the federal Union, that

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they explicitly relinquish all demands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line beginning at the northwest corner of the State of Massachusetts, thence running twenty miles east of Hudson's river, so far as the said river runs northeasterly in its general course; then by the west bounds of the townships granted by the late government of New Hampshire, to the river running from South Bay to Lake Champlain; thence along the said river to Lake Champlain; thence along the waters of Lake Champlain, to the latitude of 45 degrees north, excepting a neck of land between Missiskoy Bay and the waters of Lake Champlain."

Which resolution was agreed to by nine states. That on 19th October, 1781, the Assembly of Vermont, taking into their consideration the aforesaid act of Congress,

Resolved, That they could not comply with it, without destroying the harmony then subsisting in that State, and a violation of a solemn compact entered into by articles of union, &c., as appears on the journal of Congress of the 4 of April, 1782.

That afterwards, on the 22d day of February, 1782, the people inhabiting the said territory called Vermont, by their representatives in general assembly, in compliance with the aforesaid act of Congress, then remaining unaltered and unrepealed, came to the following resolutions, to wit:

"Resolved, That the West bank of Connecticut river, and a lone beginning at the northwest corner of the Commonwealth of Massachusetts, from thence, northward twenty miles east of Hudson's river, as specified in the resolutions of Congress in August last, shall be considered as the east and west boundaries of this State; and that this Assembly do hereby relinquish all claims and demands to, and jurisdiction in an dover any and every district of territory without said boundary lines."

And afterwards, in the said month of February, 1782, the said general Assembly appointed Moses Robinson, Paul Spooner and Jonas Fay, esqrs., agents, with plenary powers on behalf of the people of the said district, to negotiate and agree on terms for their admission into confederation with these United States; and upon such admission to represent the said State of Vermont in Congress, and it being now represented by the State of New York, that great danger and distress will arise from a further delay of the decision of the said controversy; and the people of Vermont having complied as aforesaid with the terms prescribed by Congress, as a preliminary to the recognition of their independence, your committee submit the following resolves:

Resolved, That the district of territory lying on the west side of Connecticut river, called Vermont, within the limits and boundaries described in the act of Congress of the 20 August, 1781, and the people inhabiting the same, be, and they are hereby recognized and declared to

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be a free, sovereign and independent State by the name of the State of Vermont. That the said State of Vermont, being within the limits of the United States, shall be considered as a part of the Confederacy, on the same principles as the new states, who shall have established permanent governments agreeably to the act of Congress of the 23 day of April last, until it shall accede to the Articles of Confederation, and be admitted into the federal Union of these States.

Resolved, That Congress adhere to the guarantee to the States of New Hampshire and New York, agreeably to the resolutions of the 7 and 20 day of August, 1781; and if it shall appear, on running the line between the States of New York and Vermont, that the latter hath made any encroachments on the territory of the formers, the same shall be immediately removed.

Your committee further report, with respect to the matters alleged by the delegates of New York, concerning the sufferings of individuals by banishment and confiscation of property, and the disorders and violences that have happened in consequence of the opposite and interfering jurisdictions exercised by the State of New York and the government of Vermont, over the same persons within the said district; that several letters and papers from the governor of New York and the people of Vermont, relative to those matters, have been heretofore committed, and no report hath been made thereon; your committee are therefore of opinion, that if Congress shall judge it expedient to take any further order respecting those matters, it will be proper again to commit those papers."

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [Ephraim] Paine, so it passed in the negative.

4) Congress proceeded in the consideration of the report before the House, and a motion was made by Mr. [John] Beatty, seconded by Mr. [Samuel] Dick, to strike out the words and figures, "New Jersey 110:". And on the question shall those words and figures stand the yeas and nays being required by Mr. [John] Beatty, so it was solved in the affirmative.

A motion was then made by Mr. [John] Beatty, seconded by Mr. [John] Stevens, to amend the report by adding the following:

"That where the laws of any State will not admit of their militia being called out, on the terms prescribed in the foregoing resolutions, such State may be permitted to engage the quota of men assigned it, in such manner as the legislature thereof shall direct." On this the previous question was moved by Massachusetts and Maryland:

And on the question to agree to the previous question, the yeas and nays being required by Mr. [John] Beatty, so It was resolved in the affirmative, and the motion was set aside.

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The report being amended to read as follows:

(See pages 538-540 for amended report)

On the question to agree to the report as amended, the yeas and nays being required by Mr. [Ephraim] Paine, so it was resolved in the affirmative.

5) On a report of a committee, consisting of Mr. [Thomas} Stone, Mr. [Jacob] Read, Mr. [James] Monroe, Mr. [Hugh] Williamson] and Mr. [Roger] Sherman, to whom was referred a petition from the legislature of the Commonwealth of Massachusetts, praying that a federal court may be appointed by Congress, to decide a dispute between the said Commonwealth and the State of New York.

Resolved, That the first Monday in December next, be assigned for the appearance of the said States of Massachusetts and New York, by their lawful agents, at the place in Congress shall then be sitting.

Resolved, That the form of the notice be as follows, to be transmitted by the Secretary, agreeably to the Articles of Confederation.

By the United States in Congress assembled, in the city of Annapolis, in the 3 day of June, in the year of our Lord one thousand seven hundred and eighty-four, and in the eight year of the Independence of the United States of America.

TO THE LEGISLATIVE AUTHORITY OF THE STATE OF NEW YORK

It is hereby made known, that pursuant to the ninth of the Articles of Confederation and perpetual Union, the legislature of the Commonwealth of Massachusetts, have presented a petition to Congress in the words following:

"To the United States in Congress assembled, the petition of the legislature of the Commonwealth of Massachusetts sheweth, That whereas James the first, late King of Great Britain, by his letters patent, bearing date at Westminster, the third day of November, in the eighteenth year of his reign, granted unto the Council established at Plimouth, in the county of Devon, and kingdom of Great Britain, commonly called the Council for planting, ruling and ordering and governing New England in America, all that part of America, lying . . . that all the said territory is now the just and proper right of the Commonwealth aforesaid. And all this the said legislature are ready to verify.

Ad whereas the State of New York have set up a claim to some part of the land beforementioned, and it being highly necessary to have the same claims brought to an immediate decision, they do therefore, in behalf of the said Commonwealth, most solemnly

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request the United States in Congress assembled, that commissioners may be appointed for enquiring into and determining upon the claim aforesaid of the said legislature, and that such other proceedings respecting the premises may be had, as are by the federal government of the said United States in such cases made and provided."

And that the first Monday in December next is assigned for the appearance of the said states of Massachusetts and New York, by their lawful agents, at the place in which Congress shall then sit, to proceed in the premises as by the said Articles of Confederation and perpetual Union is directed.

By order of Congress,

CHARLES THOMSON, *Secretary*

6) A motion was made by Mr. [Francis] Dana, seconded by Mr. [Edward] Hand,

That the committee of the states appointed to sit during their recess, be, and they are hereby directed, to hold their session at Trenton, in the State of New Jersey, and to open the same on the twentieth day of June instant, and the several states are requested to keep up their representation therein.

A motion was made by Mr. [Jacob] Read, seconded by Mr. [Richard] Beresford, to postpone the consideration of that motion, in order to take up the following:

"That notwithstanding the act of the 26 April last, Congress will continue to sit and transact business of the United States, until Tuesday the 8th of June instant, to meet at Trenton on the 30th day of October next, pursuant to the said act of 26 of April above mentioned:"

On the question to postpone for the purpose above mentioned, the yeas and nays being required my Mr. [Jacob] Read, so it was resolved in the affirmative.

After debate, a division was called for by Mr. [John Francis] Mercer, so that a question be taken on the first part, as far as the words, "8th of June instant;" and the second question on the latter part.

Upon this the motion was withdrawn, to make way of r a motion of Mr. [Elbridge] Gerry, to this effect, that on Tuesday next, Congress should stand adjourned to meet at Trenton on the 30 of October.

[Motion of Mr. Elbridge Gerry]

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Resolved, That Congress stand adjourned, with or without the usual for of adjourning on Tuesday the 8th instant to meet at Trenton on the 30th October following dispatch of public business, any thing in their resolution of the 26th of April last to the Contrary notwithstanding.

[Motion respecting the Committee of the States convening Congress at an earlier date than they stand adjourned for]

That the Committee may convoke Congress at an earlier date than that to which they shall stand adjourned, if the public exigencies shall in their opinion require it, [and that the rules & orders of Congress shall be adopted by the Committee.]

An adjournment was then called for, which being carried,

The President, by virtue of the powers, and in pursuance of the direction of the act of the 26 April, adjourned Congress to meet at Trenton on the 30th day of October next.

JOURNAL OF THE COMMITTEE OF THE STATES

June 4, 1784 –

1) The Committee of the States assembled: Present, Mr. [Jonathon] Blanchard, Mr. [Francis] Dana, Mr. [William] Ellery, Mr. [Roger] Sherman, Mr. [Charles] De Witt, Mr. [Samuel] Dick, Mr. [Edward] Hand, Mr. [Jeremiah Townley] Chase, Mr. [Samuel] Hardy, Mr. [Richard Dobbs] Spaight and Mr. [Jacob] Read.

The committee proceeded to the election of a chairman, and the ballots being taken, the honorable Mr. [Samuel] Hardy was elected.

By the United in Congress assembled, May 29, 1784.

Resolved, That the Committee of the States, which shall be appointed to the 9th of the Articles of Confederation and perpetual Union, to sit n the recess of Congress, for transacting the business of the United States, shall possess all the powers which may be exercised by seven states in Congress assembled, except those of sending ambassadors, ministers, envoys, residents, consuls or agents, to foreign countries or courts; establishing rules for deciding what captures on lands 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; establishing courts for receiving and determining finally appeals in cases of captures; constituting courts for deciding disputes and differences arising between two or more states; fixing the standard of weights and measures for the United States; changing the rate of postage on the papers passing through the post-office established by Congress; of repealing or contravening any ordinance or act passed by Congress; or appointing civil or military officers, unless to supply the places of

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such within the United States as the Committee may suspend for mal-conduct, or to fill up vacancies which may hereafter happen, by death, resignation, or otherways. Within the said states; provided such appointments shall not continue more than one month after the assembling of Congress in November next, unless confirmed by them.

That no question, except adjourning from day to day, shall be determined without the concurrence of nine states.

That a chairman, to be chosen by the committee, shall preside.

That the officers fo Congress, when required, shall attend on the said Committee.

That the Committee shall keep a Journal of their proceedings to be laid before Congress; and that in these Journals, which shall be published monthly, and transmitted to the Executives of the several states, shall be entered the yeas and nays of the members, when any one of them shall have desired it before the question be put.

[That if it shall happen that any of these United States shall not be represented in Congress, at the time of electing the Committee of the States, or if no delegate shall be elected by Congress for any particular state, such state or states may be represented therein by any one of the delegates of such stat or states, and the members of the delegation of any state ay relieve each other, in such manner as may be agreed on by themselves, or directed by their state.

In case any unexpected and very important business occurs, in which the Committee may think the happiness or peace of the United States is involved, and to which they are no competent, it shall be their duty to appoint a day for the meeting of Congress, prior to that to which they stand adjourned, and to give notice of the same to the Supreme executives of the several states, that the delegates may have notice to attend.

That the committee shall have power to receive communications from foreign ministers, and lay before the Congress when they shall convene, but shall transact no business with them, unless authorised thereto by particular acts of Congress.]

Resolved, That the Committee of the States be, and they are hereby authorised and instructed to prepare and report to Congress, an Ordinance for making the necessary arrangement of the Treasury, and for more particularly defining the powers of the Board of Treasury, and also to revise the institutions of the Office of Foreign Affairs, and of the War Office, and to report such alterations as they may judge necessary.

Congress proceeded to appoint *"a Committee of the States;"* [and, the ballots being taken, the following members were elected:] For

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New Hampshire, Mr. [Jonathon] Blanchard.

Massachusetts, Mr. [Francis] Dana.

Rhode Island, Mr. [William] Ellery.

Connecticut, Mr. [Roger] Sherman.

New York, Mr. [Charles] De Witt.

New Jersey, Mr. [Samuel] Dick.

Pennsylvania, Mr. [Edward] Hand.

Maryland, Mr. [Jeremiah Townley] Chase.

Virginia, Mr. [Samuel] Hardy.

North Carolina, Mr. [Richard Dobbs] Spaight.

South Carolina, Mr. [Jacob] Read.

2) On motion of Mr. [Francis] Dana, seconded by Mr. [Richard Dobbs] Spaight,

Whereas Congress do now stand adjourned to the 30 of October next, then to meet at Trenton, in New Jersey, and as public letters and despatches ay continue to be addressed to the president of Congress, as usual, during their session, which may occasion an unnecessary delay before they will arrive to the committee of the states:

Resolved, That the postmaster general be directed to instruct his deputies in the several post-offices, to forward all such letters and papers which may come in to their offices, addressed as aforesaid, to the chairman of the committee of the states, at the place where they may hold their session.

3) The secretary having informed the committee, that it is necessary for him to return to Philadelphia.

Ordered, That he have leave, until he shall be required to attend, and that in his absence, one of the clerks attend the Committee of the States and make the entries.

July 9, 1784 –

1) The Committee of the States assembled: Present, nine states as yesterday.

The committee, consisting of Mr. [Jacob] Read, Mr. [Francis] Dana, and Mr. [Jeremiah Townley] Chase, to whom were referred town letters from Mr. Adams, minister plenipotentiary of the United States of America at the Hague, of the 27th March, and 10th April, 1784, with sundry papers enclosed, reported the draft of a letter to the said minister, which was agreed to.

The Committee [Mr. Jacob Read, Mr. Francis Dana and Mr. Jeremiah Townley Chase] to whom were referred the letters of Mr. Adams, Minister Plenipotentiary of the United States at the Hague, with papers inclosed, report the following draft of a letter to him thereupon, to be signed by the Chairman of the Committee of the States.

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ANNAPOLIS *July 1784*.

SIR,

Your letters of the 27th of March and the 10th of April together with a copy of the plan of a Treaty proposed by his Prussian Majesty, and Copies of the letters one without Date, and one of the 14th and another of the 25th of March last from the Prussian Minister at the Hague to yourself relative to that subject, and also a note from the same Minister respecting the Estate of one Christian Ravenhorst, and of his widow late of Georgia, and the Claims of several Prussian subjects thereto, have come to hand a few days since and after the adjournment of Congress; who stand adjourned to the 30th of October next.

The Committee of the States not having a power to appoint foreign Ministers, or to form Treaties, cannot grant such a Commission as you request or make any alterations in the proposed Treaty, or give and Instructions relative thereto.

Nor indeed can it now be necessary to be done, as Congress have already appointed yourself Dr. Franklin and Mr. Jefferson (who we suppose, is now on his passage from Boston) their Ministers to form Commercial Treaties with most of the Sovereigns of Europe, one among whom the King of Prussia is named. Mr. Jefferson carries with him a Commission for that purpose, and such Instructions as Congress have thought proper to give in addition to those heretofore sent to their Ministers.

Touching the subject of the note above mentioned, upon the supposition that the facts stated in it are true, you are very sensible that the parties interested may obtain ample Justice in the ordinary Courts of Law, either by their sending an agent to Georgia, or full powers to some person there, with the necessary proofs to prosecute their Claims; and that Congress cannot interfere in the administration of common Justice within any of the United States; Copies of the will and other papers mentioned in the note, may doubtless be had upon application to the proper officers in Georgia.

July 14, 1784 –

1) Mr. [Richard Dobbs] Spaight, a delegate from the State of North Carolina, laid before the Committee of the States, seven acts of the legislature of that State, certified under the great seal, the titles of which are the following:

"An act vesting a power in the United States in Congress assembled, to levy a duty on foreign merchandize for the use of the United States."

"An act for levying a tax for the purposes therein mentioned, and for investing the United States in Congress assembled, with a power to collect the same."

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"An act ceding to the Congress of the United States, certain western lands therein described, and authorizing the delegates from the State in Congress, to execute a deed or deeds for the same."

"An act for authorizing the United States in Congress assembled, to regulate the trade of this State with foreign nations."

"An act vesting certain powers therein mentioned, on the United States in Congress assembled."

"An act directing the appointment of delegates, agreeable to the recommendation of Congress."

"An act to empower the delegates of this State in Congress, to assent to a repeal of part of the eighth Article of Confederation and perpetual Union, between the thirteen states of America, and to subscribe and ratify the alteration proposed in the recommendation thereof, as part of the said instrument of Union."

July 16, 1784 –

1) Mr. [Samuel] Hardy, a delegate from the State of Virginia laid before the Committee of the States, copies of two acts of the general assembly of that State; one entitled, "An act authorizing the delegates representing this State in Congress, to subscribe and ratify an alteration of the eighth of the Articles of Confederation and perpetual Union, between the thirteen states of America." And the other, "An act to invest the United States in Congress assembled, with additional powers for a limited time." Also, resolutions of the said general assembly, which are as follows:

"Virginia, in the House of Delegates, Wednesday, the 19th of May, 1784.

"*Resolved*, That the alteration of the eighth of the Articles of Confederation and perpetual Union, proposed by the United States in Congress assembled, on the 18th of April, 1783, ought to be acceded to by this State.

"Whereas considerable time may elapse before the common debts of the Confederacy cab be apportioned by the rule proposed to be substituted in place of the eighth Article of the Confederation, in case such rule be established, or by the rule prescribed in the said article, in case the change shall be disagreed to, and before the accounts subsisting between the United States and the individual states can be finally liquidated.

"*Resolved*, That for the immediate preservation of justice, and the national character, all requisitions which may, from time to time, be made by the United States in Congress

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assembled, for the purpose of discharging the national debts, incurred during the war, or defraying the ordinary civil expences of the federal government, including a provision for the support of the present marine and military establishments, directed by Congress, and which may be apportioned on the states, either by the rule which has heretofore prevailed, or by such other temporary rule as may be judged most equitable, ought to be complied with.

"Resolved, That the delegates representing this State in Congress, ought to be instructed to urge in Congress all measures necessary for accelerating a fair and final settlement of the amounts subsisting between the United States and individual states; and that whenever such settlement shall have been completed, a payment of the balance appearing therefrom to be due ought to be enforced, if necessary, by such distress on the property of the defaulting states, or of their citizens, as by the United States in Congress assembled, may be deemed adequate and most eligible.

"*Resolved*, That in case such final settlement be obstructed by a failure of the proposition for changing the eighth Article of Confederation, and the refusal or unreasonable delay in the states to furnish the materials requisite for carrying the said Article into effect, the United States, in Congress assembled, will be justified in proceeding to estimate the relative ability of the several states, according to the best lights of which they can avail themselves, to apportion the public debts by the standard which may thence result, to close the accounts between the United States and individual states, and to enforce in manner aforesaid, the payment of all arrears which may be found due.

Teste,

JOHN BECKLEY, *C.H.D.*

June 8, 1784, agreed to by the Senate,

WILLIAM DREW, *C.S.*"

<u>August 2, 1784</u> –

1) The committee, consisting of Mr. [Jacob] Read, Mr. [Jeremiah Townley] Chase, and Mr. [Edward] Hand, to whom were referred a letter dated Passy, 12th May, 1784,, from Mr. Franklin, minister plenipotentiary from the United States to the Court of Versailles, directed to the President of Congress, and enclosed a copy of the ratification of the Definite Treaty of Peace on the part of his Britannic Majesty exchanged, with that on the part of the United States of America, the 12th May, 1784, at Passy, reported the draft of a letter to be signed by the chairman of the Committee of the States, and transmitted, together with a copy of the said

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ratification, to the supreme executive authority of each of the United States; which was agreed to.

ANNAPOLIS, *August, 1784*.

SIR:

By order of the United States in the Committee of the States assembled, I have the honor to inform you, that an Exchange of Ratifications of the Definitive Treaty of peace Between the United States and his Britannic Majesty was made on the 12th day of May, 1784, at Passy in France By the respective Ministers of the said Powers.

A Copy of that on the part of his Britannic Majesty as transmitted to Congress, I enclose for your further information.

The Committee of the States offer your Excellency (or Honour as the case may be) and the Legislature of the State over which you preside their most hearty congratulations on the happy completion of this Important and Interposing business.

And pray the Almighty disposer of all events long to continue to these United States 9 &cc.) the Blessings of peace and to have them constantly in his most holy keeping.

I am, with perfect respect & regard, Sir,

Your Excellency's most obedient and most humble service.

SAMUEL HARDY,

Chairman of the Committee of the States.

His Excellency –

The Governor of

Ordered, That the ratification of the definite treaty of peace on the part of his Britannic majesty, exchanged for that on the part of the United States of America, on the 12th May, 1784, at Passy, in France, be entered on the Journals; which in the words following:

"George the Third, by the Grace of God, king of Great-Britain, France and Ireland, defended of the faith, duke of Brunswick and Lunenburg, arch-treasurer and prince elector of the holy Roman empire, &c. to all whom these presents shall come greeting. Whereas a definitive treaty of peace and friendship, between us and our good friends, the United States of America, viz. New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pensylvania, Delaware, Maryland, Virginia, North-Carolina,

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South-Carolina and Georgia, was concluded and signed at Paris on the 3d day of September last, by the plenipotentiaries of us, and our said good friends, duly and respectively authorised for that purpose; which definitive treaty is in the form and words following:

"In the name of the most holy and undivided Trinity.

(See pages 617 – 624 for the treaty)

2) *Ordered*, That the foregoing ratification be published in the Maryland Gazette.

Ordered, That the Secretary cause the Journals of the Committee of the States, to be printed forthwith.

August 13, 1784 –

1) The same members attending as yesterday, the Committee of the States is adjourned to ten o'clock to-morrow.

Afterwards the members waited, but met irregularly till the 19 August, when they signed the following paper

Whereas the honorable the delegates from the states of New-Hampshire, Massachusetts, and New-Jersey, did on Wednesday, the eleventh day of the present month of August, leave the city of Annapolis, and set out for their respective homes, whereby the Committee of the States hath been reduced to a number insufficient to do any manner of business; and whereas the continuance to meet from day to day, of the remaining members, without the power to do any public act, will be unnecessary; and as they do not conceive there is the smallest hope, that a sufficient number of delegates can again be assembled in Annapolis, to enable the Committee of the States to proceed to business, before the time-appointed for the meeting of Congress pursuant to their adjournment, and it is proper that the public papers and records should be removed as speedily as may be to Philadelphia, till offices can be prepared for their reception at Trenton: The under-signed delegates have recommended to the Secretary of Congress, to take order for the immediate removal and safe arrangement and disposition of the papers and records of Congress.

ANNAPOLIS, STATE OF MARYLAND, *Thursday 19th August 1784*.

(Signed) S. HARDY

Delegate from Virginia, and chairman of the Committee of the States.

EDWARD HAND,

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Delegate from Pennsylvania.

J. T. CHASE,

Delegate from Maryland.

RICHARD D. SPAIGHT,

Delegate from North-Carolina.

JACOB READ,

Delegate from in Congress from the state of South Carolina.

WM. HOUSTOUN,

Delegate from Georgia.

The undersigned Delegates have also advised the Chairman forthwith to write to the Supreme Executive of the several states unrepresented in the Committee of the States, informing them of the actual situation of the Committee, and of the present disposition of the papers and records of Congress; that they may respectively send forward a Delegate to the City of Philadelphia or to Trenton (if the papers and records of Congress shall have been previously lodged in that place) in order that a Committee of the States may be assembled, and be enabled as early as possible to proceed to business. 19th August, 1784.

(Signed) EDWD. HAND.

RICHD. DOBBS SPAIGHT.

JACOB READ.

WM. HOUSTOUN,

Delegate from Georgia.

JOURNAL OF THE CONTINETAL CONGRESS

Trenton, Monday, November 1, 1784 –

1) Pursuant to the Articles of Confederation, the following gentlemen attended as Delegates:

From

Massachusetts, *North Carolina*,

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Mr. [Samuel] Holten,

Virginia,

Mr. R[ichard] Lee.

[James] Monroe.

Mr. [Hugh] Williamson.

South Carolina,

Mr. [Charles] Pinckney.

Georgia,

Mr. [William] Houstoun,

Mr. [William] Gibbons.

November 11, 1784 –

1) Four states attended, namely, New Jersey, Virginia, South Carolina and Georgia; and from the State fo Massachusetts, Mr. [Samuel] Holten, and from North Carolina, Mr. [Hugh] Williamson, At the desire of the states and members attending, the Secretary wrote to the executive of the states unrepresented, urging them to send on delegates with all possible dispatch.

November 30, 1784 –

1) The Committee, to whom were referred the credentials produced by the delegates from the states of Massachusetts, Rhode Island, New Jersey, Pensylvania, Virginia, North Carolina, South Carolina and Georgia, report, "That they have carefully examined the credentials to them referred, and are of opinion, that the honorable Samuel Holten and George Partridge, of the State of Massachusetts; the honorable David Howell, of the State Rhode Island; the honorable William Churchill Houston and John Beatty, of the State of New Jersey; the honorable Joseph Gardner and William Henry, of Lancaster, of the State of Pensylvania; the honorable Samuel Hardy, James Monroe and Richard Henry Lee, of the State of Virginia; the honorable Hugh Williamson and Richard Dobbs Spaight, of the State of North Carolina; the honorable Jacob Read, John Bull and Charles Pinckney, of the State of South Carolina; and the honorable William Houstoun and William Gibbons, of the State of Georgia, are authorised to sit and vote in the present Congress of the United States.

Eight states being assembled, the United States in Congress assembled, proceeded to the election of a President, and, the ballots being taken, the honorable Richard Henry Lee was elected.

2) On motion if Mr. [Hugh] Williamson, seconded by Mr. [David] Howell,

Resolved, That Friday next be assigned for election of two commissioners of the Board of Treasury, in the room of the honorable Daniel of St. Thomas Jenifer, whose health will not

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admit of his attendance, and the honorable Oliver Ellsworth, who has declined the appointment.

December 2, 1784 –

1) On motion of Mr. [David] Howell, seconded by Mr. [Jacob] Read,

Resolved, That a standing committee of qualifications to consist of five members be appointed, to report, from time to time, on the credentials of members during this Congress.

2) [Mr. Monroe's motion respecting the N.W. Posts.]

Whereas it is stipulated in the 7th article of the treaty between the U.S. and His Britannick Majesty, that the troops of His Britannick Majesty should be withdrawn from the posts and fortifications within the U.S. "with all convenient speed" and whereas the posts of M. Detroit &c &c within the U.S. are still held B. garrisons and the said troops have not been in compliance with the said article, withdrawn from the posts and fortifications within the north western bounds of the U.S. whereby the U.S. have been prevented from taking possession of said posts and their citizens excluded from free passage and navigation of the Lakes, to their imminent disadvantage, therefore

Resolved, That the Com[missioners] for negotiating commercial treaties be instructed to represent to his Britannick Majesty the dissatisfaction of the U.S. at the delay of the Court of G.B. in complying with the said article to require that his troops be withdrawn from every post and place within the territory of the U.S. agreeable to the 7th articles of the treaty and to *insist that a precise time be appointed for the said purpose*.

3) [Mr. Jacob Read's motion]

That five Commissioners be forthwith appointed to survey and make an accurate plan of the lands lately ceded to the United States in Congress assembled by the States of New York and Virginia particularly that part purchased from the Indians by the Commissioners of the United States in Congress Assembled, at the Treaty held on the 22d day of October 1784 at Fort Stanwix, in which said map the line of property already laid down, and all such as may be agreed on in any other treaty to be held with the Indian Nations inhabiting the Northwestern, Western or South Western frontiers of the United States shall be clearly and distinctly marked, between the United States and the Indian Villages and hunting grounds. That in such plan all the principal lakes, rivers, creeks, mountains, trading paths and carrying places with other remarkable natural marks shall be noted, more particularly those streams which form or are nearest to the forming a navigable communication between the respective waters of the rivers

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falling eastward into the Atlantic Ocean, and those leading westward into the Ohio and Missisipi.

December 3, 1784 –

1) On motion of Mr. [Samuel] Hardy, seconded by Mr. [George] Partridge,

Resolved, That Wednesday next be assigned for the election of a Secretary at War.

2) The Committee [Mr. James Monroe, Mr. David Howell, Mr. Hugh Williamson, Mr. Egbert Benson and Mr. William Houstoun] to whom was referred the motion of Mr. [James] Monroe respecting the northwestern posts of the U.S. beg leave to submit the following report, viz:

Whereas it was stipulated in the 7th articles of the treaty between his B. Majesty and the U.S. of A. that the Troops of his B. Majesty should be withdrawn from the posts and fortifications within the U.S. "with all convenient speed"; and whereas Michilamackinack, Detroit and other posts within the US are still held by British garrisons, therefore,

Resolved, That ___ be instructed to represent to this Britanick Majesty the dissatisfaction of the US at the delay of the Court of G.B. in complying with said article, and to require that his troops be withdrawn from every post and place within the territory of the U.S. and to assure His B. Majesty that it is the desire of the U.S. to live in amity with him and they they will do everything necessary on their part to cultivate the most friendly intercourse between the citizens and Subjects of either power.

December 6, 1784 –

1) This being the day assigned for the appearance of the states of Massachusetts and New York, by their lawful agents, in pursuance of the notice transmitted to them, agreeably to the resolution of the 3d day of June last,

Within the consent, and at the request of, the delegates of the States of Massachusetts and New York.

Resolved, That farther day be given, and that Wednesday next be assigned for the appearance of the said states.

December 7, 1784 -

1) [Report of Mr. James Monroe, Mr. Charles Pinckney, Mr. William Churchill Houston, Mr. John Jay, Mr. Gunning Bedford, Mr. Samuel Hardy, Mr. Elbridge Gerry, on note of Mr. Marbois of the 19th Nov. and papers enclosed touching the navigation of Mississippi.]

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The Committee to whom was referred the note of Mr. de Marbois charge des affaires of his Most Christian Majesty with the papers enclosed submit the following Reports:

That the following answer signed by the President be returned to Mons. De Marbois.

The Committee are further of opinion it is necessary that a Minister be commissioned to represent the U.S. at the Court of Madrid for the purpose of adjusting the interfering claims of the two nations respecting the navigation of the Mississippi and other matters highly interesting to the peace and good understanding which ought to subsist between them.

December 10, 1784 –

1) This being the day assigned for the appearance of the states of Massachusetts and New York, agreeable to the resolution of the 6th instant, and the United States in Congress assembled being informed that the agents for the said states are not attending.

Ordered, That they be committed.

The agents appeared accordingly, and produced their respective credentials, which were read as follows:

CREDENTIALS OF THE AGENTS FOR THE STATE FO MASSACHUSETTS.

Commonwealth of Massachusetts, in Senate, 11th November, 1784.

Whereas the legislature of this Commonwealth, by their petition to Congress, on the 27th day of May last past, alleged that certain lands to which the State of New York set up a claim, were the just and proper right of this Commonwealth, and Congress having given notice thereof to the said State, and appointed the first Monday of December next, to proceed in the premises, as by the Article of Confederation and perpetual union is directed:

Resolved, That the honorable John Lowell and James Sullivan, esqrs. With the delegates who shall actually represent this Commonwealth in Congress, on the first day of December next, or the major part of the persons before mentioned, be, and they hereby are constituted the lawful agents of this State, and are authorised and empowered, with such agent or agents as are or may authorised and empowered, with such agent or agents as are or may be empowered therefor, on the part and behalf of the State of New York, to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the claims of the same state and of this Commonwealth, to the lands mentioned and described in the petition aforesaid: and in case the said State of New York shall neglect to attend by their agent or agents at the time appointed therefor by Congress; or if attending, the agent or agents of the said State and of this Commonwealth, cannot agree to appoint by joint consent, commissioners

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or judge for the purpose aforesaid, then the said agents of this Commonwealth, or the major part of them, are hereby authorised and empowered, to do and transact all matters and things whatsoever, which, by the said Articles of Confederation and perpetual union, are made necessary to be done and transacted on the part of this Commonwealth, for the appointment of commissioners or judges for the purpose aforesaid.

Sent down for concurrence, SAMUEL ADAMS, *President*.

In the House of Representatives, November 11, 1784.

Read and concurred, SAMUEL A. OTIS, *Speaker*.

Approved, JOHN HANCOCK.

True Copy Attest: JOHN AVERY, jun, *Secretary*.

CREDENTIALS OF THE AGENTS FOR THE STATE OF NEW YORK.

The People of the State of New York, by the grace of God, free and independent, to all to whom these presents shall come, send greeting: Know ye, That we having inspected the original acts of the legislature of our said State, remaining in our secretary's office, do find there a certain act passed the 12th day of November, 1784, in the words and figures following, to wit: "An act to appoint agents or commissioners for vindicating the right and jurisdiction of this State, against all claims of the Commonwealth of Massachusetts, pursuant to the Articles of Confederation and perpetual union of the United States. Whereas the United States of America in Congress assembled, at the city of Annapolis, on the third day of June last, did make and publish a certain act in the words following, that is to say: 'By the United States in Congress assembled, in the city of Annapolis, on the third day of June, in the year of our Lord one thousand seven hundred and eighty-four, and in the eight year of the independence of the United States of America, to the legislative authority of the State of New York, it is hereby made known, that pursuant to the ninth of the Articles of Confederation and perpetual union, the legislature of the Commonwealth of Massachusetts, have presented a petition to Congress in the words following: To the United States in Congress assembled, the petition of the legislature of the Commonwealth of Massachusetts sheweth, That whereas James the First, late King of Great Britain, by his Letters Patent, bearing date at Westminster, the 3d day of November, in the 18th year of his reign, granted unto the council established at Plimouth, in the county of Devon, and Kingdom of Great Britain, commonly called the council for planting, ruling and ordering and governing of New England, in America, all that part of America, lying and being in breadth from forty to forty-eight degrees of northerly latitude, and of length of and within all the breadth aforesaid, throughout the main lands from sea to sea, to hold the same to themselves, their successors and assigns for ever. And whereas the said council established at

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Plimouth, by their deed indented under their seal, dated the 19th day of March, in the third year of the reign of Charles the first, the late king of Great Britain, did bargain, sell, enfeoff, alien and confirm, unto Sir Henry Roswell and his associates, and to their heirs and assigns, all that part of New England in America, which lieth and extendeth between a great river called Merrimack, and a certain other river there called Charles river, being the bottom of a bay there called Massachusetts Bay, and also all those lands lying within three English miles to the southward of the southernmost part of the said bay, and extending thence northward in latitude in the northward of every part of the said river Merrimack, and in the breadth of latitude aforesaid, extending throughout all the main land in longitude westwardly to the southern ocean. And the said legislature in their claim herein described, do aver, that the point or place situate three miles south of the bay called Massachusetts Bay, is a point or place situate in forty-two degrees of northern latitude, two minutes north; and that the place, point or boundary aforesaid, of three miles to the northward of every part of the river Merrimack, is a place or point situate in forty-four degrees northern latitude fifteen minutes north; and that by the grant aforesaid, the said Sir Henry Roswell and his associates became seized of all the lands before described and contained in the grant aforesaid, of the said council established at Plimouth; and that the same grant was confirmed to the said Henry Roswell and his associates, by the said king Charles, by his letters patent, dated in the fourth year of his reign; and that the said Sir Henry Roswell and his associates, were immediately, upon the making the grant aforesaid, by the said council, in the actual seizing and possession of all the lands aforesaid, and for many held the same under the name and title of the Governor and Company of Massachusetts Bay in New England; and that such proceedings and possessions have been done and had, respecting the territory aforesaid granted to the said Sir Henry Roswell and his associates, and such subsequent grants have been made of the same, that all the said territory is now the just and proper right of the Commonwealth aforesaid, and all this the said legislature are ready to verify. "And whereas the State of New York have set up a claim to some part of the land before mentioned, and it being highly necessary to have the same claim brought to an immediate decision, they do therefore in behalf of the same Commonwealth, most solemnly request the United States of America in Congress assembled, that commissioners may be appointed, for enquiring into and determining upon the claim aforesaid of the said legislature, and that such other proceedings respecting the premises may be had, as are by the federal government of the said United States in such cases made and provided; and that the first Monday in December next assigned for the appearance of the said agents, at the place in which Congress shall then sit, to proceed in the premises as by the said Articles of Confederation and perpetual union is directed.' Be it therefore enacted by the people of the State of New York, represented in senate and assembly, an =d it is hereby enacted by the authority of the same, that James Duane, John Jay, Robert R. Livingston, Egbert Benson and Walter Livingston, esqrs. Shall be, and they hereby are declared to be agents for this State, in the controversy between this State and the said Commonwealth of

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Massachusetts, in the said recited act fo the United States in Congress assembled mentioned; and the said James Duane, John Jay, Robert R. Livingston, Egbert Benson and Walter Livingston, esqrs. Or any two or more of them, are hereby authorised and directed, on the day and place for that purpose in the said act limited, and at such other times and places as the occasion shall require, in behalf of this State, to appear before the said United States In Congress assembled, in order by the joint consent of them the said agents or any two or more of them, and the agents on the part of the said Commonwealth of Massachusetts, to appoint commissioners or judges to constitute a federal court for hearing and determining the controversy aforesaid; and if it shall so happen, that the agents for the said State of New York and Commonwealth of Massachusetts respectively, shall not agree by joint consent in appointing commissioners or judges to constitute such court, then it shall and may be lawful to and for the said agents on the part of this State, or any two or more of them, and they or any, and they or any two or more of them are hereby authorised and required to proceed in behalf of this State to the appointment of such commissioners or judges, in the manner and form directed and prescribed in and by the said Articles of Confederation and perpetual union, and also to appear before the said commissioners or judges when lawfully constituted, and there to represent this State, and to manage, vindicate and defend the rights and jurisdiction thereof, against the claim of the said Commonwealth of Massachusetts, by all lawful ways and means, with full power and authority, to employ such council learned in the law, and such sollicitors as they shall think necessary to enable them more effectually to discharge the trust reposed in them by this act. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the secretary of the State of New York, and the clerk of the City and County of Albany, or their respective deputies, and for the respective clerks of the senate and assembly of this State, to produce on the hearing of the controversy aforesaid, and for that purpose to convey out of the State all such original papers remaining in their respective offices, as by the agents herein appointed to manage the controversy aforesaid, on the part of this State, or any two or more of them, shall be judged necessary for the better manifestation of the boundaries and jurisdiction of this State: Provided always, and be it further enacted by the authority aforesaid, that this act, or any article, clause, matter or thing herein contained, shall not extend to be deemed, construed, adjudged or taken to annul, alter, or in any wise affect certain articles of agreement made and concluded upon the 18th day of May, in year of our Lord one thousand seven hundred and seventy-three, between commissioners appointed by an act of the legislatures of the late colony of New York, and commissioners appointed by an act of the legislature of the late colony of Massachusetts Bay, nor to annual, alter or in any wise affect a certain instrument in writing, bearing date the 18th of May, in the year last aforesaid, under the hands and seals of the then governors of the said colonies of New York and Massachusetts Bay respectively, signifying their approbation of the said agreement, nor any act or proceeding in pursuance of the said articles of agreement, which have been done and performed since the settlement of

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the said jurisdiction line, by commissioner and surveyors appointed as well on the part of this State, while the colony of New York, as on the part of the State or Commonwealth of Massachusetts, while the colony of Massachusetts Bay, respecting the running and marking in part the jurisdiction lone in the said articles of agreement described; nor any act or proceeding which is now doing and performing, or shall be done and performed by the commissioners and surveyors appointed on the part of this State, and on the part of the State or Commonwealth of Massachusetts, to complete the said jurisdiction line, according to the true intent and meaning of the said articles of agreement. And be it further enacted by the authority aforesaid, that a certain act of the legislature of this State, entitled "An act to empower the Congress of the United States, of America, to determine the controversies relative to certain lands in the counties of Cumberland, Gloucester, charlotte and Albany, commonly called the New Hampshire Grants,' passed on the 21st day of October, 1779, so far as the same act respects claims or boundaries in controversy between this States and the State or Commonwealth of Massachusetts Bay, be, and the same is hereby repealed." All which we have caused, by these presents, to be exemplified. In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said State of New York to be hereunto affixed. Witness our trusty and well beloved George Clinton, esq. our governor of our said State, general and commander in chief of all the militia, and admiral of the navy of the same, at our city of New York, the 1st day of December, in the year of our Lord one thousand seven hundred and eighty-four, and of our independence the ninth.

GEORGE CLINTON

The credentials being read, the agents withdrew; Whereupon,

Ordered, that the Secretary furnish the agents of each party copies of the credentials of the other, and that they appear again on Friday next; and that they then inform the United States in Congress assembled, whether they have any, and what objections, to the credentials produced.

2) The committee, consisting of Mr. [David] Howell, Mr. [Egbert] Benson, Mr. [Samuel] Holten, Mr. [James] Monroe and Mr. [Gunning] Bedford, appointed to revise the system of the War Office, and report such alterations as they may judge necessary, reported the draught of an ordinance, which was read a first time:

Ordered, That Wednesday the 15 of this present month be assigned for a second reading.

Ordered, That the election of a Secretary at War be postponed, until the United States in Congress assembled shall have determined on the Ordinance for regulating the War Office.

<u>December 9, 1784</u> –

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1) The committee, consisting of Mr. [John] Jay, Mr. [Hugh] Williamson and Mr. [Samuel] Hardy, to who was referred a letter of the 6th, from the Marquis de la Fayette, report, that in the opinion of the committee, the merit and services of the Marquis render it proper that such an opportunity of taking leave of Congress be afforded hi, as may strongly manifest their esteem and regard for him; Whereupon,

Resolved, That a committee, to consist of one member from each State, be appointed to receive the Marquis, and in the name of Congress to take leave of him. That they be instructed to assure him, that Congress continue to entertain the same high sense of his abilities and zeal to promote the welfare of America both here and in Europe, which they have frequently expressed and manifested on former occasions, and which the recent marks of his attention to their commercial and other interests have perfectly confirmed. That as his uniform and unceasing attachment to this country has resembled that of a patriotic citizen, the United States regard him in particular affection, and will not cease to feel an interest in whatever may concern his honor and prosperity, and that their best and kindest wishes will always attend him.

2) On motion of Mr. [John Francis] Mercer, seconded by Mr. [Jacob] Read,

Resolved, That a letter be written to this Most Christian Majesty, to be signed by his Excellency the President of Congress, expressive of the high sense, which the United States in Congress assembled, entertain of the zeal, talents and meritorious services of the Marquis of Fayette, and recommending him to the favour and patronage of his Majesty.

3) The Committee, consisting of Mr. [Samuel] Holten, Mr. [William Churchill] Houstoun, Mr. [Jacob] Read, Mr. [Gunning] Bedford and Mr. [Samuel] Hardy, to who were referred the letters from the Ministers of the United States at foreign Courts, Submit the following Reports:

That the Minister Plenipotentiary from the United States to the States General of the United Netherlands, Be instructed to Communicate to Mons. De St, Saphorin, envoy extraordinary from his Danish Majesty to the States General. The high Sense, the United States in Congress assembled entertain of the liberal decision made by his Majesty on the Question proposed to his Majesty's Minister at the Hague by Mr. Adams Minister from the United States, respecting the ordination of American Candidates for Holy orders in the Episcopal Church, Commonly called the church of England; and that the Secretary of foreign affairs do take order for making public the information contained in the dispatch from the Danish Prime Minister, communicated to Mr. Adams by Mons. De St. Saphorin.

The Committee pray leave further to Report that the United States in Congress assembled having on the ___ day of ___ last appointed the honorable John Adams, Benjamin Franklin, and Thomas Jefferson Esqrs, their Commissioners for negotiating Commercial Treaties with several

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powers in Europe and Elsewhere, with Plenipotentiary powers and proper instructions, It is become unnecessary for Congress to give any particular orders respecting the respecting the project of a Treaty with the King of Prussia transmitted to Congress by Mr. Adams; but that, as it is alledged to be the wish of his Prussian Majesty to have the Treaty between his Majesty and the United States concluded at the Hague with his Minister the Baron Thulimyer. That the Commissioners of the United States, if they shall deem it expedient be, and they or any two or more of them are hereby authorized to repair to the Hague to execute such Treaty accordingly.

The Committee further beg leave to report that the annexed draft of a letter marked A be adopted by adopted by Congress and that a number signed by the President be transmitted to the Ministers of the United States in Europe to be by them forwarded to the respective Sovereigns and States in Europe and elsewhere, that have not already entered into negociations or signed Treaties with the United States – and that said Commissioners be, and they are severally hereby authorized to fill up the direction and other Blanks in such letters in the manner accustomed and proper.

Your Committee further report it as their opinion, that tis highly necessary and expedient, that a Minister be appointed by the United States to reside constantly at the Court of London; and that considering the present disposition of that Court towards these United States, this measure admits of no delay.

Your Committee are of opinion, that the presence of an American Minister would tend to defeat their machinations and in fine produce a liberal intercourse between these States, and the possessions of the Crown of Great Britain. Nor can the least doubt be entertained; but that a Minister from these U.S. would meet with a most respectful and proper reception at the British Court.

The Committee therefore submit the following Resolves:

Resolved, That on the ___ day of ___ this Instant December, the United States in Congress assembled will proceed to the choice of some fit person to reside constantly at the Court of London as their Minister Plenipotentiary to his Britannic Majesty, and also of a Secretary of Legation to that Court.

Resolved, That a Committee be appointed to prepare a draft of Instructions for the Minister of the United States proposed to be sent to the Court of London.

4) The United States of America in Congress assembled to –

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The People inhabiting the Colonies 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, heretofore under the Dominion of the Crown of Great Britain, having for sundry reasons set forth in their declaration of the 4th July, 1776, found it necessary to declare and accordingly declared themselves, Free, Sovereign and Independent.

They afterwards for their mutual security and defence entered into Articles of Confederation and perpetual Union, assuming the Stile and announcing themselves to the Nations of Earth by the name of "THE UNITED STATES OF AMERICA."

After a war of near eight years' continuance, by the blessing of divine Providence and the interposition and assistance of a great and magnanimous Ally, The United States of America have terminated their dispute with Great Britain by a definitive treaty of peace, signed at Paris on the 3rd of September 1783, the ratifications of which have since been duly exchanged. Whereby his Britannic Majesty hath formally and solemnly acknowledged the said United States to be free sovereign and Independent States, that he treated with them as such for himself his heirs and successors, relinquished control all claims to the Government, proprietary and territorial rights of the same and every part hereof.

The United Sates of America having thus taken a Station among the Nations as a Sovereign Power, it is our earnest wish to love in the most perfect Harmony and a constant of interchange of good offices and correspondence with the respective Sovereigns of Europe, and of all other parts of the world and particularly with your Majesty.

We have therefore embraced the earliest opportunity of making this communication with the utmost respect to our --- Majesty, not doubting but that you will hear with pleasure of the prosperity of our confederated Republics, and join in the furtherance of a friendly intercourse, between your subjects and the Citizens of these United States.

We pray God constantly to have your Majesty in his most holy keeping.

Done at Trenton, in the State of New Jersey, By the United States of America in Congress assembled and Signed with the hand of his Excellency Richard Henry Lee our Pressident, this ___ day of ____ In the year of our Lord on thousand seven hundred and eighty four and in the Ninth year fo our Sovereignty and Independence.

Attest.

5) That the S.F.A. transmit to the Executives of the Dif. States, copies of Mr. Adams letter of the 22nd day of April 1784 as well as its inclosures relative to episcopal ordination.

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December 10, 1784 –

1) [Motion of Mr. Jacob Read]

Resolved, That the Secretary in the War Office do in the name of the United States in Congress Assembled present to Major General the Marquis de Lafayette a standard of those captured at the surrendered of the British Army under the command of Lieut. Gen. The Earl Cornwallis at Yorktown in Virginia in the year 1781 under the immediate command of his Excellency General Washington, Commander in Chief of the Armies of the United States, as a testimonial of the high sense Congress entertain of the great bravery and prowess evinced on many occasions by the Marquis and particularly during the siege of Yorktown, by carrying, sword in hand with the American column of troops which he commanded in person one of the enemies redoubts, completely garrisoned, and in an entire state of Military defence.

December 15, 1784 –

1) On the report of a committee, consisting of Mr. [James] Monroe, Mr. [Charles] Pinckney and Mr. [William Churchill] Houstoun, to whom was referred a note from Mr. de Marbois, charge des affaires of France, accompanied with a letter from Don Francisco Rendon, agent of the Court of Madrid, and an extract of a letter from Don. J. Galvez, minister of his Catholick Majesty, touching the limits of Louisiana, and the Floridas, and the navigation of the Mississippi –

Resolved, That the Secretary for foreign affairs be instructed to inform Mr. de Marbois, charge des affaire of France, that the United States in Congress assembled have received his note of the 19th of November, with the papers enclosed, and are happy in the assurance given that his Most Christian Majesty will see with pleasure measures taken to consolidate and maintain a good understanding between his Catholick Majesty and the United States; and they flatter themselves that their disposition and endeavors to cultivate the friendship of the Catholick King will produce the desired effect.

That Congress have a high confidence in the justice of his Catholick Majesty, and rely that he will submit the mutual rights of Spain and the United States of America to amicable discussion, without adopting measures which may prejudice those rights.

TRANSLATIONS

PHILADELPHIA, *November 19, 1784*.

The undersigned, charge des affaires of France, has the honour to present to Congress a letter of Don Francisco Rendon, agent of the Court of Madrid. This letter, and the extract accompanying it, relate to the limits of Louisiana and the Floridas, as well as to the navigations

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of the Mississippi. The undersigned has the honour to assure Congress, that the King will see with great pleasure every measure which shall be taken to consolidate and maintain a good understanding between his Catholick Majesty and the United States.

(Signed) DE MARBOIS

[Rendon's letter.]

PHILADELPHIA, *November 16, 1784*.

SIR,

I have the honour to communicate to your Excellency an extract of a letter which I have lately received from Don Joseph de Galvez, Minister of his Catholick Majesty for the department of the Indies. I beg you will be pleased to lay it before Congress, and communicate the contents to the governours and presidents of the several states. His Majesty is persuaded that Congress will admit the justice of a claim which is founded on all the rights which an entire conquest and an uninterrupted possession can give to any power; and that they will agree that the cession of the navigation of the Mississippi, made by the King of Great Britain to the United States in the treaty of 1783, can have no real force unless the Catholick King, my master, to whom the navigation of that river belongs, shall think proper to ratify it. I see with pleasure by the contents of the extract enclosed, that there is a probability that Spain and the United States will very soon confirm, by a solid and durable treaty, that friendship which has already for several years subsisted between the two nations, I hope that all objects, about which there is any doubt, will then be settled and terminated to the mutual satisfaction of his Majesty and Congress.

I have the honour to be with respect, Sir, your most obedient and most humble servant.

(Signed) FRANCISCO RENDON.

His Excellency

The President of Congress.

[Extract from De Galvez's letter.]

ARANJUES, *June 26, 1784*.

"Until the limits of Louisiana and the two Floridas shall be settled and determined with the United States of America, his Majesty commands that you should give the states and Congress to understand that they are not to expose to process and confiscation the vessels which they

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destine to carry on commerce on the River Mississippi, inasmuch as a treaty concluded between the United States and England, on which the former ground their pretensions to the navigation of that river, could not fix limits in a territory which that power did not possess, the two borders of the river being already conquered and possessed by our arms the day the treaty was made, namely, the 30th November, 1782. This order I communicate to you that you may conform yourself thereto.

(Signed) JOSEPH DE GALVEZ.

December 20, 1784 -

1) On motion of Mr. [David] Howell, seconded by Mr. [John] Jay,

Resolved, That it is expedient the Congress proceed to take measures for procuring suitable buildings to be erected for their accommodation.

Resolved, (by nine states,) That a sum not exceeding one hundred thousand dollars be appropriated for the payment of the expence of erecting such buildings; providing always, that hotels or dwelling-houses for the members of Congress representing the different states, shall not be understood as included in the above appropriation.

December 23, 1784 –

1) *Ordered*, That the ordinance be read a third time.

The ordinance being accordingly read a third time, was agreed to as follows:

Be it ordained by the United States in Congress assembled, that the resolutions of the 20th instant respecting the erecting of buildings for the use of Congress, be carried into effect without delay; that for this purpose, three commissioners be appointed, with full powers to lay out a district, of not less than two nor exceeding tree miles square, on the banks of either side of the Delaware, not more than eight miles above or below the lowers falls thereof, for a federal town; that they be authorised to purchase the soil, or such part of it as they may judge necessary, to be paid at proper instalments; to enter into contracts for erecting and completing, in an elegant manner, a federal house for the accommodation of Congress, and for the executive officers thereof; a house for the use of the President of Congress, and suitable buildings for the residence of the Secretary of Foreign Affairs, Secretary at War, Secretary of Congress, Secretary of Foreign Affairs, Secretary at War, Secretary of Congress, Secretary of the Marine, and the officers of the Treasury; that the said commissioners be empowered to draw on the treasury of the United States for a sum not exceeding one hundred thousand dollars, for the purpose aforesaid; that in choosing a situation for the buildings, due regard be had to the accommodation of the states, with lots for houses for the use of their delegates respectively;

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that on the 24th day of December instant Congress stand adjourned to meet at the city of New York, on the eleventh Day of January following, for the dispatch of public business, and that the cessions of Congress be held at the place last mentioned, until the buildings aforesaid shall be ready for their reception. Done, &c.

2) [Report of Mr. James Monroe, Mr. Charles Pinckney, Mr. William Houstoun, Mr. John Jay, Mr. Gunning Bedford, Mr. Samuel Hardy, Mr. Elbridge Gerry, Instructions to Minister to Represent United States at Madrid.]

SIR,

As you will be furnished with the instructions given your Predecessor Mr. Jay in his negotiations with the Court of Spain which fully investigate the right of the United States to the territory within their lines, and to the navigation of the Mississippi in virtue of their independence of Great Britain, and of the injustice of any claim founded on the part of Spain, upon conquest from Great Britain of the territory which belonged to them, it will be unnecessary to add any thing to what those instructions contain.

But if a claim founded on the principles of the revolution was questionable, the late treaties between Great Britain and the United States and Great Britain and Spain respectively have determined the bounds to which their respective rights extend. By the 2nd articles of the treaty between Great Britain and the United States it is stipulated that the line which bounds the United States after it reaches the Mississippi shall extend "along the middle of the said river until it intersects the northernmost part of the 312 degree of north latitude; thence south by a line to be drawn due East from the determination of the lone last mentioned on the latitude of 31 degrees North of the Equator to the middle of the River Apalachicola or Latahouche; 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 the 8th article stipulates that "the navigation of the River Mississippi from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the U.S." If by the principles of the Revolution the United States had not already acquired the rights which these articles stipulated they remained with Great Britain; the Treaty of Paris in 1763 gave then to her, and she never relinquished them until the Treaty with the U.S. In her subsequent Treaty, therefore, with Spain, Great Britain could only convey what she retained, which could induce no restriction or qualification had she wished it on the right which had already accrued to the United States and the accession of Spain to a Treaty with her upon these conditions under which she now claims what she holds, must be considered as an acknowledgment of the right in the United States.

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The Bounds, therefore, as limited in said treaty between Great Britain and the United States, with the right of the navigation of the Mississippi, from its source to the ocean, with those rights which appertain to that navigation are in any treaty you may enter into, to be expressly stipulated to the United States without which indeed you are to enter into no treaty.

December 24, 1784 –

1) In pursuance of the resolution of the 10th day of this present month, December, the agents for the states of Massachusetts and New York, made report as follows:

"TO THE UNITED STATES IN CONGRESS ASSEMBLED.

We the underwritten agents of the Commonwealth of Massachusetts and the State of New York, do humbly certify, that in pursuance of the pleasure of Congress to us signified on the seventeenth day of December instant, we have agreed on the following gentlemen as commissioners to constitute a court for hearing and determining a dispute or controversy bow subsisting between the said states, as set forth in the petition of the said Commonwealth, now on the files of Congress; that is to say, The Honorable Robert Hanson Harrison, Esquire, of the State of Maryland; The Honorable Thomas Johnson, Esquire, of the said State; The Honorable John Rutledge, Esquire, of the State of South Carolina; The Honorable George Wythe, Esquire, of the State of Virginia; The Honorable William Grayson, Esquire, of the said State; The Honorable James Monroe, Esquire, of the said State; The Honorable George Read, Esquire, of the State of Delaware; The Honorable Isaac Smith, Esquire, of the State of New Jersey; and The Honorable William Paterson, Esquire, of the said State. And we the said agents do further certify, that it is mutually agreed between the parties, that if any one or more of the said gentlemen so named as commissioners, shall decline the said office, the vacancy will be supplied by Congress, according to an agreement in writing of this date, signed and interchanged by us the said agents. And further, that any five of the said commissioners who finally accept the said office, shall be a quorum, according to the Confederation of the United States. And we do further humbly certify, that it is also mutually agreed between us, that the court for determining such said controversy, shall be holden at such place, as Congress by a vote of the majority of the states to be assembled, when the place for holding the said court is considered, shall appoint. Dated at Trenton, this 24 December, 1784.

JOHN LOWELL, -|

JAMES SULLIVAN, |

F. GERRY, | Agents for Massachusetts

S. HOLTEN, |

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GEO. PARTRIDGE, |

RUF. KING, -|

JAS. DUANE, -|

R.R. LIVINGSTON, | Agents for New York

WALTER LIVINGSTON, |

EGBT. BENSON, -|

Adjourned to meet at the City of New York, on the 11 day of January next.

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Summary of 1785

January 21, 1785 –

1) On motion of the delegates from Massachusetts and New York,

Congress proceeded to determine the place where the court shall be holden for determining the controversy between the states of Massachusetts and New York, and the ballots being taken,

The city of Williamsburg, in the commonwealth of Virginia, was determined to be the place for holding the said court, conformably to the agreement of the agents of the said States.

January 27, 1785 –

1) The ordinance for ascertaining the powers and duties of the Secretary at War, was taken up and being read a third time was passed as follows:

An Ordinance for ascertaining the powers and duties of the Secretary at War.

Be it ordained by the United States in Congress Assembled, that the powers and duty of the Secretary at War shall be as follows, to wit: To examine into the present state of the war department, the returns and present state of the troops, ordinance, arms, ammunition, cloathing and supplies of the Troops of these states, and report the same to Congress: To keep exact and regular returns of all the forces of these states, and of all the military stores, equipments and supplies in their Magazine of the United States, or in other places for their use; and to receive into his care, from the officers in whose possession they may be, all such as are not in actual service; to for estimates of all such stores, equipments and supplies as may be requisite for the military service, and for keeping up competent magazines, and to report the same to the Commissioners of the treasury of the United States, that measures may be taken in due time, for procuring the same; to prepare estimates for paying and recruiting the troops of these United States; to carry into effect all ordinances and resolves of Congress for raising and equipping troops for the service of the United States, and for inspecting the said troops; and to direct the arrangement, destination and operation of such troops as are or may be in service, subject to the Orders of Congress or of the Committee of the States in the recess of Congress; to make out , seal and countersign the commissions of all such military officers as shall be employed in the service of the United States; to take order for the transportation, safe keeping and distributing the necessary supplies for such troops and garrisons as may be kept up by the United States. He shall appoint and remove at pleasure all persons employed under him, and

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shall be responsible for their conduct in office; all which appointments shall immediately certified to Congress, and such certificate, or the substance thereof, registered in a book to be kept for that purpose in the office of the Secretary of Congress. He shall keep a public and convenient Office in the place where Congress shall reside. He shall, at least once a year, visit all the magazines and deposits of public stores, and report the state of them with proper arrangements to Congress; and shall twice a year, or oftner if thereto required, settle the accounts of his department. That as well the Secretary at war, as his assistants or clerks before they shall enter on their duties of their Office, shall respectively take and subscribe an Oath or affirmation of fidelity to the United States, and for the faithful execution of the trust reposed in them; and which oaths or affirmations shall be administered by the Secretary of Congress, and certificate thereof filed in his Office. The Oath of fidelity shall be in the words following: "I A.B. appointed to the office of ___ do acknowledge that I do owe faith and true allegiance to the United States of America, and I do swear (or affirm) that I will, to the utmost of my power, support, maintain and defend the said United States in their freedom, sovereignty and independence, against all opposition whatsoever." And the Oath of Office shall be in the words following: "I, A.B. appointed to the office of ___ do swear (or affirm) that I will faithfully, truly, and impartially execute the office of ___ to which I am so appointed, according to the best of my skill and judgment; and that I will not disclose or reveal any thing, that shall come to my knowledge in the execution of the said office, or from the confidence I may be thereby acquire, which, in my own judgment, or by the injunction of my superiors, ought to be kept secret." That the form of the oath or fidelity heretofore prescribed by Congress, and all former resolutions of Congress, relative to the department of war, be, and they are hereby repealed. Done by the United States in Congress assembled, &c.

2) On motion, *Resolved*, That whenever a question shall be depending between a larger and a smaller sum, a longer or a shorter time, the question shall be put upon the largest sum and the longest time.

3) On a motion of Mr. [David] Howell, seconded by Mr. [Hugh] Williamson,

Resolved, That Mr. Joseph Carleton, be continued with his present appointment, Secretary in the War Office, till Congress shall have elected a Secretary at War, who shall be ready to take charge of that Office.

February 1, 1785 –

1) On the report of a Grand Committee, consisting of Mr. [Jacob] Read, Mr. [Abiel] Foster, Mr. [George] Partridge, Mr. [David] Howell, Mr. [Joseph Platt] Cook, Mr. [Zephaniah] Platt, Mr. [Lambert] Cadwallader, Mr. [John] Henry, Mr. [James] McHenry, Mr. [Samuel] Hardy, Mr. [Hugh] Williamson and Mr. [William] Houstoun, to whom was referred a letter of 30 September

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from the late Superintendant of finance, enclosing the terms of loan of two Millions of Gilders, negotiated in the United Netherlands, by the honorable John Adams, and an obligation for the same, entered into the 9th of March, 1784, by him, on behalf of the United States of America,

Resolved, That three fair copies of the obligation be made out, and that a ratification be endorsed on each of them, duly attested; and that the Secretary for the department for foreign affairs, transmit the same, by several Conveyances, to the Minister of the United States, to their High Mightinesses the States general of the United Netherlands.

Resolved, That the ratification be in the following terms, viz.

Be it remembered, that the within Contract or engagement, entered into by the honorable John Adams, esquire, Minister plenipotentiary of the United States of America, to their High Mightinesses the Lords the States general of the United Netherlands, in behalf of the said States, with Messrs. Wilhelm, and Jan Willink, Nicholas and Jacob Van Staphorst and de la Lande and Fynje, and their successors or assignees, for a loan of two Million of Gilders, dated at the Hague, March the ninth, 1784, hath been read in Congress, approved and ratified, and declared obligatory on the United States of America. Done in the City Hall, in the city of New York, by the United States in Congress assembled, this first day of February, in the year of our Lord one thousand seven hundred and eighty five and in the ninth year of our Sovereignty and Independence.

2) [Motion of Mr. Jacob Read, on the reading Mr. Jay's letters of 31 January and 1st of February, 1785. Referred to Mr. James Monroe, Mr. Zephaniah Platt, Mr. Jacob Read, Mr. Samuel Hardy and Mr. Richard Dobbs Spaight.]

That the letters and papers from the Secretary of the Department of foreign Affairs be referred to the said Secretary in order to be translated.

That it is the sense of Congress that all papers written in any foreign language which may in the future be Communicated to Congress from the Secretary of foreign affairs be accomplished by a fair translation into English.

That the Secretary for foreign Affairs be and he is hereby authorized to appoint an Interpreter to his Office (an newly created de jure Officer) who shall be entitled to receive a salary of ___ Hundred Dollars per Annum for his services and previous to his entering on his duty, the Interpreter shall take the usual Oath of fidelity and Secrecy a Copy of which shall be filed in the Office of the Secretary of the United States in Congress assembled.

3) [Motion of Mr. Robert R. Livingston for securing Western Territory:]

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Resolved, That a Committee be appointed to consider of the best means to obtain possession of the Western and Northern Territory of these States and of the posts that is may be necessary to establish therein.

February 3, 1785 –

1) A motion being made by Mr. [Hugh] Williamson, seconded by Mr. [Jacob] Read, in the words following:

"Whereas, the place in which a federal court shall be holden, which is to hear and determine a controversy subsisting between the States of Massachusetts and New York, was fixed and determined on the 21 of January by five states only; and whereas such a mode of determining questions is extremely dangerous in precedent, being expressly contrary to a clause in the ninth of the Articles of Confederation, by which it is provided that no question on any point except for adjourning from day to day shall be determined unless by the votes of a majority of the United States in Congress assembled,

Resolved, That the act of the 21st of January last for fixing the place for holding a federal court be and it is hereby declared to be void."

On this motion, a question of order being moved by Mr. [David] Howell in the words following:

Is a motion in order made by a member to reconsider, repeal or nullify a former resolution, unless made and seconded by members who did not vote against such former resolution?

To the question of the Order the President answers: That he knows no written rules applies to this question, but as he sees no objection in reason that forbids wither party consenting to or differing from the original motion to propose a reconsideration, so the President conceives the present motion for reconsidering is in order.

An Appeal from the judgment of the President being made to the House by Mr. [William] Ellery, and on the question, Shall the judgment of the President be reversed the yeas and nays being required by Mr. W[alter] Livingston, so the question was lost.

February 11, 1785 –

1) On a report of a committee, consisting of Mr. [James] Monroe, Mr. [Zephaniah] Platt, Mr. [Jacob] Read, Mr. [Samuel] Hardy and Mr. [Richard Dobbs] Spaight, to whom were referred sundry letters from the Secretary for foreign Affairs.

Resolved, That in pursuance of the resolutions of the 22d of February, 1782, All communications as well to as from the United States in Congress assembled, on the subject of foreign affairs, be made through the secretary for the department for foreign affairs, and that

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all letters, memorials or other papers on the subject of foreign affairs, for the United States in Congress assembled, be addressed to him.

Resolved, That all Papers written in a foreign language, which may in future be communicated to Congress, from the Office of the department of foreign affairs, shall be accompanied with a translation into English.

Resolved, That the Secretary for the department of foreign affairs be, and he is hereby authorized to appoint an interpreter, whose duty it shall be to translate all such papers as may be referred to him, as well by the United States in Congress assembled, as by committees of Congress, the Secretary for the department of foreign affairs, the secretary of Congress, the Board of Treasury, or the Secretary for the department of War; and who shall be entitled to receive such allowance as the Secretary for foreign affairs may think sufficient, not to exceed the annual pay of a clerk in the Office; and who previous to his entering on his duty as interpreter, shall take the Oath of fidelity and the Oath of Office, prescribed in an Ordinance passed on the 27 day of January last, a registry of which oath shall be kept in the Office of the Secretary of Congress.

Resolved, That the wages of the door-keeper to the office for foreign Affairs, be considered as part of the contingent expenses of said Office.

Resolved, That the treasurer of the United States advance to the Secretary for the department of foreign Affairs, the sum of one thousand dollars, for the contingencies of his Office, he to be accountable.

<u>February 14, 1785</u> –

1) On a motion of Mr. R[obert] R. Livingston, seconded by Mr. [John] Sitgreaves,

Resolved, That the Ministers of the United States who are directed to form treaties with the Emperor of Morocco, and the Regencies of Algiers, Tunis and Tripoly, be empowered to apply so much of the money borrowed in Holland, or any other money in Europe belonging to the United States, to that use as they may deem necessary, not exceeding eighty thousand dollars; and to draw for the same accordingly.

That they be further empowered, if the situation of affairs should render it inexpedient for either of the to proceed to the above Courts, to appoint such persons as they may deem qualified to execute this trust.

That the Secretary for Foreign Affairs be directed to write to the above Ministers, pressing upon them the necessity of prosecuting this important business, and forwarding to them

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Commissions and Letters of Credence, with a blank for the name of such person as may be directed to conclude the said Treaties.

February 18, 1785 –

1) An Address of the Corporation of the Chamber of Commerce of the State of New York, to the United States in Congress Assembled, having been read:

Resolved, That the Secretary of Congress inform the Corporation of the Chamber of Commerce of the State of New York, "that the United States in Congress Assembled, have received with pleasure the address of so respectable a body of Citizens; that they are duly impressed with a sense of their dispositions to render the sessions of Congress convenient and agreeable; and to assure them that the extension and prosperity of trade shall not cease to be considered as intimately connected with the happiness and prosperity of United States of America."

February 21, 1785 –

1) [Report of Mr. Robert R. Livingston. Mr. John Beatty, Mr. James Monroe, Mr. William Samuel Johnson, Mr. Elbridge Gerry, Mr. John Henry, Mr. Rufus King:]

The Com: to whom was referred a motion of Mr. Robert R. Livingston and the two motions of Mr. [James] Monroe relative to the western posts, together with a letter from Major North, submit the following report:

That no measures having yet been taken by Great Britain for the evacuation of the western posts (as far as your committee have yet been able to learn) it becomes expedient in their opinion for the U.S. to pursue such steps as may tend to the security of their frontier, and facilitate their intercourse with the Indians nations within the same, as well as to promote and protect the navigation of the lakes by their Citizens.

That these objects will in the opinion of your Com: be in a great measure effected by taking posts on Lakes Erie and Ontario as near as may be to those now occupied by the troops of his Britannick Majesty.

That a competent force for this purpose should be immediately raised and put under the command of a discreet and experienced Officer and that such arrangements should take place in the militia of these States, as will be best enable them to give support to these measures if (unhappily) they should be productive of a rupture between the United States and his Britannic majesty.

Your com: therefore report the following resolutions:

That 1,500 men be raised for three years in the following proportions –

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(Note: all States shown by no amount per State is shown)

That the Secretary in the war office immediately report the necessary arrangements for regimenting and officering them, dividing them into two regiments with a proper proportion of artillery, not being less than ___ men.

That the States be respectively required to furnish their quota of Officers and men and to forward them to such place as the Secretary at War or the Officer that may be appointed to command shall direct.

That the pay of the privates be ___ Dollars per Month exclusive of arms accoutrements and Cloathing; that the pay of the non commissioned officers bear the same proportion to that of the privates that it has heretofore done in the army of the U.S.

That it be recommended to such of the United States as border upon Canada to impose a duty of five per C. ad Valorem at the place where that may be landed upon all goods imported from thence.

That is be recommended to the Citizens and Inhabitants of the U:S: to build vessels and to navigate the Lakes without restraint, the U S: engaging to extend to them their support and protection.

That the Ministers appointed to negotiate a treaty of commerce with Great Britain be instructed that it is the wish of Congress that the commercial intercourse to be established between the Subjects of his Britannick Majesty may be left at liberty to lay such restraints as they may respectively deem expedient on the commercial intercourse between these States and the inhabitants of Canada.

February 24, 1785 –

1) Congress proceeded to the election of a Minister plenipotentiary, to represent the United States of America at the court of Great Britain; and, the ballots being taken, the honorable John Adams was elected, having been previously nominated by Mr. [David] Howell.

February 25, 1785 –

1) The Committee consisting of Mr. [David] Howell, Mr. [James] Monroe, Mr. [Charles] Pinckney, Mr. R[obert] R. Livingston and Mr. [Joseph] Gardner, appointed to revise the institution of the Office of the Secretary of Congress and to report such alterations as them may judge necessary – beg leave to report the following draft of an Ordinance:

An Ordinance for the regulation of the Office of Secretary of Congress.

Produced by Union States Assembly

Be it ordained by the United States in Congress Assembled, that the Secretary of Congress shall in future be charged with the following duties and shall keep his Office in or near the State House or building where the Sessions of Congress shall be holden.

He shall carefully preserve the Journals of Congress and all other Papers Committed to his charge, and such as are secret in their nature, or by special Order, shall not be communicated by him to any Person except Members of Congress and such Persons as may be entitled thereto by special resolutions.

He shall not deliver any original Journal out of his office nor shall he deliver any original Letter or Paper out of his Office without an order of Congress and a receipt therefor.

He shall deliver attested Copies of any resolutions of Congress, or public Papers in his Office not secret in their nature, or by Special Order to any Members of Congress, who may require the same.

He shall transmit to the Secretary for Foreign Affairs, to the Secretary for the War Department, to the Secretary of Marine, to the Commissioners of the Board of Treasury and to the Postmaster General all papers referred to them by Congress respectively, as well as an authenticated Copy of all Acts, Ordinances and resolutions of Congress touching their respective Departments.

He shall keep a daily account of all Memorials, Petitions and Communications received by Congress, noting therein their object and the steps taken respecting them, and lay the said Account, or register every day on the Table of Congress for the inspection of the Members.

He shall return such answers as Congress shall direct to be given to the Memorials, Petitions, and Communications, except where Congress shall judge it proper that the same be given by their President, or where it shall be the duty of any of the Executive Departments to return such answer.

He shall transmit to the several States all Acts, Ordinances, resolutions and recommendations of Congress, correspond with the States for the purpose of receiving communications from them relative to the execution of the same, and make report thereof to Congress, keeping a Book in which shall be entered copies of all such Letters and Communications.

He shall attend Congress during their session, and in their recess the Committee of the States, either in Person or by his Deputy, read the public dispatches, Acts, Ordinances and reports of Committees and make the proper Entries on the Journals.

Produced by Union States Assembly

He shall authenticate all Acts and proceedings of Congress not specially directed to be authenticated by their President, and keep a Register of all Treaties, Conventions, Ordinances and permanent Acts of Congress.

He shall cause to be made and laid upon the Table for every State represented in Congress, and for every Member appearing for any State unrepresented, a Copy of Every Ordinance or report upon a matter of importance and not of a secret Nature, for the consideration of which a day is assigned.

He shall keep the Great Seal of the Federal Union and cause the same to be affixed, to every Act, Ordinance, or Paper Congress shall direct. He shall superintend the printing of the Journals, and other Publications ordered by Congress.

He shall keep a Book in which shall be noted in Columns the names of the several Members of Congress, the State which they represent, the date of their Appointment, and the term for which they are appointed.

That as well the Secretary of Congress, as the Deputy Secretary shall take and subscribe the Oaths or Affirmation of fidelity and of Office prescribed in an Ordinance passed on the 27th day of January 1785 which Oaths shall be taken by the said Secretary before the President of Congress. And that all former resolutions for regulating the duties of the Office of Secretary of Congress be and they are hereby repealed.

February 28, 1785 –

1) On a report of a committee consisting of Mr. [George] Partridge, Mr. [David] Howell and Mr. [Hugh] Williamson, to whom were referred a Motion relative to the half-pay for seven years, to which the widows of Officers who have died in the service are entitled,

Resolved, by Nine States, That the act of Congress of the 25 August, 1780, on the half pay of general Officers, ought to refer, and the same is hereby declared to refer, as well to the resolution of the next preceding day relative to the same subject, as to that of the 15 of May, 1778.

The Committee to whom were referred a Motion made in Congress relative to half pay for seven years &c. report.

Your Committee find that on the 15th of May, 1778, Congress passed the following resolution, viz. that all military Officers commissioned by Congress who now are or hereafter may be in the service of the United States and shall continue therein during the war and not hold any office of profit under these states or any of them shall after the conclusion of the War be entitled to receive annually for the term of seven years if they live so long one half of the present pay of

Produced by Union States Assembly

such Officers, provided to no General Officer of the Cavalry, infantry or artillery shall be entitled to receive more, than one half part of the pay of a Col. of such corps respectively; and provided that this resolution shall not extend to any Officers in the U. States unless he shall take the oath of allegiance to, and shall actually reside within some one of the U. States – That on the 24th of August, 1780, Congress passed the following act viz. That the Resolution of the 15th of May, 1778, granting half pay for seven years to the Officers of the Army who should continue in the service to the end of the war be extended to the Widows of those Officers Who have dyed or shall hereafter dye in the service to commence from the time of such Officer's Death and continue for the term of seven years, or if there be no widow, or in case of intermarriage, the half pay to be given to the Orphun Children of the Officer dying as aforesaid, it he shall have left any, and that it be recommended to the Legislatures of the respective states to which Officers belong to make provision for the paying same on Account of the United States.

Your Committee also find that in the next Day viz. on the 25th of August, 1780, Congress passed a Resolution in the words following viz. *Resolved*, that the half pay of General Officers be in proportion to their pay.

Whereupon, your Committee submit the following Resolution.

2) The Committee consisting of Mr. [Elbridge] Gerry, Mr. [Hugh] Williamson and Mr. [Samuel] Hardy to whom was referred a motion of Mr. Gerry and a motion of Mr. [David] Howell submit the following resolves:

Whereas it must conduce to the preservation of public Credit and the equal distribution of Justice that the amount of the national Debt be ascertained with the utmost expedition And as delay in the settlement of Accounts tends to render them obscure and to encourage Frauds by preventing the means of detecting them, *resolved*

That all Persons having unliquidated claims against the U.S. be required within 12 months from the date hereof to deliver such Claims to some Commissioner in the State in which they respectively reside who is authorized to settle accounts against the U.S.; and any Person or Persons neglecting to deliver their Claims as aforesaid shall be precluded from any adjustment of the same except at the Board of Treasury.

Resolved that all Persons who shall neglect to deliver in their Claims as aforesaid to the Commissioner of Accounts within one Year or to the Board of Treasury within two Years from the date hereof shall be excluded from the Benefit of settlement or allowance.

Resolved that the Commissioners of Accounts appointed under the Resolutions of the 27th February 1782 be instructed to remove their respective Offices to the Place on which Congress

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resides before the first of May next unless such of them as by special Order of Congress have been appointed to settle Accounts in some other Place.

3) The Committee [Mr. Hugh Williamson, Mr. Elbridge Gerry and Mr. Joseph Gardner] to whom were referred a motion of Mr. [Hugh] Williamson and a motion of Mr. [David] Howell respecting News Papers submit the following Resolves.

That Congress be supply'd with three Copies of such News Paper from each state, as may be published by the Printer of the State, or by such other Printer as the Delegates from the state may recommend, which Papers shall be filed in the Office of the Secretary and in the Committee Rooms in such manner that may be preserved and ready for occasional Inspection.

That the Instructions given the Secretary on the 2 December 1784, respecting News Papers be repealed. *Ordered*, That the foregoing report be referred to the secretary of Congress to take Order.

March 4, 1785 –

1) An Ordinance for ascertaining the Mode of locating and disposing of Lands in the Western territory, was read a first time:

Ordered, That Tuesday next be assigned for the second reading of the said Ordinance.

2) The Committee consisting of Mr. [Samuel] Hardy, Mr. [William] Houston, Mr. [Jacob] Read, Mr. [Hugh] Williamson and Mr. [Samuel] Holten, to whom was referred the Report of a Committee on the State of SOUTHERN INDIAN AFFAIRS, beg leave to submit the following Report:

That ___ commissioners, with the same pay that is allowed the commissioners for treating with the northern Indians, be immediately appointed to form a treaty or treaties with the Indians in the southern department, for the purpose of making peace with them, receiving them into favor of the United States, and ascertaining the boundary lines by which the settlements of the citizens of the United States are or ought to be separated and divided from the Indian villages and hunting grounds; and thereby if possible extinguishing animosity, and preventing in future any contention or disquiet.

That the southern department be considered as extending so far north as to include the Cherokees, and so far south as to include all the other nations or tribes of Indians who reside within the limits of the United States, or have been at war with them, or any of them.

1. That the commissioners be instructed as a preliminary, to require that all prisoners of whatever age or sex among the Indians, and all other slaves or fugitives, shall be delivered up.

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2. That the Indians be informed that their former ally the king of Great Britain unprovoked, waged a cruel and bloody war against the United States; that he equipped and sent forth powerful fleets upon our coasts to destroy our trade, and great armies amongst us to waste our country; but that after a conflict of eight years, during which two of those armies were defeated and captured, Great Britain has been compelled to relinquish to the United States, by a treaty which was signed on the 3rd of September, 1783, all claim to that vast country which is included between St. Croix and St. Mary's rivers, and between the ocean and the great lakes; that is to say, (here describe the bounds according to the 2d article in the treaty of peace.) That the Indians who taking advantage of our troubles, have assisted the British king, and waged war against the frontier inhabitants, are now in our power and at our mercy; that we prefer clemency to severity, and are perfectly willing to bury in perpetual oblivion, all remembrance of past injuries, and to consider them as friends and allies; that we assuredly shall not violate our promises to them, or suffer others to molest them with impunity.

3. That the commissioners be instructed to enquire what are the true limits of the lands which have been purchased at different times from the Indians in the southern states, by persons having lawful authority to make such purchases; and when the limits are described and agreed on to the satisfaction of the commissioners, measures shall be taken for running a line of division where there is not any natural boundary, in order to prevent mistakes or the plea of ignorance.

4. That the commissioners, previous to their holding any treaty, shall give due notice of the time and place where it is to be held, to the supreme executives of the four southern states, in order that they may each of them appoint one or more persons to attend during the treaty, to explain the extent of the different purchases which have been made from the Indian tribes for use of their respective states.

5. That the Indians be informed, that we shall not encourage any of our citizens who may presume to hunt or settle on their side of the boundary line, nor shall any of them cross it unless for the friendly purpose of supplying their wants and partaking of their trade. That if any of our citizens shall settle on their lands, they shall immediately warn such person or persons to remove, and shall complain of the offense to Congress, or the Commissioners of Congress, or to the governor of the nearest state; and if the offenders shall not remove within six months after such warning and complaint, the Indians may consider them as disorderly persons and compel them to retire. But the Indians are to be careful that they do not injure the innocent trader on account of the offences of disorderly settlers; nor are they in any case to injure one man for the crimes of another, nor under any pretence to cross the boundary line to injure a citizen of the United States. For an offence against any state or any citizen of the United States will be considered as an offence against all, and punished accordingly.

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6. That the commissioners be instructed to encourage the Indians to give notice to Congress, or some of their officers, of any designs that may be formed in any neighboring tribe against the peace of the United States, and if any persons shall come among them under the pretence of trading, or for other purposes, and shall propagate evil reports or endeavor to promote quarrels between them and the citizens of the United States, they shall consider such persons as enemies, who for private and wicked purposes wish to involve them in a destructive war, and they shall expel such persons from their country. So shall peace be preserved, and a friendly intercourse maintained between the citizens of the United States, and the Indians who are their faithful allies, as long as the waters continue to flow, or the sun to shine.

7. That ___ agents be appointed to reside occasionally among the Indians, to superintend their trade, to be informed of their wants, and to prevent frauds from being practiced against them. Each of those agents shall attend to the affairs of such district as may be pointed out by the commissioners, and receive ___ dollars per annum for their trouble and expence.

8. That the commissioners be authorised to draw on the state of the South Carolina, for ___ dollars, to enable them to carry the proposed treaty into effect; and that the said state be allowed credit for the same out of the requisitions for ___ year.

March 7, 1785 –

1) The Committee consisting of Mr. [Jacob] Read, Mr. [William] Ellery and Mr. [Samuel] Hardy, to whom were referred the Letters of the 3rd and 16th of November last from Mr. Laurens.

Beg leave to report in part.

That in Conformity to the repeated wishes heretofore expressed by the honorable Benjamin Franklin Esquire, Minister Plenipotentiary from the United States at the Court of Versailles, He be permitted to return to America as soon as Convenient and that Wednesday next be appointed for the Election of a Minister Plenipotentiary to represent the United States at the Court of Versailles.

2) On a report of a committee, consisting of Mr. [Jacob] Read, Mr. [William] Ellery and Mr. [Samuel] Hardy, to whom were referred the letters of the 3 and 16 of November, from Mr. Laurens,

Resolved, nine States, That in Conformity to the repeated wishes heretofore expressed by the honorable Benjamin Franklin, esquire Minister plenipotentiary from the United States, at the court of Versailles, he be permitted to return to America as soon as convenient; and that Wednesday next be assigned for the election of a minister plenipotentiary, to represent the United States at the court of Versailles.

Produced by Union States Assembly

Resolved, by nine states, That it is expedient to appoint a Minister plenipotentiary to succeed Mr. J. Adams, at the court of the United Netherlands, and that Monday next be assigned for the election of such Minister.

3) Congress took into consideration a report of the Secretary for Foreign Affairs; and thereupon agreed to the following

INSTRUCTIONS

For a Minister Plenipotentiary appointed to represent the United States of America at the Court of Great Britain.

Sir,

You will in a respectful but firm manner insist, that the United States be put without further delay in possession of all the posts and territories within their limits which are now held by British Garrisons: and you will take the earliest opportunity of transmitting the answer you may receive to this requisition.

You will remonstrate against the infraction of the treaty of peace by the exportation of negroes and other American property, contrary to the stipulations on that subject in the Seventh Article of it. Upon this head you will be supplied with various authentick papers and documents, particularly the correspondence between General Washington and others on the one part, and Sir Guy Carleton on the other.

You will represent to the British Ministry the strong and necessary tendency of their restrictions on our trade to incapacitate our Merchants in a certain degree to make remittances to theirs.

You will represent in strong terms the losses which many of our and also of their Merchants will sustain, if the former be unseasonably and immoderately presses for the payment of debts will be furnished with papers, in which it is amply discussed.

2) The committee consisting of [William Samuel Johnson, James McHenry, David Howell, James Monroe and Hugh Williamson] to whom were referred a letter and sundry papers from the commissioners for negotiating treaties with the Indians pursuant to the act of 15 Oct 1783, beg leave to report the following resolutions.

That in order to give greater security to the frontier settlement, and establish a boundary line between the United States and the Potowatama, Twieghtwee, Piankishaw and other western nations, a treaty be held with the said Indians at Post Vincent on the Wabash river, or at such other place as the commissioners may find most convenient on the 20 June 1785.

March 14, 1785 –

Produced by Union States Assembly

1) The Committee {Mr. Robert R. Livingston, Mr. James McHenry, Mr. David Howell, and Mr. James Monroe] to whom were referred the petition of the Inhabitants of the Kaskaskies and its vicinity, and the papers thereto, Report,

That the Committee to be appointed by Congress agreeable to their resolution of the ___ February last, be invested with full power to Examine into the titles and possessions of those Inhabitants of the country whose rights were designed to be saved by the treaty entered into with them by General Clarke; to judge of them upon the best evidence which he can collect, and to be governed among them, always inclining to support antient possessions against recent claims.

That he cause to be surveyed every tract of land so claimed or possessed, a record of which survey shall be kept in the office of the clerk or register to be appointed for that purpose, which shall be satisfactory evidence of title, unless an appeal is lodged with four (4) months from the time of making such record; in which cause such appeal shall be tried by Courts to be instituted on the future organization of the government of that country.

That he adjust interfering claims among the settlers, subsequent to the date of the aforesaid capitulation, in such mode as he conceives most equitable, that he assign Lands as well to those as to others who shall migrate thither, provided that no Lands be assigned to any other then to settlers, and not more than ___ acres to each family; and that the persons occupying such Lands agree to pay therefor such consideration as Congress may direct, when the federal Land Office shall be opened in such State. That he mark out convenient districts, and summon the inhabitants of each to elect three or more magistrates, who shall be invested with power and authority to hear and determine all civil Controversies not relative to the property in Lands, agreeably to the Laws, usages and customs that prevail in such districts. That the Commissioners, with not less than three of the said magistrates, the whole being summoned and having a right to attend, be a court of criminal jurisdiction; provided that the punishment might legally have been inflicted by the laws that heretofore prevailed in the late Colony and now State of Virginia; and provided also, that at least three-fourths of the magistrates and the said Commissioner concur in the sentence.

That the Commissioner, with the advice and consent of the above magistrates, appoint executive Officers in the respective districts to carry their decrees into execution.

That he explain to the inhabitants of the said district, such resolutions and proceedings of the United States in Congress, as respect the same, and endeavor to form their habits for the reception of a free republican government.

That he preserve peace with the Indian nations, not permitting any settlement upon their Lands until a previous purchase has been made from them with all due solemnity.

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That he arrange, officer and command the militia of the district, taking such posts as may be necessary for their protection and security. That he make early and accurate returns to Congress, of the nature, advantages and disadvantages of the Country, the number of its inhabitants, their military force, their customs and their dispositions with respect to the United States, their wealth, agriculture and commerce. That he extend his inquires to the settlements in his vicinity on the Western side of the Missisipi, and make returns to Congress of the result thereof, relative to all the objects abovementioned.

That previous to his entering upon Office, he take and subscribe an oath of fidelity to the United States, and for the true and faithful discharge of the above powers, before the Commanding Officer at fort Pitt, who is empowered to administer the same, and directed to transmit a copy thereof to the Secretary of Congress,

That he continue in office three years unless sooner discharged by Congress.

That a Secretary who shall act as register of the said district be appointed by Congress to attend the said Commissioner, and discharge the duties above assigned to the register. That he continue in Office three years unless sooner recalled by Congress.

That the yearly Salary of the said Commissioner be ___ dollars including his expences.

That the yearly Salary of the Secretary including his expences be ___ dollars.

That the Secretary in the war Office furnish the said Commissioner with 25 men out of those already inlisted, and that the Commissioner endeavor to engage them to reenlist for the term of two years.

March 16, 1785 –

1) A motion was made by Mr. [Rufus] King, seconded by Mr. [William] Ellery, that the following proposition be committed.

That there shall be neither Slavery nor involuntary servitude in any of the States, described in the resolve of Congress of the 23 April, 1784, otherwise than in punishment of crimes, whereof the party shall have been personally guilty: And that this regulation shall be an article of compact, and remain a fundamental principle of the Constitutions between the 13 Original States, and each of the States described in the said resolve of the 23 April, 1784.

On the question for commitment, the yeas and nays being required by Mr. [Rufus] King, so it was resolved in the affirmative.

2) The ordinance for ascertaining the mode of locating and disposing of lands in the Western territory, being taken up for a second reading, after debate,

Produced by Union States Assembly

Ordered, That it be referred to a committee of a member from each State.

March 17, 1785 –

1) The report being amended, was agreed to as follows:

Whereas it must conduce to the preservation of public credit, and the equal distribution of Justice, that the Amount of the National debt be ascertained with the utmost expedition; and as delay in the settlement of accounts, tends to render them obscure, and to encourage frauds, by preventing the means of detecting them:

Resolved, That all persons having unliquidated claims against the United States, be, and they are hereby required, within twelve Months from the date hereof, to deliver a particular abstract of such claims to some Commissioner in the State in which they respectively reside, who is authorised to settle accounts against the United States; And any person or persons, neglecting to deliver their claims as aforesaid, shall be precluded from any adjustment of the same, except at the board of treasury: Provided that in those states where there is no Commissioner of Accounts, the citizens of such state or states, shall be allowed one year from delivering their claims, from the time when a Commissioner shall have been appointed and enter on the duties of his Office.

That all persons who shall neglect to deliver in a particular abstract of their claims as aforesaid, shall be excluded from the benefit of settlement or allowance.

Resolved, That the commissioners of accounts, appointed under the resolutions of the 27 February, 1782, be, and they are hereby instructed to remove their respective Offices to the place in which Congress resides before the first of May next, except such of them as by special order of Congress have been appointed to settle accounts in some other place.

March 21, 1785 –

1) On a report of a Committee, consisting of Mr. [Samuel] Holten, Mr. W[illiam] C[hurchill] Houston, Mr. [Jacob] Read, Mr. [Gunning] Bedford and Mr. [Samuel] Hardy, to whom were referred sundry Letters from the Ministers of the United States at foreign Courts,

Resolved, That the Minister Plenipotentiary from the United States to the States General of the United Netherlands be instructed to communicate to Mons. De St. Saphorin, Envoy extraordinary from his Danish Majesty to the States General, the high sense the United States in Congress Assembled entertain of the liberal decision made by his Majesty on the question proposed to his Majesty's Minister at the Hague by Mr. Adams, Minister from the United States, respecting the Ordination of American Candidates for holy Orders in the episcopal Church, commonly called the Church of England.

Produced by Union States Assembly

Ordered, That the Secretary for Foreign Affairs transmit to the Executives of the several States Copies of Mr. Adam's Letter of the 22d day of April, 1784, as well as of the papers therein enclosed relative to episcopal Ordination.

March 28, 1785 –

1) The Committee consisting of [Mr. James Monroe, Mr. Richard Dobbs Spaight, Mr. William Houstoun, Mr. William Samuel Johnson and Mr. Rufus King] to whom was referred the motion of Mr. [James] Monroe, submit the following report.

That the first paragraph of the 9th of the Articles of Confederation be altered so as to Read this – viz.

"The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth Article, of sending and receiving Ambassadors, entering into treaties and alliances, of regulating the trade of the States, as well with foreign Nations, as with each other, and of laying such imposts and duties upon imports and exports, as may be necessary for the purpose; provided that the Citizens of the States shall in no instance be subjected to pay higher imposts and duties, than those imposed on the subjects of foreign powers; provided also that the Legislative power of the several States shall not be restrained from prohibiting the importation or exportation of any species of goods or commodities whatsoever; provided also that all such duties as may be imposed, shall be collected under the authority and accrue to the use of the State in which the same shall be payable. And provided lastly that every Act of Congress for the above purpose shall have the assent of nine States in Congress assembled – 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; of granting Letters of Marque and reprisal in time of peace – 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 judge of any of the said Courts."

2) That the following Letter be addresses to the Legislatures of the several States shewing the principles on which the above alteration is proposed.

"The United States having formed treaties of commerce with the most Christian King, the King of Sweden, and the States General of the United Netherlands, and having appointed Ministers with full authority to enter into treaties with other powers, upon such principles of reciprocity to enter as may promote their peace, harmony and respective interests, it becomes necessary that such internal arrangements should be made, as may strictly comply with the faith of those treaties and insure success to their future negotiations. But in the pursuit of the means

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necessary for the attainment of those ends, considerable difficulties arise. If the Legislature of each State adopts its own measures many and very eminent disadvantages must in their opinion necessarily result therefrom. They apprehend it will be difficult for thirteen Legislatures acting separately and distinctly to agree in the same interpretation of a treaty, to take the same measures upon such principles as to satisfy those powers, and at the same time preserve the harmony and interests of the Union: Or to concur in those powers with whom they shall not be able to form Commercial treaties, and who avoid it merely from an opinion of their imbecility and indecision. And if the several States levy different duties upon their particular produce, exported to the ports of those powers, or upon the produce and manufactures of those powers imported into each State, either in Vessels navigated by and belonging to the Citizens of these States, or the Subjects of those powers, it will, they apprehend, induce on their part, similar discriminations in the duties upon the Commercial intercourse with each State, and thereby defeat the object of those treaties, and promote the designs of those who wish to profit from their embarrassment. Unless the United States in Congress assembled are authorized to make those arrangements which became necessary under their Treaties, and are enabled to carry them into effect, they cannot complain of a violation of them on the part of other powers. And unless they act in concert on the system of policy who lay injurious restraints on their trade, they must necessarily become the victims of their own indiscretion.

The common principle upon a friendly Commercial intercourse is conducted, between independent nations is that of reciprocal advantage, and if this is not obtained, it becomes the duty of the losing party, to make such further regulations consistently with the faith of treaties as will remedy the evil, and secure its interests. If then the Commercial regulations, of any foreign power, contravene the interests of any particular State, if they refuse admittance to its produce into its ports, upon the same terms that the State admits its manufactures here, what course, will it take to remedy the evil? If it makes similar regulations to counteract those of that power by reciprocating the disadvantages which it feels, by imposts or otherwise, will it produce the desired effect? What operation will it have upon the neighboring States? Will they enter into similar regulations, and make a common Cause? On the contrary will they not in pursuit of the same local policy avail themselves of this circumstance, to turn it to their particular advantage? This then we behold the several States act together there is no plan of policy into which they can separately enter which they will not be separately interested to defeat, and of Course all their measures, must prove vain and abortive.

The policy of each nation in its commercial intercourse with other powers is to obtain, if possible, the principle share of the carriage of the materials of either party and this can only be effected by laying higher duties upon imports and exports in foreign Vessels, Navigated by the subjects of foreign powers, than in those which belong to and are Navigated by those of its own

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dominions. The principle prevails in a greater or less degree in the regulations of the oldest and wisest commercial nations with respect to each other, and will of course be extended to these States. Unless therefore they possess a reciprocal power, its operation must produce the most mischievous effects. Unable to counteract the restrictions of those powers by similar restrictions here, or to support the interests of their Citizens by discriminations in their favour, their system will prevail. Possessing no advantages in the ports of his own Country, and subjected to much higher duties and restrictions, in those of other powers, it will Necessarily become the interest of the American Merchant to ship his produce in Foreign bottoms; of course their prospects of National consequence must decline, their merchants become only the agents and retailers of those of foreign powers, their extensive forests be hewn down and laid waste to add to their strength and National resources, and the American flag be rarely seen upon the face of the Seas.

But if they Act as a nation the prospect is more favourable to them. The particular interest of every State will then be brought forward and receive a federal support. Happily for them no measures can be taken to promote that of the whole. If their commerce is laid under injurious restrictions, in foreign ports, by going hand in hand in confidence together, by wise and equitable regulations they will the more easily sustain the inconvenience or remedy the evil. If they wish to cement the Union by the Strongest ties of interest and affection, if they wish to promote its strength and grandeur founded upon that of each individual State, every consideration of local, as well as of federal policy urge them to adopt the following recommendation.

The situation of the Commercial affairs of the Union requires that the several Legislatures should come to the earliest decision on the subject, which they now submit to their consideration. They have weighed it with that profound attention which is due to so important an object, and are fully convinced of its expedience. A further delay must be productive of inconvenience. The interests which will vest in every part of the Union, must soon take root and have their influence. The produce raised upon the banks of those great Rivers and Lakes which have their sources high up the interior parts of the Continent will empty itself in to the Atlantic in different directions, and of course as the States rearing to the Westward, attain maturity and get admission into the Confederation, will their government become more complicated. Whether this will be the source of strength and wealth to the Union must therefore in a great degree depend upon the measures which may be now adopted.

A temporary power would not in their opinion enable the United States to establish the interests nor attain the salutary objects which they propose; the expectation that it will revert to the States and remain with them for the future would lessen its weight with foreign powers, and while the interests of each State and of the federal government continue to be the same,

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the same evils will always require the same correction; and of course the necessary power should always be lodged in the same hands. They have therefore thought proper to propose an efficient and perpetual remedy.

March 31, 1785 –

1) Congress proceeded in the second reading of the Ordinance, and the same being gone through and amended,

Ordered, That it be read a third time.

The same being read a third time, was agreed to as follows:

An Ordinance for the regulation of the Office of the Secretary of Congress

Be it ordained by the United States in Congress assembled, that the Secretary of Congress shall in future be charged with the following duties, and shall keep his office in or near the State house or Building where the Sessions of Congress shall be holden.

He shall carefully preserve the journals of Congress, and all other papers committed to his charge and such as are secret in their nature, or by special Order, shall not be communicated by him to any person, except members of Congress, and such persons as may be entitled thereto by special resolutions.

He shall not deliver any original Journal out of his Office, nor shall he deliver any original letter or paper out of his Office, without an Order of Congress, and a receipt therefor.

He shall deliver attested copies of any resolutions of Congress, or public papers in his Office, not secret in their nature, or by special Order, to any members of Congress who may require the same.

He shall transmit to the Secretary for foreign Affairs, to the Secretary for the war department, to the Secretary of marine, to the Commissioners of the board of treasury, and to the postmaster general, all papers referred to them by Congress respectively, as well as an authenticated copy of all acts, Ordinances and resolutions of Congress, touching their respective departments.

He shall keep a daily account of all memorials, petitions and communications received by Congress, noting therein their object, and the steps taken respecting them and lay the said account or register every day on the table of Congress, for the inspection of the members.

He shall return such answers as Congress shall direct to be given to the memorials, petitions, and communications, except where Congress shall judge it proper, that the same be given by

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their president, or where it shall be the duty of any of the executive departments to return such answer.

He shall transmit to the several states all acts, Ordinances, resolutions and recommendations of Congress, correspond with the States, for the purpose of receiving communications from them, relative to the execution of the same, and make report thereof to Congress, keeping a book in which shall be entered copies of all such letters and communications.

He shall attend Congress during their session, and in their recess, the committee of the states, either in person or by his deputy, read the public dispatches, acts, ordinances and reports of Committees, and make the proper entries on the Journals.

He shall authenticate all acts and proceedings of Congress not specially directed to be authenticated by their president, and keep a register of all treaties, Conventions, Ordinances and permanent Acts of Congress.

He shall cause to be made and laid upon the table for every state represented in Congress, and for every member appearing for any state unrepresented, a copy of every Ordinance, or report upon a matter of importance and not of a secret nature, for the consideration of which a day is assigned.

He shall keep the great Seal of the federal Union, and cause the same to be affixed, to every act, Ordinance, or paper Congress shall direct. He shall superintend the printing of the Journals, and other Publications ordered by Congress.

He shall keep a book, in which shall be noted in Columns, the names of the several Members of Congress, the State which they represent, the date of their appointment, and the term for which they are appointed.

That as well the Secretary of Congress, as the deputy secretary and clerks, shall take and subscribe the Oath or affirmation of fidelity and of Office, prescribed in an Ordinance passed on the 27th day of January, 1785; which oaths shall be taken by the said Secretary before the president of Congress, and that all former resolutions for regulating the duties of the Office of Secretary of Congress be, and they are hereby repealed. Done, &c.

Resolved, That Thursday next be assigned for the election of a deputy Secretary.

(Note: the deputy Secretary may be a newly created de jure office?)

April 12, 1785 –

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1) [Report of the committee of Mr. Pierse Long, Mr. Rufus King, Mr. David Howell, Mr. William Samuel Johnson, Mr. R. R. Livingston. Mr. Archibald Stewart, Mr. Joseph Gardner, Mr. John Henry, Mr. William Grayson, Mr. Hugh Williamson, Mr. John Bull and Mr. William Houstoun.]

An Ordinance for ascertaining the mode of disposing of lands in the Western territory.

Be it ordained by the United States in Congress assembled that the territory ceded by individual States to the United States which has been purchas'd of the Indian inhabitants, shall be dispos'd of in the following manner:

Thirteen or more surveyors shall be appointed by Congress who shall take an Oath for the faithful Discharge of their Duty to be administered by the Geographer who is hereby impowered to administer the same and if any surveyor being appointed as aforesaid shall decline or become incapable to discharge his Duty the Geographer shall appoint another in his place.

(note: Geographer may be a newly created de jour office?)

The Geographer (under whose direction the said surveyors shall act) shall form such regulations for their conduct as he shall deem necessary, and shall have authority to suspend them for misconduct in Office and shall make Report of the same to Congress.

The Surveyors shall proceed to divide the said territorys into townships of ___ miles square, by lines running due North and South and others crossing these at right angles, unless where boundaries of the late Indian purchase may render the same impracticable, and then departing from this Rule no farther than such particular circumstances may require.

There shall be allowed for the surveying of every township ___ dollars, including the wages of chain carriers, markers and every other expense and so in proportion for a part of a township.

The first Line running North and South as aforesaid shall begin on the Ohio, at a point that shall be found to be due North from the termination of a line which has been run as the Southern boundary of the State Pennsylvania, and the first line running East and West shall begin at the same point, and shall extend throughout the whole territory. The Geographer shall designate the Townships or parts of townships by numbers progressively from South to North, always beginning each Range with No. 1 [and the Ranges shall be distinguished by their progressive numbers to the Westward, the first Range extending from the Ohio to the Lake Erie, being marked No. 1]

The lines shall be measured with a chain, shall be plainly marked by chops on the trees and exactly described on a plat whereon shall be noted at their proper distance all water courses,

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mountains and other remarkable and permanent things over or near which such lines shall pass.

The Plats of the districts respectively shall be subdivided [as the Case may require] into sections of one square mile, or 640 acres, in the same direction as the external lines, and numbered from one to 49, always beginning the succeeding range of sections with the number next to that with which the preceeding one concluded and where from cases before mentioned only a part of a township shall one concluded and where from the causes before mentioned only a part of a township shall be surveyed, the sections protracted thereon shall bear the same numbers as if the Township had been intire [and those Sections shall be subdivided into Lots of 320 acres.]

The Geographer and surveyors shall pay the utmost attention to the variation of the magnetic needle, and shall run and note all lines by the true meridian, certifying with every platt what was the variation at the times of running the lines thereon noted.

As soon as ___ ranges of townships and parts of townships in the direction from South to North shall have been survey'd, the Geographer shall transmit plats thereof to the Commissioner of the Treasury, who shall record the same with the report in well bound books to be kept for that purpose. The Secretary at War shall take by lots therefrom a number of townships and parts equal to one part of the whole for the use of the late Continental Army, to be applied in the manner herein directed. The Commissioner of the Treasury shall then cause the remaining numbers to be for in the name of the thirteen states according to the Quotas in the last preceding Requisition on the States, provided if more than its Proportion is allotted for sale in any State at any division a deduction be made therefor at the next.

The Commissioner shall transmit duplicates of the said original plats so for, to the loan Officer of the individual States respectively, who after giving proper notice shall proceed to sell the same at public vendue, excepting only such townships and parts of townships as may be herein after particularly reserved provided that none of the lands within the said territory be sold under the price of one dollar the acre to be paid in specie or loan Office certificates reduced to specie value by the scale of depreciation or certificates of liquidated debts of the United States, besides the expence of the survey and other proceedings thereon, which are hereby rated at ___ dollars the township in specie or certificates as aforesaid and so in the same proportion for a part thereof.

When any Township or part of a township shall have been sold as aforesaid and the money or Certificates received therefor, the loan Officer shall deliver a deed in the following terms:

To all who these presents shall come greeting:

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Know ye that for the consideration of Township or part of Township numbered ___ to hold to the said C.D. his heirs and assigns for ever, subject nevertheless to such reservations as are contained in an ordinance bearing date the ___ day of ___ in the year ___.

In witness whereof the said A.B. loan Officer of the said State hath hereunto set his hand and affix'd the seal of his office this ___ day of ___ in the year ___ and of the independence of the United States the ___ which deeds shall be recorded in proper books, & shall be certified to have been recorded previous to its being delivered to the purchasers.

The loan Officers respectively shall make returns to the Commissioner of the Treasury every ___ months of the sales of the townships or parts of townships committed to their charge with the persons' names to whom sold; and shall transmit all sums of money or certificates as aforesaid received for the same, which shall be duly entered in the books of the treasury.

If any township or part of township remains unsold for ___ months after the platt shall have been received by the loan Officer, the same shall be return'd to the Commissioner of the Treasury and shall be sold in such manner, as Congress may hereafter direct.

There shall be reserv'd for the United States out of every Township the four corner sections being numbered, and out of every part of a township so many sections of the same numbers as shall be found thereon.

Also one ___ part of all gold, silver, lead, Copper and Coal mines, and all salt licks and salt springs and a square of one hundred acres of land, of which the said salt lick or salt spring shall be the centre for the purpose of special sale at such times and places as Congress may hereafter direct.

There shall be reserv'd the Central section of every township for the maintenance of public schools and the Section immediately adjoining the same Northward, for the support of religion, the Profits arising therefrom in both instances to be applied for ever according to the will of the majority of male residents of full age within the same. And whereas Congress by their resolutions of Sept. 16 and 18 in the year 1776, and the 12 of Aug., 1780, stipulated grants of land to the Officers and soldiers who had engaged or should engage in the service of the United States during the war and continue therein to the close of the same or until dischrg'd by Congress and to the representatives of such Officers and soldiers as should be slain by the Enemy, in the following proportions to wit:

To a Major General 1,100 acres; to a Brigadier 850, to a Colonel 450, to a Major 400, to a Captain 300, to A Lieutenant 200, to an Ensign 150, and to a non commissioned Soldier 100. For complying therefore with such engagements be it ordained that the Secretary at War from the returns in his Office or such other sufficient evidence as the nature of the case may admit

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determine who are the objects of the above resolutions and the quantity of land to which such persons or their representatives are respectively intitles and shall cause the Townships or parts of townships hereinbefore reserv'd for the use of the late Continental Army to be drawn for in such manner as he shall deem expedient to answer the purpose of an impartial distribution.

He shall from time to time transmit certificates difficult of imitation to the loan officers of the different States to the lines of which the Military claimants respectively belong, specifying the name and rank of the party the terms of his engagement and time of his service and the division Brigade regiment or company to which he belong'd, the quantity of land he is intitled to, and the Township out of which his portion is to be taken.

The loan Officers shall execute deeds for such undivided Proportions in manner and from herein before mentioned, varying only in such a degree as to make the same conformable to the Certificate from the Secretary at War.

Where any Military claimants of bounty [in Lands] shall not belong to the Line of any particular State similar certificates shall be sent to the Commissioner of the Treasury, who shall execute deeds to the parties for the same.

The Commissioner of Treasury and loan Officers in the States shall within 12 months return receipts to the Secretary at War for all deeds which have been delivered, as also all the original deeds which remain in their hands for want of applicants which deeds so returned shall be preserv'd in the Office until the parties or their representatives require the same, [saving and confirming always to all Officers and Soldiers entitled to Lands on the Northern Side of the Ohio, by donation or Bounty from the Commonwealth of Virginia and to all Persons claiming under them all Right to which they are so entitled by the Laws of the said State and the Acts of Congress accepting the Cession of the Western Territory from the said State.]

2) [Motion of Delegates of Massachusetts]

Whereas by the 9th of the Articles of Confederation it is provided that the U.S. in Congress Assembled shall agree upon the number of land forces, and make requisitions from each state for its quota in proportion to the number of white inhabitants in such state, which shall be binding; and thereupon the Legislature of each state shall appoint the Regimental Officers, raise the men and clothe, arm, and equip them in a soldier-like manner *at the expence of the U.S*. And whereas the requisitions made by Congress during the late war were generally quota-ed upon the states, upon principles arising from the particular situations of the states at various periods and these quota's not so fully complied with by some states as by others; and Whereas bounties and encouragements were given by the respective states, in addition to those given by Congress, and in consequence thereof, and of the unequal compliance of the several states, in raising their respective quotas, the expence of raising and keeping up a federal Army hath

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contrary to the federal provision, been unequally born by the respective states; and whereas the principles of the Confederation allow and justice requires, that said expence should be equalized according to the federal rule,

Resolved, That the sums paid, or contracted to be paid, by any state from the 19th of April, 1775, to the end of the war, for raising or keeping up land forces, which were born on the rolls of the continental Army, shall, when reduced to specie by the scale of depreciation of such state be allowed in its account with the U.S. provided the bounties or sums to be so allowed shall not in any year exceed the average of the bounties paid by the several states to be ascertained in the manner hereafter directed.

Resolved, That it be recommended to the Supreme Executive of each state to report to Congress or to the committee of the states on or before the first Monday in November next, the average of the bounties paid in such state, for raising land forces for the Continental Army in each year during the late war specifying the average bounty paid, or contracted to be paid in every year for land forces, who were enlisted to serve during the war or for any shorter term.

And that from reports made on the said first Monday of November, an estimate shall be formed of the average bounty which the several states shall be allowed to charge to the U.S. for the land forces by them respectively raised to serve during the war or for a shorter term as aforesaid.

That a Committee be appointed to revise the regulations of the Treasury Department and to report an ordinance for its future regulation.

April 13, 1785 –

1) On a report of a committee, consisting or Mr. [William] Ellery, Mr. [James] Monroe, Mr. [Jacob] Read, Mr. [Hugh] Williamson and Mr. [Richard Dobbs] Spaight, to whom was referred a petition of Jonathon Eddy, and other refugees of Nova Scotia.

Resolved, That Jonathon Eddy, and other refugees from Nova Scotia, on account of their attachment to the interest of the United States, be recommended to the humanity and particular attention of the several states, in which they respectively reside; and that they informed, that they be informed, that whenever Congress can consistently make grants of land, they will reward, in this way, as far as may be consistent, such refugees from Nova Scotia, as may be disposed to live in the Western country.

2) The report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Rufus] King and Mr. [John] Beatty, to whom was referred a motion from the delegates of Virginia, being called, and the same being read as follows:

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"That agreeably to the condition of the act of cession from the State of Virginia, a commissioner be appointed, who, jointly with the commissioner on the part of the said state, shall be authorized to appoint a third, and that they, or a major part of them, shall be empowered to adjust and liquidated the accounts of the said in subduing any British posts, or maintaining any forts or garrisons within and for the defence, or in acquiring any part of the territory ceded by the said state to the United States."

3) A motion was made by the delegates of Virginia, that the same be postponed, in Order to take up the following:

The Delegates from the Commonwealth of Virginia, authorizing the delegates of the said State, to cede to the United States the claim of the said Commonwealth, to the Territory N. West of the river Ohio, and which act of Cession hath been accepted by Congress, it is among other conditions stipulated.

"That the necessary and reasonable expences incurred by the said state in subduing any british Post; or in maintaining forts and garrisons within, and for the defence, or in acquiring any part of the Territory so ceded or relinquished, shall be fully reimbursed by the United States; and that one Commissioner shall be appointed by Congress, and one by this Commonwealth, and another by those two Commissioners, who, a majority of them, shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expences incurred by this State, which they shall judge to be comprised within the intent and meaning of the Act of Congress of the 10th of October, 1780, respecting such expences. And whereas, in consequence of the said Cession and Acceptance aforesaid, Congress have already taken certain steps, and are proceeding to take further measures to avail the United States of the Territory so ceded, by a sale of the same, for the common benefit of the Union. And it being reasonable and right, that both the contracting parties shall receive the benefit of the Contract, which assigns no limitation in point of time to the payment of expences so as aforesaid incurred, and therefore in fair and just legal construction becomes due so soon as the said act of Cession was accepted by the United States. And the Commonwealth of Virginia, being ready to proceed to such liquidation, its delegates cannot suppose that the justice of Congress will permit the delay of the appointment of a Commissioner on the part of the United States for the speedy adjustment of such expences. And therefore the Delegates aforesaid in right of the State they represent submit the following resolutions to the United States in Congress assembled:

Resolved, That a Commissioner be forthwith appointed by the United States in Congress assembled, who, with a Commissioner to be appointed by the Commonwealth of Virginia, and in conjunction with a third Commissioner to be chosen by the two, so as aforesaid appointed, or a majority of them; shall proceed without delay to adjust and liquidate the Account of the

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necessary and reasonable expences incurred by the Commonwealth of Virginia, which they shall judge to be comprised within the intent and meaning of the Act of Congress, of the 10th of October, 1780.

Resolved, That in Consideration of the present distressed State of the federal finances, and with the consent of the Delegates of the said Commonwealth, not more than one half of the amount of the said expences so liquidated, shall be deducted from the requisition made by the United States in Congress, from the said Commonwealth for this Year 1785, and the balance of the said liquidated expences shall be credited to the said Commonwealth, in the requisition that may be made for the Year 1786.

And on the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. Monroe, so it passed in the negative.

The report was then taken into consideration, and thereupon,

Resolved, That agreeably to the condition of the act of Cession from the State of Virginia, a commissioner be appointed, who, jointly with a commissioner on the part of the said state, shall be authorized to appoint a third, and that they, or a major part of them, shall be empowered to adjust and liquidate the accounts of the said state, against the United States, for the necessary and reasonable expences incurred by that state in subduing any british posts or maintaining any forts within for the defence, or in acquiring any part of the territory ceded by the said state, to the United States, conformably to the resolve of Congress of the 10 October, 1780.

Resolved, That Monday next be assigned for electing the said Commissioner.

4) The Committee [consisting of Mr. David Howell, Mr. Gunning Bedford, Mr. John Henry, Mr. Charles Pinckney and Mr. William Samuel Johnson] to whom was referred a motion of the delegates of the State of Massachusetts relative to a cession of part of that States claim to western territory, beg leave to report the following resolution,

Resolved, That Congress in behalf of the U. States, are ready to accept all the right, title, interest, jurisdiction and claim of the State of Massachusetts to certain western lands described in the form of a deed of cession in the words following to wit tendered to Congress by the delegates of said State in pursuance of full powers given them for that purpose, whenever the said delegates shall execute said Deed.

<u>April 18, 1785</u> –

1) On the report of a committee, consisting of Mr. [David] Howell, Mr. [Gunning] Bedford, Mr. J[ames] Henry, Mr. [Charles] Pinckney and Mr. [William Samuel] Johnson, to whom was

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referred a Motion of the Delegates of Massachusetts, relative to a Cession of part of that State's Claims to Western Territory.

Resolved, That Congress, in behalf of the United States, are ready to accept all the right, title, interest, jurisdiction and claim of the State of Massachusetts, to certain Western Lands described in the form of a deed of Cession, in the words following, to wit: "To all who shall see these presents, We, Samuel Holten and Rufus King, the underwritten Delegates for the Commonwealth of Massachusetts, in the Congress of the United States of America, send Greeting: Whereas the General Court of Massachusetts, on the 13th day of November, in the year of our Lord One thousand seven hundred and Eighty four, passed an Act, entitled (here insert the Title) in the words following, (here insert the Act.) And Whereas the said General Court on the 17th day of March, in the year of our lord, 1785, passed one other Act entitled (here insert the title of the 2d Act) in the words following, (here insert the 2d Act.) And Whereas the said General Court, on the 17th day of June, in the aforesaid year of our Lord 1784, did nominate and appoint the aforesaid Samuel Holten, and on the 3rd day of November following, the aforesaid Rufus King, Delegates to represent the said Commonwealth of Massachusetts, in the Congress of the United States of America, for one year from the first Monday of November in the said year, 1784, which appointment remains in full force. Now therefore, know ye, that we the said Samuel Holten and Rufus King, by virtue of the power and authority to us committed by the said Acts of the General Court of Massachusetts before recited, in the name, and for and on behalf of the said Commonwealth of Massachusetts, do by these presents, assign, transfer, quit claim, cede and convey to the United States of America, for their benefit, Massachusetts inclusive, all right, title and estate of and in as well the soil as the jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Massachusetts Charter, situate and lying west of the following line: That is to say, a meridian line to be drawn from the 45th degree of North latitude, through the westerly bent or inclination of lake Ontario; thence by the said meridian line, to the most Southerly side line of the territory contained in the Massachusetts Charter; but if, on experiment, the above described meridian line, shall not comprehend 20 miles due west, from the most westerly bent or inclination of the river or Strait of Niagara, then we do by these presents by virtue of the power and authority aforesaid, in the Name and on behalf of the said Commonwealth of Massachusetts, transfer, quit claim, cede and convey to the United States of America, for their benefit, Massachusetts inclusive, all right, title and estate, of and in as well the soil as the jurisdiction or tract of Country within the limits of the Massachusetts Charter, situate and lying west of the following line – that is to say, a meridian line to be drawn from the 45th degree of North latitude, through a point 20 miles due west from the most westerly bent or inclination of the river or Strait of Niagara, thence by the said meridian line to the most Southerly side line of the Territory, contained in the Massachusetts Charter aforesaid, for the purposes in the said recited Acts declared, and to the uses in a resolve of Congress, of the 10th day of October, 1780,

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mentioned. In Testimony whereof, we have hereunto subscribed our names and affixed our Seals in Congress, this ___ day of ___ in the year of our Lord 1785, and of the independence of the United States of America the Ninth;" in pursuance of full powers given them for that purpose, whenever the said Delegates shall execute said deed.

And on the question to agree to the preceding resolution, the yeas and nays being required by Mr. [Rufus] King and Mr. [Melancton] Smith, so it was resolved in the affirmative.

April 19, 1785 –

1) A motion was made by Mr. [David] Howell, seconded by Mr. [Rufus] King, as follows:

The Delegates of Massachusetts having proceeded to execute the deed of Cession mentioned in the resolution of yesterday, in the words following, viz.

To all who shall see these Presents, We, Samuel Holton and Rufus King, the underwritten Delegates for the Commonwealth of Massachusetts, in the Congress of the United States of America, send Greeting:

Whereas the general Court of Massachusetts, on the thirteenth day of November, in the year of our Lord one thousand seven hundred and eighty four, passed an Act, entitled "An Act empowering the Delegates of this Commonwealth in the United States certain lands on the property of this Commonwealth," in the words following: "Whereas several of the States in the Union have at present no interest in the great and extensive tracts of uncultivated country, lying in the westerly part of the United States; and it may be reasonable that the States above mentioned should be interested in the aforesaid Country: Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that the Delegates of this Commonwealth in the United States in Congress assembled, or any three of the said Delegates, ben and they hereby are authorized and empowered for and in behalf of this Commonwealth, to Cede or relinquish, by authentic conveyances, to the United States, to be disposed of for the common benefit of the same, agreeably to a resolve of for the common benefit of the same, agreeably to a resolve of Congress of October the tenth, on thousand seven hundred and eighty, such part of that tract of Land belonging to this Commonwealth, which lies between the river Hudson and Mississippi, as they may think proper, and to make the said Cession in such manner and on such conditions as shall appear to them to be the most suitable." And whereas the said general Court, on the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, passed one other Act, entitled "An Act in addition to an Act, entitled An Act empowering the Delegates of this Commonwealth in the United States in Congress assembled, to relinquish to the United States, certain Lands the property of this Commonwealth," in the words following: "Whereas by the Act aforesaid, three Delegates representing this State in Congress, are necessary to make the Cession aforesaid, and

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it may be Necessary that the said business should be performed by a less number of the said Delegates. Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that any two Delegates representing this Commonwealth in Congress, be , and hereby authorized and empowered to do and perform all matters and things which by the Act aforesaid might be dine and performed by any three Delegates as aforesaid, any thing in the aforesaid Act notwithstanding." And whereas the said General Court on the seventeenth day of June, in the aforesaid year of our Lord one thousand seven hundred and eighty-four, did nominate and appoint the aforesaid Samuel Holten, and on the third day of November following, the aforesaid Rufus King, Delegates to represent the said Commonwealth of Massachusetts in the Congress of the United States of America, for one year, from the first Monday of November in the said year one thousand seven hundred and eighty four, which appointment remains in full force. Now therefore, know ye, that we, the said Samuel Holten and Rufus King, by virtue of the power and authority to us committed by the said Acts of the general Court of Massachusetts before recited, in the Name, and for and on behalf of the said Commonwealth of Massachusetts, do by these presents, assign, transfer, quit claim, cede and convey to the United States of America, for their benefit, Massachusetts inclusive, all right, title and estate of and in as well the soil as the Jurisdiction, which the said Commonwealth hath to the Territory or tract of Country within the limits of the Massachusetts Charter, Situate and lying west of the following line: That is to say, a meridian line to be drawn from the forty-fifth degree of North Latitude, through the westerly bent or inclination of lake Ontario, thence by the said meridian line, to the most Southerly side line of the territory contained in the Massachusetts Charter, but it, on experiment, the above described meridian line, shall not comprehend twenty miles due west, from the most westerly bent or inclination of the river or Strait of Niagara, then we do by these presents, by Virtue of the power and authority aforesaid, in the Name and on behalf of the said Commonwealth of Massachusetts, transfer, quit claim, cede and convey to the United States of America, for their benefit, Massachusetts inclusive, all right, title and estate, of an din as well the soil as the Jurisdiction, which the said Commonwealth hath to the Territory or tract of Country within the limits of the Massachusetts Charter, Situate and lying west of the following line: That is to say, a meridian line to be drawn from the forty-fifth degree of North Latitude, through a point twenty miles due west from the most westerly bent or inclination of the river or Strait of Niagara; thence by the said meridian line to the most Southerly side line of the Territory, contained in the Massachusetts Charter aforesaid, for the purposes in the said recited Acts declared, and to the uses in a Resolve of Congress, of the tenth day of October, one thousand seven hundred and eighty, mentioned. In testimony whereof, we have hereunto subscribed our Names, and affixed our Seals in Congress, this Nineteenth day of April, in the year of our Lord one thousand seven hundred and eighty-five, and of the independence of the United States of America the Ninth."

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S. HOLTEN

RUFUS KING

Signed, sealed and delivered in the presence of

BENJAMIN BANKSON, JUN. JOHN FISHER, ROBERT PATTON

Resolved, That Congress accept said deed of Cession; and that the same be recorded and enrolled among the Acts of the United States in Congress assembled.

On the question to agree to the foregoing resolution, the yeas and nays being required by Mr. Holten, so it was resolved in the affirmative.

April 25, 1785 –

1) [Motion of North Carolina, April 25th, 1785: Referred to Mr. [William Samuel] Johnson, Mr. [Charles] Pettit, Mr. [Abraham] Clarke, respecting the Treaties with Southern Indians.]

Resolved, That Congress do disavow the treaties entered into by their Commissioners with the Cherokee and Chicksaw Indians at Hopewell on the Keowee so far as the said treaties allot to the said Indians hunting grounds within the limits of the State of North Carolina as declared in her bill of rights other than those allotted to them by the laws of the said State.

May 3, 1785 –

1) The Committee [Mr. James Monroe, Mr. William Ellery and Mr. William Samuel Johnson] to whom was referred the letter of the Commissioners authorised to form Treaties with the Indian tribes, having conferred with the said Commissioners upon the subject of their letter, and the resolutions of the 18th of March, directing a Treaty to be held at Post St. Vincents on the ___ day of June next report:

That from the statement of the Commissioners, effectually to carry the said Treaty into execution, there will be necessary for the purchase of goods in addition to those on hand and the sum voted by the resolution of the 18th March last 3,000 dollars, for the support of the Commissioners, and others Necessarily attending the Treaty 2,000 dollars, and for the pay of the Officers, Messengers, interpreters and Artificers 2,000 dollars; that a sum will still be wanting, to pay for the transportation of the goods to the post at which the Treaty will be held, but that the amount cannot be precisely ascertained and must therefore be left with the board of Treasury.

That it is also, Necessary a power should exist to control all circumstances which might arise to prevent or disturb the treaty; that this power should be vested in the Commissioners, and

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extend to the confinement of persons and seizure of property during the Treaty, as circumstances may require.

When they consider the very important interests which the States have in the Western Country, and the duties which have already devolved on them respecting it, your Committee take the liberty to suggest to Congress the propriety of turning the attention of the Commissioners during their residence there, to the following objects" As a friendly commercial intercourse between the Citizens of the United States, and the several Tribes of Indians must always be advantageous to both parties, the Committee propose, that as the Commissioners from their being on the ground will possess the Necessary knowledge for the purpose, that they be empowered to make such temporary regulations respecting the said trade, as they shall think expedient, to be in force until repealed, and to report the same to Congress.

By the Act of Cession from the State of Virginia it is stipulated, "That the French and Canadian Inhabitants and other settlers of the Kaskaskies, St. Vincents, and other Neighboring villages who have professed themselves Citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties". To carry this into effect, it is necessary that the origin and extent of their rights be fully ascertained; and for this purpose that the Commissioners be instructed to obtain from them authentic documents thereof, and report the same to the board of Treasury. The State of Virginia having also relinquished her right of jurisdiction, and no government being as yet established over the said Inhabitants and settlers upon the principles of the resolutions of the 23rd of April 1784, they are of Course free from any express engagements or allegiance to the Union whatever. The Committee considering it as highly improper, that any body of Men should inhabit any part of the territory within the United States without acknowledging its authority; suggest that the Commissioners be instructed to administer to the said Inhabitants an Oath of allegiance or fidelity in the following form.

"I ___ do solemnly swear (or affirm) that I will be true and faithful to the United States of America' that I renounce all allegiance and dependence upon any foreign Prince or Potentate whatever, and that I will as becomes a good Citizen, as far as in me lies, protect and defend the said United States from all attacks and invasions from other powers."

That they advise and assist them in forming a temporary government upon the principles of said resolutions.

The Committee being informed from good authority that many people have crossed the Ohio, and settled upon the lands of the United States, are of opinion that unless this is immediately discountenanced and measures taken effectually to prevent it in future, but little dependence may be put on those lands as a fund for the payment of the public debt, for this purpose they

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propose that the following proclamation be issued and published in the papers of every State, and that copies be furnished to the Commissioners for the purpose of publication in said Country –

"Whereas it hath been represented to the United States in Congress assembled, that several disorderly persons have crossed the river Ohio and settled upon their unappropriated lands;

And whereas it is their intention as soon as it shall be surveyed, to open Offices for the sale of a considerable part thereof, in such proportions and under such other regulations as may suit the convenience of all Citizens of the said States, and others who may wish to become purchasers of the same, and as such conduct tends to defeat the object which they have in view, is in direct opposition to the Ordinances and resolutions of Congress, and highly disrespectful of the federal authority, that have therefore thought fit, and do hereby issue this their proclamation, strictly forbidding all such unwarrantable intrusions, and enjoining all those who have settled thereon, to depart with their families and effects without loss of time, as they shall answer the same at their peril."

Whereupon resolved,

1. That the Commissioners instructed to hold a Treaty under the resolution of the 18th of March last within the western Tribes of Indians at post St. Vincent, on the ___ day of June next for the purpose of obtaining from them a Cession of lands, be and they are hereby authorized to avail themselves of the disposition of the Indians, and the funds committed to their charge to make such Cession as extensive and liberal as possible.

2. That the Board of Treasury take order for the purchase of goods in addition to those on hand at Fort McIntosh and those ordered to be purchased by the resolutions of the 18th of March last, for the purpose of carrying the said Treaty fully into effect, to an amount not exceeding 3000 dollars.

3. That they take order for the purchase of provisions and other stores for the support of the Commissioners, and other Necessarily attending the Treaty, to an amount not exceeding 2000 dollars.

4. That they take order, to answer upon the draft of the Commissioners of the Treaty, for the pay of the Officers, Messenger, Interpreters and Artificers, in a Sum not exceeding 2000 dollars.

5. That the board of Treasury take order for contracting upon the best terms they can, for the transportation of the Said goods to the place at which the Treaty may be held, or such other places as the Commissioners may think proper.

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6. That the Commissioners be, and are hereby authorised to make rules and regulations for the management of the Treaty, and the governments of all those who attend it, to license or prohibit the sale of goods or liquors and to arrest the persons and seize the property of those who violate such regulations.

7. That they are hereby authorised to form rules and regulations for the government of the trade between the citizens of the U.S. and the Indians. Which shall have effect until repealed, provided that no monopoly is created thereby, and report the same to Congress.

8. That they endeavor to obtain from the French and Canadian Inhabitants and other settlers of the Kaskaskies, St. Vincents, and the Neighboring villages, a Statement of their rights to land within the said Country, with the Origin and extent thereof, and report the same to the Board of Treasury. That they also administer to them the following oath of allegiance

(Insert the oath)

9. That they prohibit the settlement of all persons, not properly authorised for that purpose, upon the unappropriated lands of the United States, under the penalty of their displeasure, and that they cause to be circulated in the said Country the following proclamation

(Insert the proclamation)

That the instructions heretofore given to the Commissioners authorized to form treaties with the Indian tribes in the northern and middle departments, not hereby repealed, continue in full force, and that the secretary at war be and he is hereby directed to order the Troops in the Service of the U.S. to be in readiness to march at such time and to such place or places as the said Commissioners or any two of them shall direct.

May 13, 1785 –

1) [Report of Grand Committee viz. Mr. [David] Howell, Mr. [Abiel] Foster, Mr. [Rufus] King, Mr. [Joseph Platt] Cook, Mr. [Melancton] Smith, Mr. [John] Beatty, Mr. [Joseph] Gardiner, Mr. [John] Vining, Mr. [William] Hindman, Mr. [James] Monroe, Mr. [Hugh] Williamson, Mr. [Charles] Pinckney and Mr. [William] Houstoun]

PROPOSITIONS RESPECTING THE COINAGE OF GOLD, SILVER, AND COPPER

1st. The value of Silver compared with Gold. 2nd. The Weight or Size of the several Pieces of money that are to be made. 3rd. The Money Arithmetic, or the mode in which it is to be counted; and 4th, The Charges of Coinage are to be considered.

1. In France, 1 Grain of pure Gold is counted worth 15 Grains of Silver. In Spain 16 grains of Silver are exchanged for 1 of Gold, and on England 15-1/5th. In both of the Kingdoms last

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mentioned, Gold is the prevailing Money; because Silver us undervalued. In France Silver prevails. Sundry advantages would arise to us from a system by which Silver might become the prevailing Money. This would operate as a Bounty to draw it from our Neighbours, by whom it is not sufficiently esteemed. Silver is not exported so easily as Gold, and it is a more useful Metal.

Certainly our Exchange should not be more than 15 Gr. Of Silver for 1 of Gold. It has been alleged by the late Financier, that we should not give more than 14-1/2 perhaps 14-3/4 would be a better medium, considering the Quality of Gold that may expected from Portugal.

2. The Weight, Size or Value of the several Pieces of Money that shall be made, or rather the most convenient Value of the Money Unit, is a Question not easily determined, considering that most of the Citizens of the U.S. are accustomed to count in Pounds, Shillings and Pence; and that those sums are different Values in the different States: hence they convey no distinct Ideas. The money of the U.S. should be equally fitted to all. The late Financier has proposed to make Gold and Silver Pieces of particular Weight; and there is a very simple process, by which the imaginary money of the Several States may be translated into such Pieces, or vice versa. He proposes that the Money Unit be one Quarter of a Grain of pure silver, That the smallest Coin be Copper, which shall be worth 5 of those Units. The smallest Silver Coin to be worth 100 Units, another to be worth 500, another of 1000 and thus increasing Decimally.

The objections to this Plan are, that it introduces a Coin unlike in Value to any thing now in Use. It departs from the national mode of keeping Accounts, and tends to preserve inconvenient Prejudices. Whence it must prevent national Uniformity in Accounts: a thing greatly to be desired.

Another Plan has been offered, which proposes, [that the Money Unit be One Dollar; and the smallest coin to be of Copper, of which 200 shall pass for one Dollar.] This Plan also proposes, [that the several Pieces shall increase in a Decimal Ratio] and that all Accounts be kept in Decimals, which is certainly by much the most short and simple mode.

3. The Money Arithmetic, though an important Question, is one that can admit of little Dispute. All accomptants must prefer Decimals.

4. What is the best mode of defraying the Expence of Coinage? Different Nations have adopted different Systems. The British value their Silver when coined, no higher than Bullion. Hence it follows, that the expense of the Mint, increasing the civil List must be paid by a general Tax, and Tradesmen are disposed to work up the current Coin, by which the Tax is increased and continued. In some other Countries Silver or Gold when coined are valued above the Price of Bullion, whence Tradesmen are discouraged from melting or working up the current Coin, and the Mint is rather profitable than burdensome. Certainly there are good and conclusive

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reasons, why we should value the national Coin above the Price of Bullion; but there is a certain Point beyond which we may not proceed, lest we encourage counterfeits, or private Imitations of our Coin. It has been proposed to make a difference of 2-1/2 p Ct. nearly as an allowance for the Coinage of Gold, and of 3.013 p Ct. for the Coinage of Silver. It is probable that 3 p. Ct. would more than defray the Expense of coining Silver, in which Case it would be a Temptation to private Imitation, and would operate against the free circulation of the money as being valued too high. It is to be remembered that Silver Coin ought to be encouraged and probably 2 p Ct. or 2-1/4 p Ct. would be a proper difference between Silver Coined and Bullion. The same difference to be made in the Price of Gold. If this does not fully pay the Expenses of the Mint, there will be a much larger Gain on the Coinage of Copper; and if there should remain a small Balance against the Mint, its Operation will not be unfavorable.

The Coinage of Copper is a Subject that claims our immediate Attention. From the small Value of the several Pieces of copper Coin, this medium of Exchange has been too much neglected. The more valuable Metals are daily giving Place to base British half Pence, and no means are used to prevent the Fraud. This Disease which is neglected in the Beginning, because it appears trifling, may finally prove very destructive to commerce. It is admitted that Copper may at this Instant be purchased in American at 1/8 of a Dollar the Pound. British half Pence made at the Tower are 48 to the Pound. Those manufactured at Birmingham and ship'd in Thousands for our Use, are much lighter, and they are of base Metal. It can hardly be said that 72 of them are a Pound of Copper. Hence it will follow, that we give for British half Pence about six Times their Value. There are no Materials from which we can estimate the Weight of half Pence that have imported from Britain since the late War. But we have heard of sundry Shipments being ordered, to the nominal amount of 1,000 Guineas, and we are told, that no Packet arrives from England, by which we are not accommodated with some hundred Weight of base Half Pence. It is a very moderate Computation which States our Loss on the last 12 months, at 30 Thousand Dollars by the Commerce of vile Coin. The whole Expence of a Mint would not have amounted to half of that Sum, and the whole Expence of domestic Coinage would remain in the Country.

The following forms of Money are submitted.

Dollars.

1 Piece of Gold _ _ _ _ _ _ _ _ _ 5.

1 Piece of Silver _ _ _ _ _ _ _ _ _ 1 containing 362 Grs. Pure Silver. This is the Unit or Money of Account

1 Do _ _ _ _ _ _ _ _ _ _ _ _ _ ½ or .5

1 Do _ _ _ _ _ _ _ _ _ _ _ _ _ 1/4 or .25

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1 Do _ _ _ _ _ _ _ _ _ _ _ _ _ 1/10 or .1

1 Do _ _ _ _ _ _ _ _ _ _ _ _ _ 1/20 or .05

1 Do _ _ _ _ _ _ _ _ _ _ _ _ _1/100 or .01

1 Do _ _ _ _ _ _ _ _ _ _ _ _ _1/200 or .005

The Quantity of pure Silver being fixed that is to be in the Unit or Dollar, and the relation between Silver and Gold being fixed, all the other weights must follow.

When it is considered, that the Spaniards have been reducing the Weight of their Dollars and that instead of 385.5, the Grains of pure Silver in the old Mexican Dollar, the new Dollars have not more than 365 Grains, it will hardly be thought that 362 Grains of pure Silver is too little for the federal Coin, which is to be current in all Payments for One Dollars. Some of the old Dollars will admit of a second Coinage, but the new ones will not. If the Value of Gold compared to that of Silver, be fixed at 15 to one, and the Alloy in each be 1/12 the Weight of the several Denominations will be readily determined.

The Price of Bullion is immediately determined by the percentage that is charged towards the Expences of the Mint.

If the U.S. shall determine to adhere to the Dollar as their Money of Account, and to simplify Accounts by the Use of Decimals, there is nothing to prevent the immediate commencement of a Coinage of Copper.

Let the copper Pieces, of which 100 are to pass for a Dollar, contain each 131 Grains of pure Copper, or 44 of them weigh 1 Pound. In this case our copper Coin, when compared with the Money of Account, will be 6 p Ct. better than that of Great Britain. There will remain a sufficient Profit on the Coinage.

Copper of the best Quality in Plates, may be purchased in Europe at 10-1/2 Stg. In cutting Blanks there will be a waste of 22 p Ct. Those clippings are worth 7d1/2 p lb. Hence the blanks will cost 11d1/2 nearly; it may be stated at 1s. 9d. New York Money p Pound, exclusive of the Expence of cutting them, which is not great, as one Man can readily cut 100 Wt. in a day.

The Operation improperly called milling, by which the sharp edges are worn off from the Coppers, is not more expensive than cutting the Blanks.

In the Process of coining Copper, Eight Artists or Labourers may be required.

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One Engraver, 1 Labourer for the blank Press. One Smith, 5 Labourers for the coining Press. By those people 100 Weight of Copper may readily be coined every Day, or the Value of 44 Dollars. Deducting the necessary Expences, there may be saved 30 p Ct.

May 18, 1785 –

1) The Secretary of the United States for the Department of foreign Affairs, to whom was referred the Draft of a Treaty of Amity and Commerce, transmitted by the American Ministers Reports

That in his Opinion, a System for regulating the Trade of the United States, should be formed and adopted, before they enter into further Treaties of Commerce. It appearing to him more wise, that such Treaties should be accommodated to their System, than that their System should accommodated to such Treaties.

That in forming this System may important Questions will arise, such as: Whether American Exports shall be wholly, or how far, confined to american Bottoms? Whether any, and what Distinction, shall be made in that Respect, between the Vessels of one foreign Nation, and another? Whether American Exports, to whatever Nation bound shall be charged with any, or the same, or what different, Duties? Whether all foreign Merchandize, by whatever Nation imported, shall be charged with the same Imposts? Whether any and which Species or Denomination of foreign Productions or Manufacture, shall be prohibited? These and other Questions of the like Nature, will probably arise; and these Treaties will anticipate, it not embarrass, the Discussion and Decision of some of them.

As to the Draft of a Treaty referred to him, he thinks the policy of some of the Articles in it questionable.

I. It appears to him inexpedient to make the Conduct of the Parties towards the most favored Nations, the Rule of the Conduct towards each other.

(1) Because as other Nations have regulated their Trade, and we not, their Systems cannot be deranged by it; but it may very much perplex the Formation of ours.

(2) Because the Interchange of Favors between us and a Nation *merely European*, will probably be regulated by Principles and Considerations distinct in a certain Degree from those, which should regulate such an Interchange between us and Nations *partly European* and *partly American*.

(3) Because it may give Occasion to Difficulties and Disputes not easy to be settled.

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(4) Because the Inducement to those Favors may arise from Advantages not in the Power of the other to afford *in kind*; and the 26th Article does not provide for an *equivalent* Consideration, where it is not in the power of the Party to grant a *similar* one. Besides Considerations may be exactly similar in *kind*, and yet very different in *Value*, and the Article in Question does not seem to attend to that Circumstance.

(5) Because we may have Reasons for *freely* granting to one Nation, what we may have no Reason to grant to another.

(6) Because as our Trade is at Present free to all, we have few *favors* to grant to any; whereas their Trade being charged with various Duties and Restrictions, they need only relax to have Favors to grant.

He thinks it would be better therefore to let each Treaty stand alone, without Reference to, or Connection with any other.

II. Your Secretary doubts the Expediency of agreeing *absolutely* that any foreign Nation shall be at Liberty to bring and vend in the United States, all or any of their Productions and Manufactures *without Exception*.

Because it may be necessary, either for the Purpose of checking the Progress of Luxury, or for the Purpose of promoting our own Manufactures, to *prohibit* the Importation of *certain* Merchandizes.

He thinks it a mistake that high Duties can answer the Purpose of a Prohibition; because if the obnoxious Articles are permitted to be entered at all, it will be impossible always to decide whether their Importation was *regular* or *clandestine*.

These objections cannot have equal Force with other Nations in their Connections with us; because we have little or nothing to carry them, which could either injure their Manufactures or increase their Luxury.

III. Your Secretary has Doubts respecting the 16th Article, which suspends laying Embargoes.

To an European Nation at War with an European Nation, Embargoes are of little consequence; because surrounding Nations can and will supply to each Party whatever they may want – but an European Nation at War with us, which under certain Circumstances and in particular Emergencies, they could not easily acquire elsewhere.

Your Secretary is of Opinion that the Duration of these Treaties should be very limited; because the increasing Importance as well as the increasing Experience of the United States, will almost

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from Year to Year increase their Capacity of making Such Connections and Compacts more and more correspondence to their Views and Wishes.

All of which is submitted to the Wisdom of Congress.

2) WAR OFFICE, May 17th, 1785.

The Secretary of the United States for the department of War to whom was referred a Motion of the honorable Mr. [Rufus] King prohibiting officers and soldiers in the service of the United States from being engaged in any trade or commerce, Reports,

That in his opinion it is essential to the discipline and good government of the troops that are or may be in the service of the United States that neither officer or soldier should be concerned in any trade or commerce in the pursuit of which it would be possible to consume either the public means or the public time.

That it is important in the first instance to prevent a measure incompatible with the duty of an officer or soldier and which would involve consequences disgraceful to the national reputation of the Arms of the United States.

That in order effectually to prevent the plea of necessity from being urged in excuse of a practice pregnant with evil your Secretary is of opinion that it would not only well comport with the dignity but with the economy necessary to be observed in the affairs of the United States to allow fifty per cent additional pay to the commanding Officer of such Forts and Garrisons upon the frontiers as in the opinion of Congress or the Secretary at War from their situation and circumstances subject the commanding officer to disproportionate expences, and to prevent any abuse of this regulation the additional pay to be drawn every three months by special Warrants from the Secretary at War.

Upon these principles the following resolutions are submitted to Congress.

Resolved, That the commanding officers of such Forts and Garrisons upon the frontiers of the United States who in the opinion of Congress or the Secretary at War shall be subjected to expences disproportionate to their pay shall in consideration thereof be allowed fifty per cent additional pay according to their respective ranks, the additional pay to be drawn every three months by a special Warrant from the Secretary at War.

Resolved, That every officer and soldier in the service of the United States who shall be convicted before a Courtmartial of being concerned directly or indirectly in trade or commerce in any of the Forts or Garrisons or encampments to which he may be attached shall if an officer be discharged the service; if a soldier be punished at the discretion of a Courtmartial according to the Articles of War.

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May 20, 1785 –

1) Congress proceeded in the third reading of the Ordinance for ascertaining the mode of disposing of lands in the western territory, and the same being gone through, was passed as follows:

An Ordinance for ascertaining the mode of disposing of Lands in the Western Territory.

(See pages 375-381)

May 23, 1785 –

1) *Resolved*, That the recommendation to the state of North Carolina be reconsidered, so far as insert, "The state of New York, the Commonwealth of Virginia and," between the words "As" and "the Commonwealth of Massachusetts."

The recommendation being amended, was agreed to as follows:

As the State of New York, the Commonwealth of Virginia and the Commonwealth of Massachusetts, have each made a cession of Western territory to the United States, and Congress are ever disposed to attend to the reasonable expectations of each of the States in the Union, touching their public services and expences,

Resolved, That it be, and it is hereby recommended to the state of North Carolina, to reconsider the principles of magnanimity and justice, that induced the passing of their Act of 2d of June, 1784, and evince the operation of the same good sentiments by repealing their act of 20th day of November, 1784, and directing their delegates in Congress to furnish a new proof of their liberality, in the execution of a deed to the United States of the territory ceded by the act of the 2d of June aforesaid.

The Delegates of Massachusetts, in pursuance of Instructions from their Constituents, moved as follows:

The Commonwealth of Massachusetts having instructed their delegates in Congress as follows: "The United States of America having formed by the wisdom of their councils and established by their exertions a federal Union, which is no less necessary to the freedom of each, than important to the independence of all the states, every measure ought to be adopted and vigorously executed, which can have a tendency to perpetuate an institution that reflects so much honor upon human nature, and so strongly points the world to the true political felicity of mankind. But whatever marks of wisdom and perfection appear upon the face of this System, it cannot be expected that provision is made against every species of corruption, which ambition and avarice may attempt to introduce for the subversion of it; and therefore in the early age of

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our national existence, the United States in Congress assembled, will doubtless form such resolutions and establish such principles, as will have a tendency to prevent designing men, in future ages, from aping the foundation of our federal Union. The World cannot but admire that prudence and wisdom, which by providing for a rotation of members in Congress, fixed one important barrier against corruption, but the legislature of this Commonwealth observe with concern and regret, that no provision is made to prevent the members of Congress from appointing themselves to offices; and it requires no very great share of sagacity to foresee, that unless this point is more effectually guarded, the offices of the federal government may hereafter be filled with men who will not be most capable of serving the people, or the most remarkable for their integrity, and that some persons forsaking the true interest of their country, will take corrupt measures to become members of Congress, with a view to possess themselves of lucrative employments, whereby offices in themselves unnecessary may be created and multiplied, and the injured fabric of our federal government be overthrown by the same means that have been employed in prostrating those ancient republics, which are seen no more but in the pages of history. The legislature of this Commonwealth, therefore, instruct you, Gentlemen, to endeavor to procure a resolution of Congress, enacting that no member of Congress shall be appointed to any office under the states during the term for which he shall have been elected." The delegates of the Commonwealth of Massachusetts, in Obedience to the aforesaid instructions, moved that it be *Resolved*, That the election and acceptance of any person as a member of Congress, shall for ever hereafter be deemed to incapacitate and disqualify such person, from being elected by the United States in Congress assembled, to any office of trust or profit, under the said states, during the term for which he shall have been so elected a member of Congress.

A motion was made by Mr. [Richard Dobbs] Spaight, seconded by Mr. [William] Houstoun, that the same be committed: and on the question for committing, the yeas and nays being required by Mr. [Rufus] King, so it was resolved in the affirmative.

May 27, 1785 –

1) On a motion of Mr. [Charles] Pinckney, seconded by Mr. [William] Grayson,

Resolved, That the geographer of the United States be continued in Office for a term not exceeding three years; and that he be allowed, during his continuance in Office, six dollars per day, for his services and expences.

According to order, Congress proceeded to the election of a Surveyor from each State, in conformity to the "Ordinance for ascertaining the mode of disposing of lands in the western territory," and, the ballots being taken, Mr. Nathaniel Adams was elected from the State of New Hampshire; Mr. Rufus Putnam from Massachusetts; Mr. Caleb Harris from Rhode Island

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and Providence plantations; Mr. William Morris from New York; Mr. Adam Hoops from Pennsylvania; Mr. James Simpson from Maryland; Mr. Alexander Parker from Virginia; Mr. Absolom Tatum from North Carolina; Mr. William Tate from South Carolina. They severally having been previously nominated by the delegates of the respective states.

June 1, 1785 –

1) On the report of a committee, consisting of Mr. [Rufus] King, Mr. [John] Lawrance, Mr. J[ohn] Henry, Mr. [William] Ellery and Mr. [James] Monroe, to whom was referred a petition of the legislature of the State of South Carolina, praying that a federal court may be appointed conformably to the Articles of Confederation and perpetual Union, to decide a dispute concerning boundaries, between the said state and the state of Georgia.

Resolved, that the second Monday in May next be assigned for the appearance of the States of South Carolina and Georgia, by their lawful agents; and that notice thereof, and of the petition of the legislature of the state of South Carolina, be given by the Secretary of Congress, to the legislative Authority of the state of Georgia, in the following form:

By the United States in Congress assembled, in the city of New York, on the first day of June, in the year of our Lord 1785, and of the independence of the United States of America the ninth. To the legislative Authority of the State of Georgia, it is hereby made known, that in pursuance of the ninth of the Articles of Confederation and perpetual Union, the legislature of the State of South Carolina have presented a petition to Congress in the words following:

"To the United States of America in Congress assembled, The petition of the legislature of South Carolina Sheweth, That a dispute and difference hath arisen and subsists between the State of Georgia and this State, concerning boundaries, the said States claiming, respectively, the same Territories. That the case and claim of this State are as follows, viz. Charles the Second, King of Great Britain, by Charter, dated the twenty fourth day of March, in the fifteenth year of his reign, granted to eight persons therein named, as Lords Proprietors thereof, all the Lands lying and being within his dominions of America, between the thirty one and thirty six degrees of North latitude, in a direct West line to the South Seas, stiling the Lands so described, the Province of Carolina. That on the thirtieth day of June, in the seventeenth Year of his Reign, the said King granted to the said Lords Proprietors, a second Charter, enlarging the bounds of Carolina, viz. from twenty nine degrees of North Latitude to thirty six degrees thirty minutes, and from those points on the Sea Coast, West in a line to the South Seas. That seven of the said Proprietors of Carolina, sold and surrendered to George the Second, late King of Great Britain, all their title and interest in the said province; and the share of the remaining Proprietor was separated from the King's, and allotted to him in the north part of North Carolina. That Carolina was afterwards divided into two Provinces called North and South Carolina. That by a

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Charter dated the ninth day of June, one thousand seven hundred and thirty two, George the Second, King of Great Britain, granted to certain persons therein named, all the Lands lying between the rivers Savannah and Alatamaha, and between lines to be drawn from the heads of those rivers respectively to the South Sea, and stiled the said Colony Georgia. That by the Treaty of peace, concluded at Paris, on the tenth day of February, one thousand seven hundred and sixty three, the River Mississippi was declared to be the Western boundary of the North American Colonies. That the Governor of South Carolina, in the year one thousand seven hundred and sixty two, conceiving that the Land to the Southward of the Alatamha still belonged to South Carolina, granted several tracts of the said Land. That the government of Georgia complained to the King of Great Britain respecting these grants, as being of Land within its limits, and thereupon his Majesty, by proclamation dated the seventh day of October, one thousand seven hundred and sixty three, annexed to Georgia all the Lands lying between the Rivers Alatamaha and St. Mary, the validity of the grants passed by the Governor of South Carolina, as aforesaid, remaining however acknowledged and uncontested, and the Grantees of the said Land, or their Representatives, still holding it as their legal Estate. That South Carolina claims the Lands lying between the North Carolina line, and a line to be run due West from the mouth of Tugoloo and Keowee Rivers, consequently that spot is the head of Savannah River; the State of Georgia, on the other hand, contends, that the source of Keowee River is to be considered as the head of Savannah River. That the State of South Carolina also claims all the Lands lying between a line to be drawn from the head of the River St. Mary, the head of Alatamaha, the Mississippi and Florida, being, as the said State contends, within the limits of its Charter, and not annexed to Georgia by the said proclamation of one thousand seven hundred and sixty three; the State of Georgia, on the other hand, contends, that the tract of Country, last mentioned, is a part of that State. Therefore and inasmuch as the United States in Congress assembled, are the last resort, on appeal, in all disputes and differences between two or more States concerning boundary, the Legislature of South Carolina pray for a hearing and determination of the difference and dispute subsisting as aforesaid, between Georgia and this State, agreeable to the Articles of Confederation and perpetual Union, between the United States of America. In the Senate House, this twenty fourth day of March, in the year of our Lord one thousand seven hundred and Eighty five, and in the Ninth year of independence of the United States of America.

And that the second Monday of May next is assigned for the appearance of the said states of South Carolina and Georgia, by their lawful agents, to proceed in the premises as by the said Articles of Confederation and perpetual Union is directed.

By Order of Congress, CHARLES THOMSON, Secretary

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2) The Committee consisting of Mr. [William] Houstoun, Mr. [David] Howell, Mr. [William] Hindman, Mr. [William] Grayson, and Mr. [William] Ellery, to whom was referred a report on the subject of reprinting the Journal and with what additions,

Are of opinion that the whole of the journals ought to be reprinted and published, and that such part of the secret Journals as are marked for that purpose by the Committee and which have not heretofore been printed and published be incorporated in their order agreeably to their dates. They are further of opinion that the Secretary of Congress be directed to give the most public notice to the different printers in the respective States, requesting them to propose the terms upon which they will print and publish the journals in Quarto and at the same time transmit samples of their performances.

June 2, 1785 –

1) The Report of the Committee [Mr. James Monroe, Mr. Rufus King, Mr. Charles Pinckney, Mr. William Samuel Johnson and Mr. John Lawrance] appointed to "revise and report what alterations, if any, are necessary to be made in the instructions given to the commissioners authorized to form commercial treaties with ___ powers."

In examining the said instructions it occurred to the Committee as a subject worthy of previous enquiry, 1. Whether the U.S. were possess'd of sufficient powers to form commercial treaties so as that their engagements should be binding on the Union. 2. If they were, whether such treaties might probably be obtained at present, as they should accept of, with all the said powers, if not, with whom, and what the measures necessary to be taken with those who decline them. 3. The principles upon which the treaties should be form'd with each.

1. The Committee have thought it their duty to suggest their doubts upon the first point, without entering into an investigation of it; they think it should be determin'd, for unless it shall be unquestionable that the U.S. have it in their power to give what indulgence, or lay what restraints they please, upon the intercourse of other powers with these States all propositions on their part, found in the principles of reciprocity, will prove ineffectual; other powers will not enter engagements which are not reciprocal, and finding us incapable of laying similar restrictions on their trade, will adopt such with respect to us as they may think necessary. The evil is in this instance an internal one, and until we apply a remedy to the source, all extra or superficial applications will be unnecessary.

2. For information upon the 2nd point "whether such treaties could be obtained at present &c." the committee are of opinion, that recourse must be had to the interests of each power respectively as they apply to these States. It is the interest of all powers who have manufactures or gross materials, to create as great a competition among the purchasers, and to impose as light duties upon the exportation, as possible; with those who manufacture only, and

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depend on other countries for the raw materials, to lay duties upon the importation thereof, and to admit them from every country. If these principles are just it will be the interest of every country with whom we can have a commercial intercourse to invite us to the ports of their capitals, to admit our raw materials, and to let us take off theirs in return, upon as favorable terms as possible. What we shall then ultimately obtain from these powers, who have no colonies or islands we shall probably obtain at present, or at any time, and as well perhaps, without as with a treaty. On our part, as we have many gross materials for sale, and require the greater part of our manufactures and many other articles from beyond the Atlantic, in those articles we purchase and those we carry to market, it is our business to create as great a competition as possible – to have all the world before us in both views and the ports of these States open to all nations.

Treaties between the U.S. and powers thus circumstanc'd, or having no Colonies, or with the capitals of those who have them, should be of Amity only, if indeed such are necessary in the present improv'd state of society, and for this purpose (provided it did not subject us to the inconvenience hereafter mention'd) those which stipulate to each party, the right of the most favored nation, might perhaps be well adapted.

But the policy of the powers who hold the W. India Islands, is to monopolize their trade and make it subservient to their particular aggrandizement, and the countries to whom the most valuable belong, France and G. Britain, are those with whose capitals we shall have, for the interchange of our respective commodities the principal intercourse. Independant of their colonies therefore they might claim with greater propriety than either of the other powers, perfect reciprocity. If then they admitted us into their islands freely it would be in consideration of particular advantages in our general commerce, which shall be the case, and to what degree may become a question in the last resort, but the Committee are of opinion that other measures should at least be tried, in the first instance.

By negotiation in the first instance, most probably, this end will not be obtain'd; it is therefore best to begin in a manner which may be successful. Theirs is a plan of distress to us, and ours must reciprocate it. Upon what quarter of their system shall we begin? The committee doubt the propriety of taking such measures only, as are calculated to affect the Islands; in proportion as we lay restrictions upon their commerce, in the importation of theirs or the exportation of our materials, be the effect as it may with respect to the islands, it will in the degree that it deprives us of a mart for our produce, as well of the purchase of theirs, certainly operate to our prejudice. They therefore advise at the same time, those which will be less injurious to these States and strike more deeply into their commercial system. By laying higher duties upon those of these States than of any their country, we shall essentially wound their general commercial interests, and at the same time promote those of these States. Whatever also, which hath

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heretofore come through their ports, not of their growth, but of the Mediterranean, the east or the north, should be prohibited here and required from the ports of the country to which they belong. In short, while these powers pursue their present policy with respect to the islands, it is ours to press them in every vulnerable part, and to pursue it to the utmost extent that our interest will admit of, until we obtain what we seek. But although the policy of France and G.B. is precisely the same, founded in a similarity of interests, with respect to their Islands, and of course the same measures are warranted on our side with respect to each, yet the committee doubt the propriety, to the same extent, on both at the same time. Under the treaty, France is entitled to the rights of the most favored nation, and in that case the U. Netherlands, Sweden, Portugal and all other powers, otherwise not the object of restriction, must be included. They are therefore of opinion they should apply in the first instance to G. Britain only, and if they succeed with respect to her, France must follow the example.

3. Upon the whole the committee are of opinion that as the trade with those powers who have not colonies in America is and advantageous to them as it can be to these States, and may be carried on as well without as with a treaty, and of course can gain nothing, and may embarrass us, that for the present it should be declined. If however the contrary sentiment should prevail, that they be so formed as to lay us under no restraint, as to the principal object which we have in view viz., the opening the W. India Islands; for this purpose, that our engagements with each, be with it alone, separately and independently of its, or the connections of the U.S. with other powers, stipulating to their subjects certain rights and privileges within our ports, in consideration for those of a similar nature to our citizens within theirs, and that the extent of the obligation, on either side, be fully understood. That no engagement should be entered into with those having possessions in the W. India Islands, which did not in some degree open said possessions to the U.S.

Whereupon, resolv'd, that the first tww articles of said instructions be repeal'd and the following inserted in their stead, viz.

1. That with the nations holding possessions in the W. Indies each party shall have a right to carry their own produce manufactures and merchandize in their own bottoms to the ports, of the other, as well the metropolis as such possessions, and thence to take back the produce and merchandize of the other, paying each in both cases, the same tonnage upon their vessels engag'd in the transportation thereof, that if this cannot be obtain'd in full as to such possessions, that it be stipulated as to certain free-ports within such possessions; and if this cannot be obtain'd that it be stipulated that each party be permitted to carry its own produce in its own bottoms to the ports of the other.

2. That with the other powers a direct and similar intercourse be stipulated with each respectively.

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3. That it be propos'd to all the said powers though not indispensibly requir'd, that the same duties be paid upon the goods, wares and merchandize of each other in the ports of the U.S. and theirs respectively as valorem.

June 3, 1785 –

1) A motion having been made by Mr. [Charles] Pinckney, seconded by Mr. [John] Lawrance,

That a copy of the treaty entered into by the Commissioners of the United States, with the Sachems and Warriors of the Six Nations of Indians, at fort Stanwix, on the 22 day of October, 1784, in the words following:

"Articles of a treaty concluded at fort Stanwix, on the twenty second day of October, one thousand seven hundred and eighty four, between Oliver Wolcott, Richard Butler and Arthur Lee, Commissioners plenipotentiary from the United States in Congress assembled, on the one part, and the Sachems and Warriors of the Six Nations on the other. The United States of America give peace to the Senecas, Mohawks, Onondagas and Cayugas, and receive them into their protection upon the following Conditions: Articles 1st Six hostages shall be immediately delivered to the commissioners by the said Nations, to remain in possession of the United States, till all the prisoners, white and black, which were taken by the said Senecas, Mohawks, Onondagas and Cayugas, or by any of them in the late war, from among the people of the United States, shall be delivered up. Art. 2nd The Oneida and Tuscarora Nations shall be secured in the possession of the lands on which they are settled. Art. 3rd A line shall be drawn, beginning at the mouth of a creek about 4 miles east of Niagara, called Oyonwayen or Johnson's landing place, upon the lake named by the Indians Oswego, and by us Ontario, from thence southerly in a direction always four miles east of the carrying path, between lake Erie and Ontario, to the mouth of the Tehoseroron or Buffaloe creek on lake Erie, thence south to the north boundary of the State of Pennsylvania, thence west to the end of the said boundary, thence south along the west boundary of the said State, to the River Ohio, shall be the western boundary of the lands of the Six Nations, so that the Six Nations shall and do yield to the United States all claims to the country west of the said boundary, and then they shall be secured in the peaceful possession of the lands they inhabit east and north of the same, reserving only six miles square round the fort of Oswego, to the United States, for the support of the same, Art. 4th. The Commissioners of the United States, in consideration of the present circumstances of the Six Nations, and in execution of the humane and liberal views of the United States upon the signing of the above articles, will order goods to be delivered to the said Six Nations for their use and comfort."

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And a copy of the treaty entered into by the said Commissioners with the Sachems and Warriors of the Wyandot, Delaware, Chippawas, and Ottawas Indians at fort McIntosh, on the 21st day of January, 1785, in the words following:

Articles of a treaty concluded at fort McIntosh, the 21st day January, 1785, between the Commissioners plenipotentiary of the United States of America, of the one part, and the Sachems and Warriors of the Wiandot, Delaware, Chippawa and Ottawa Nations, of the other. The Commissioners plenipotentiary of the United States in Congress assembled, give peace to the Wiandot, Delaware, Chippawa and Ottawa Nations of Indians, on the following conditions; Article 1st. Three chiefs, one from among the Wiandot, and two from among the Delaware, Nations, shall be delivered up to the Commissioners of the United States, to be by them retained till all the prisoners, white and black, taken by the said nations or any of them, shall be restored. Article 2nd. The said Indian Nations do acknowledge themselves and all their tribes to be under the protection of the United States, and of no other Sovereign whatsoever. Article 3rd. The boundary line between the United States and Wiandot and Delaware Nations, shall be begin at the mouth of the river Cayahoga, and run thence up the said river to the portage, between that and the Tuscarawas branch of Meskingum; then down the said branch to the portage of the Big Miame, which runs in to the Ohio, at the mouth of which branch the fort once stood, which was taken by the French in 1752, then along the said portage to the Great Miame, or Ome river, and down the southeast side of the same to its mouth, thence along the south shore of lake Erie, to the mouth of Cayahoga where it began. Article 4th. The United States allot all the lands contained within the said lines to the Wiandot and Delaware Nations, to live and to hunt on, and to such of the Ottawa Nation as now live thereon; saving and reserving for the establishment of trading posts, six miles square at the mouth of Miame or Ome river, and the same at the portage on that branch of the Big Miame, which runs into the Ohio, and the same on the lake of Sanduske, where the fort formerly stood, and also two miles square on each side of the lower rapids of Sanduske river, which posts and the lands annexed to them shall be to the use and under the government of the United States. Article 5th. If any citizen of the United States or other person not being an Indian, shall attempt to settle on any of the lands allotted to the Wiandot and Delaware Nations in this treaty, except on the lands reserved to the United States in the preceding Article, such person shall forfeit the protection of the United States, and the Indians may punish him as they please. Article 6th. The Indians, which sign this treaty, as well in behalf of all their tribes as of themselves, do acknowledge the lands East, South and West of the lines described in the third article, so far as the said Indians formerly claimed the same, to belong to the United States; and none of their tribes shall presume to settle upon the same, or any part of it. Article 7th. The post of Detroit, with a district beginning at the mouth of the river Rosine, on the west end of lake Erie, and running west six miles up the southern bank of said river, thence northerly and always six miles west of the strait, till it strikes the lake of St. Clair, shall also be reserved to the sole use of the United

States. Article 8th. In the same manner the post of Michillimackinac with its dependencies, and 12 miles square about the same, shall be reserved to the use of the United States. Article 9th. If any Indians, shall commit a robbery or murder on any citizen of the United States, the tribe to which such offenders may belong, shall be bound to deliver them up at the nearest post, to be punished according to the ordinances of the United States. Article 10th. The Commissioners of the United States in pursuance of the humane and liberal views of Congress, upon this treaty's being signed, will direct goods to be distributed among the different tribes for their use and comfort. Separate Article. It is agreed that the Delaware chiefs Kelelamand or Colonel Henry, Hengue, Pushees or the Big Cat, Wococalind, or Captain White Eyes, who took up the hatchet for the United States, and their families, shall be received into the Delaware nation, in the same situation and rank as before the war, and enjoy their due portions of the lands given to the Wiandot and Delaware Nations, in this treaty, as fully as if they had not taken part with America, or as any other person or persons in the said Nations.

Be published and transmitted to the executives of the several states; and that it be declared, [that no purchases, which have been of hereafter may be made from the Indians, at any treaties held or to be held with them, of their right to soil within the limits of any state, can, ought or shall be considered as interfering with the right of any such state to the jurisdiction or soil].

June 7, 1785 –

1) On the report of a committee, consisting of Mr. [James] McHenry, Mr. [Hugh] Williamson, Mr. [David] Howell, Mr. [Jacob] Read and Mr. [Samuel] Holten, to whom was referred a report, touching Invalids,

Resolved, That it be, and it is hereby recommended to the several States, to make provision for Officers, soldiers or seamen, who have been disabled in the service of the United States, in the following manner:

1. A compleat list shall be made out by such person or persons as each state shall direct, of all the officers, soldiers or seamen resident in their respective states, who have served in the army or navy of the United States, or in the militia in the service of the United States, and have been disabled in such service, so as to be incapable of military duty, or of obtaining a livelihood by labour. In this list shall be expressed the pay, age, and disability of each invalid, also the regiment, corps or ship to which he belonged, and a copy of the same shall be transmitted to the office of the Secretary at War, within one year after each state shall pass a law for this purpose; and a like descriptive list of the invalids resident in the respective states, shall, from year to year, be annually transmitted to the Office of the Secretary at War.

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2. No officer, soldier or seamen, shall be considered as an invalid, or entitled to pay, unless he can produce a certificate from the commanding officer or surgeon of the regiment, ship, corps or military hospital, or other good and sufficient testimony, setting forth his disability, and that he was disabled while in the service of the United States.

3. That all commissioned officers within the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of military duty, or of obtaining a livelihood, be allowed a yearly pension equal to half their pay respectively; and all commissioned officers as aforesaid, who shall not have been disabled in so great a degree, be allowed a yearly pension, which shall correspond with the degree of their disability, compared with that of an Officer wholly disabled. That all non-commissioned officers and privates within the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of military or garrison duty, or of obtaining a livelihood by labour, be allowed a sum not exceeding five dollars per month: and all non-commissioned officers and privates as aforesaid, who shall not have been disabled in so great a degree of their disability, be allowed such a sum as shall correspond with the degree of their disability, compared with that of a non-commissioned officer or private wholly disabled.

4. That each state appoint one or more persons of suitable abilities to examine all claimants, and to report whether the person producing a certificate, setting forth that he is an invalid, be such in fact, and if such, to what pay he is entitled; and thereupon, the persons appointed to make such enquiry, shall give to the invalid a certificate specifying to what pay he is entitled, and transmit a copy to the person who may be appointed by the State to receive and record the same.

5. That each State be authorized to pay to the commissioned officers, non-commissioned Officers and privates, the sum or sums to which they shall be respectively entitles, agreeably to the before mentioned certificates; the said payments to be deducted from the respective quotas of the states for the year on which they shall be made. Provided that no officer who has accepted his commutation for half pay, shall be entered on the list of invalids, unless he shall have first returned his commutation.

6. That any state may form such invalids under the aforesaid description, as are citizens of the same, and are capable of garrison duty, into corps, to be employed in guarding military stores, aiding the police, or otherwise, as the state may direct.

7. That when invalids shall be formed into corps, there be quarterly returns, comprehending the pay, age, disability, regiment, ship or corps to which they severally belonged, made out and signed by their commanding officer, and transmitted to such person or persons as the State shall direct, that their pay may be ordered according to the said return.

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8. That all invalids, as well those formed in to corps, as those who are not, shall annually apply themselves to a magistrate of the county in which they reside or may be stationed, and take the following oath, viz. A.B. came before me, one of the justices of the county of ___ in the state of __ and made Oath, that he was examined by ___ appointed by the said state (or Commonwealth) for that purpose, obtained a certificate, (or had his certificate examined and countersigned) setting forth that he had served in ___ that he was disabled by ___ and that he now lives in the ___ and in the county of ___

9. That the affidavits, drawn according to the above form, and date, and attested by a magistrate, be sent by the said magistrate to the person or persons appointed by the state, to receive and record the same, and that a counterpart of the affidavit be preserved by the person taking it, to be exhibited to such persons as shall be appointed by the state to pay the Invalids.

June 9, 1785 –

1) In further pursuance of the resolution of the 10 day of December last, the agents of the States of New York and Massachusetts, made the following report:

To the honourable the United States in Congress assembled, The Subscribers, Agents of the State of New York and Massachusetts, beg leave to represent, that they have agreed upon the honorable Samuel Johnson, esquire of North Carolina, the honorable William Fleming, esquire of Virginia, and the honorable John Sitgreaves, esquire of North Carolina, to be judges, instead of the honorable John Rutledge, Robert Hanson Harrison, and William Grayson, esquires who have declined their appointment to sit in the federal court, for a trial of a controversy between the said states of Massachusetts and New York, which controversy is suggested in the petition of the former, now on the files of Congress; and thereupon the said agents do humbly request, that notice be given to the said Samuel Johnson, William Fleming and John Sitgreaves, esquires and that upon their acceptance a Commission may be issued to them, together with the honorable Thomas Johnson, George Wythe, George Reed, James Monroe, Isaac Smith and William Patterson, esquires constituting them a court according to the confederation, to meet at the City of Williamsburg in the State of Virginia, on the third tuesday of November next, to hear and determine the controversy aforesaid."

JOHN JAY,

ROB. R. LIVINGSTON,

WALTER LVINGSTON,

Agents for New York.

J. LOWELL,

JAMES SULLIVAN,

THEOP. PARSONS,

RUFUS KING,

S. HOLTEN,

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Agents for Massachusetts.

2) The committee [consisting of Mr. James McHenry, Mr. Rufus King and Mr. William Samuel Johnson] to whom was referred a letter from the Secretary of foreign affairs inclosing a letter to him signed Wm. Shaw dated New York 19, May, 1785.

That the Secretary of Foreign affairs inform Mr. Shaw that Congress feel a peculiar satisfaction in the successful issue of this first effort of the citizens of America to establish a direct trade with China, which does so such honor to its undertakers and conductors.

3) BOARD OF TREASURY, *June 7th, 1785*.

SIR; We do ourselves the honor in obedience of the Act of Congress of the 25th May last of transmitting to your Excellency the following estimates.

No. 1 Estimate of Foreign, and Domestic Debt.

2 Estimate of one years interest on Debt.

3 Statement of Amounts paid, and Balances due of the Tax of 8,000,000 Dollars.

4 Statement of the account of the Commr. of the Loans opened on Holland to 31st December 1784.

On the statement No. 3 we must observe that we have within a few days received intelligence from Mr. Webb in Virginia that he has received the sum of Thirty nine thousand Dollars since the 30th April last, but the prospect of further receipts in that state is far from flattering.

From the State of New York has been received the sum of Fifteen thousand Dollars, which is not entered in this account.

It is with regret we are constrained to observe that the collection of General Taxes in the several State goes on with so much Langour, and meets with such obstructions, that in our opinion a Sufficient Sum in Specie will not be paid into the Public Treasury during the present year (unless the most vigorous and immediate exertions are made to defray the Ordinary Expences of Government.

This is a Serious, and most alarming Situation to all who are interested in preserving the Union of the States, and particularly to those Officers of Congress, who are Entrusted with the Administration of the Finances, and are thereby daily exposed to the importunity of Just Claims, which it is not possible to comply with.

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On the statement No. 4, We observe that from the balance stated by the register of - - - - - - - gl 731,700

The following sums must be deducted Viz. Interest on the five Million Loan due 1st June 8
-250,000

Appropriated for Treaties with Barbary Powers
-250,000

Salaries of Foreign Ministers for 12 M. ad Interest due Foreign Officers (say)
-150,000

Interest due on 2 Million Loan January 1st 85
-80,000

Remains
51,760

If the sum be added about gl 200,000, which (if the Loan has been completely filled) will come into hand of the Dutch Commissioner the balance to be appropriated will about to Two hundred and Fifty thousand Guilders. This sum will not be sufficient to defray the interest due on the Six Million French Loan, which, without doubt, becomes payable the present year, and to make up the deficiency of the monies remitted to Mr. Grand in the last year to pay off the interest which had accrued on the 5th November 1784, on the Ten Million Livres borrowed of Holland, under the guarantee of France. So that Congress will observe that not the least dependance can be placed on the funds in Europe to make up for the deficiencies of Taxes in the present year to defray the Ordinary Expences of Government.

[Scribe's notes: See pages 445-452 for additional financial/accounting information and statistics].

June 15, 1785 –

1) Congress resumed the consideration of the report of the committee on the letter of 25 April, from there of the Commissioners for negotiating with the Indians, in the northern and middle departments; and on the question to agree to the following clause,

That the board of treasury take order for the purchase of goods, in addition to those on hand at fort McIntosh, and those ordered to be purchased by the resolutions of the 18th of March last, for the purpose of carrying the said treaty fully into effect, to an amount not exceeding three thousand dollars.

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The yeas and nays being required by Mr. [Charles] Pinckney, so it was resolved in the affirmative.

Congress proceeded in the Consideration of the report, which being amended, was agreed to as follows:

1. *Resolved*, That the commissioners instructed to hold a treaty under the resolutions of the 18 March last, with the Western tribes of Indians, for the purpose of obtaining from them a cession of lands, be, and they are hereby authorized and directed, to avail themselves of the disposition of the Indians, and the funds committed to their charge, to make such cession as extensive and liberal as possible.

2. That the board of treasury take order for the purchase of goods, and in addition to those on hand at fort McIntosh, and those ordered to be purchased by the resolutions of the 18 March last, for the purpose of carrying the said treaty fully into effect, to an amount not exceeding three thousand dollars.

3. That the board of treasury take order for the purchase of provisions and other stores, for the support of the commissioners and other necessarily attending the treaty, to an amount not exceeding 2000 dollars.

4. That the board of treasury take order to answer the drafts of the commissioners of the treaty, for the pay of officers, messengers, interpreters and artificers, in a sum not exceeding 2000 dollars.

5. That the board of treasury take order for contracting, upon the best terms they can, for the transportation of the said goods to the place at which the treaty may be held, or such other places as the commissioners may think proper; and also for the transportation of the troops and their baggage, which may be necessarily employed in attending the said treaty.

6. That the Commissioners be, and they are hereby authorized to make rules and regulations for the management of the treaty, and the government of all those who attend it.

7. That they endeavor to obtain from [the Inhabitants of Kaskaskies, St. Vincents, and others, a statement of their rights to lands within the said country guaranteed to them by Congress, in their acceptance of the Virginia cession,] with the origin and extent thereof, and report the same. That they also administer to the said inhabitants, the following oath of Allegiance: I ___ do solemnly swear, (or affirm) that I will be true and faithful to the United States of America; that I renounce all allegiance and dependence upon any foreign prince or potentate whatsoever; and that I will, as becomes a good Citizen, as far as in me lies, protect and defend the said United States from all attacks and invasions from other powers.

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8. That they prohibit the settlement of all persons, not properly authorized for that purpose, upon the unappropriated Lands of the United States, and that they cause to be circulated in the said country, the following proclamation:

"Whereas it hath been represented to the United States in Congress Assembled, that several disorderly persons have crossed the river Ohio, and settled upon their unappropriated lands; and whereas it is their intention, as soon as it shall be surveyed, to open Offices for the sale of a considerable part thereof, in such appropriations, and under such other regulations as may suit the convenience of all the Citizens of the said States, and others, who may wish to become purchasers of the same; and as such conduct tends to defeat the object which they have in view, is in direct opposition to the ordinances and resolutions of Congress, and highly disrespectful to the federal authority, they have therefore thought fit, and do hereby issue this their proclamation, strictly forbidding all such unwarranted intrusions, and enjoining all those who have settled thereon, to depart, with their families and effects, with loss of time, as they shall answer the same at their peril.

That the Secretary at war be, and he is hereby directed to order the troops in the service of the United States, to be in readiness to march at such time, and to such place or places as the said commissioners, or any two of them, shall direct.

That the fourth of the Instructions given on the 15th of October, 1783, to the commissioners for negotiating with the Indians, be, and it is hereby repealed.

June 24, 1785 –

1) OFFICE FOR FOREIGN AFFAIRS, *23, June, 1785*.

Sir: I have the Honor of transmitting to your Excellency herewith enclosed, the Copy received from Dr. Franklin of the Convention, which appears to be in the French Language, between that and this Nation respecting Consuls, together with the Translation for which it was referred to me.

To me it appears Expedient to provide, that in future every Treaty or Convention which Congress may think proper to engage in, should be formally executed in two Languages, Viz. the Language of the United States and such other Language as the Party contracting with them may prefer.

I also take the Liberty of observing that in my Opinion it is much to be desired, that some Limits may be assigned for the Duration of the Convention in Question, and therefore that Measures be taken for obtaining the Admission of an Article for that Purpose.

I have the Honor, etc.

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June 30, 1785 –

1) Resolved, That the postmaster general make enquiry, and report the best terms upon which contracts may be entered into, for the transportation of the several Mails, in the stage carriages on the different roads, where such stage carriages are or may be established.

July 6, 1785 –

1) Congress took into consideration the report of a grand committee, consisting of Mr. [David] Howell, Mr. [Abiel] Foster, Mr. [Rufus] King, Mr. [Joseph Platt] Cook, Mr. [Melancton] Smith, Mr. [John] Betty, Mr. [Charles] Gardner, Mr. [John] Vining, Mr. [William] Hindman, Mr. [James] Monroe, Mr. [Hugh] Williamson, Mr. [Charles] Pinckney and Mr. [William] Houstoun, on the subject of a money unit.

And on the question, That the money unit of the United States of America be one dollar, the yeas and nays being required by Mr. [David] Howell; Every member answering *ay*, it was

Resolved, That the money unit of the United States of America be one dollar.

Resolved, That the smallest coin be of copper, of which 200 shall pass for one dollar.

Resolved, That the several pieces shall increase in a decimal ratio.

2) OFFICE FOR FOREIGN AFFAIRS, *July 4th, 1785*.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Copy of the Convention respecting French and American Consuls.

Reports, That the Convention, of which the above mentioned is a Copy, having been formally executed by French and American Plenipotentiaries, nothing is wanting to perfect that Compact, but the Ratifications Specified in the 16th Article.

The only Question therefore that remains to be decided is, whether Congress ought to ratify this Convention.

To decide this Question properly, it appears necessary –

1st. to recur to the Powers and Instructions given to their Minister on this Subject, and enquire whether he has pursued them essentially, and

2nd. Whether a Case of Deviations, they are of such a Nature as to justify a Refusal to ratify.

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It is to be observed that on the 25th January, 1782, Congress "*Resolved*, That the Minister Plenipotentiary of the United States at the Court of Versailles, be and is hereby authorized and *instructed*, to enter into a Convention with His Most Christian Majesty, on the part of the United States for the establishment of Consular Powers and Privileges ACCORDING to the Scheme hereunto subjoined; unless it Shall be deemed by his Most Christian Majesty more expedient that the Same Should be executed in the United States.

That the said Minister Plenipotentiary use *his Discretion* as to the *Words or Arrangement* of the Convention; Confining himself to the *Matter* thereof in ALL RESPECTS, except as to so much of the Sixth Article, as relates to the Erection of a Chapel, taking care that reciprocal Provision be made for the Recognition of the Consuls and Vice Consuls of the United States, and for the Admission of Persons attached to the Consulate to the Priviledges stipulated in the 5th Article, in a manner most conducive to Expedition and the free'st from Difficulty."

This is the only Instruction as well as the only Authority given on the Subject, to the American Minister, that your Secretary finds.

SCHEME	CONVENTION
Title	*Title*
Convention between his Most Christian Majesty and the United States of North America for defining and regulating the Functions and Priviledges od Consuls, Vice Consuls, Agents and Commissaries.	Convention between his Most Christian Majesty and the THIRTEEN United States of North America for the Purpose of determining and fixing the Functions and Prerogatives of their respective Consuls, Vice Consuls, Agents and Commissaries.

The Stile of the Confederacy being "the United States of America," the Scheme and the Convention are both erroneous so far as they both add the word *North*.

But the Title of the Convention departs essentially from that of the Scheme, in as much as it limits the Compact to the *thirteen* United States of America, and consequently *excludes* from it all such other States as might before the Ratification of it or in future be created by, or becomes Parties to, the Confederacy;

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Whereas the Words in the Title of the Scheme *United States of North America* would if used, have comprehended them all.

[Scribe's notes: See pages 502-515 for the rest of the commentary/instructions].

July 14, 1785 –

1) The Board of Treasury on the motion of the Honorable Mr. [David] Howell of the 8 [7] July instant, beg leave to Report.

That the Settlement of the Accounts of the several States with the United States, is in their Opinion an object of the greatest magnitude; and that a longer delay in making the most efficacious Arrangement for attaining this end will tend to destroy the harmony of the Union, and blast all hopes of collecting a General Revenue in any degree adequate to the exigencies of Government.

That the Commissioners appointed in the several States for this purpose are at the same time vested with powers to settle with Individuals.

That the Accounts of scarcely any State having been exhibited to the Commissioners, and the Claims of Individuals most urgent for Settlement, no commencement has been made in the Examination of the Accounts of any State 9so far as has come to the knowledge of this Board) except those of Connecticut.

That altho' the powers vested by Congress in the said Commissioners for settling Accounts with Individuals are as extensive as regard to the Public Security can possibly admit of (it being in the option of the Commissioner, where Vouchers are not produced, to permit the Claimant to Substantiate his Demand on Oath) embarrassments and delays have unavoidably arisen in the Execution of this Trust, wing in a great degree to the caution which a faithful Officer will ever exercise in disposing, on his mere Judgement, of the property of the Public.

That the principle would inevitably operate in a far more powerful degree in liquidating the Accounts of the several States from the magnitude and complicated nature of the Accounts, the defect in numerous instances of general principles of Settlement, and the impracticability of substantiating the Claims of a State (where no vouchers are produced) in the same manner with those of Individuals.

That in the Opinion of this Board, it would be inconsistent with those principles of equality which ought to Govern in the settlement of the Accounts of the Individual States with the United States to vest the Commissioners with those extensive powers, in settling the accounts of the State, which they have a right to Exercise in the case of Individuals; since a difference of Judgement in the Commissioners, an inability to resist the influential importunity of the State in

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which they Act, and the limited point of View in which they must necessarily consider those Claims, which are not supported by the express Resolves of Congress, may so alleviate the burthen of one State at the expence of another, as to introduce a spirit of dissatisfaction, highly injurious to the Peace of the Confederacy.

That to establish a new Commission to Settle the Accounts of the States, distinct from those Individuals, would not only Burthen the Public with a heavy additional Expence but expose the Public to the hazard of admitting far greater Claims than they ought to be chargeable with; since in numerous instances, great Advances have been made by several States to Public Officers, and Claims of Individuals against the United States have been Assumed, which can no otherwise be checked than by an uniform Controul in the settlement of Accounts under the exercise of a single Will –

That a very great progress having been made in the Settlement of the Claims of Individuals throughout the States, the Commissioners will have more leisure that they have heretofore had to take up the State Accounts; and that in case of need an Arrangement may he made for proceeding with the remaining Accounts of Individuals, whilst the attention of the Commissioner is devoted to the settlement of the State Accounts. From these Considerations, the Result of mature Reflection the Board submit to the Judgement of Congress the following Resolves

1st That the Commissioners of Public Accounts in the several States, be directed forthwith to call upon the States, in which they Act, for their Accounts against the United States to the First Day of January, 1782, and that they devote their unremitted attention to the Examination and Settlement of the same.

2nd That, in the admission of Claims, the said Commissioners Govern themselves by the present existing Resolves of Congress, and such others as may be from time to time past and transmitted them by the Board of Treasury; And that they take up the said Accounts in such order as the said Board shall direct.

3rd *Resolved*, That if any State shall neglect to furnish its Accounts supported by proper Vouchers to the Commissioner for the space have given Notice in Writing to the Supreme Executive, that he is ready to enter on the duties of his Office: such State shall be precluded the privilege of a Settlement thereof, excepting with the Board of Treasury; And if in the course of two Years after such notice as aforesaid, a complete Settlement is not effected, such State shall be considered as having no Claims against the United States, but shall nevertheless be chargeable with all Advances of Money, or other Articles which may have been made to such State by the United States, and with its deficiency of the several Quotas of Taxes, which have been Assessed on it.

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Resolved, That the Commissioners of the Board fo Treasury be Authorized either to Appoint, or to permit an Assistant Commissioner to be appointed in such State where the multiplicity of Accounts may render it essential to an expeditious Settlement with a Salary not exceeding___ Dollars per Annum; And that the Assistant so Appointed having first taken the usual Oaths of Office proceed under the direction of the principal Commissioner to settle the Accounts of Individuals not hitherto Liquidated.

And Whereas several States in the Union may Claim the privilege of charging the United States with sundry Expenditures alledged to be made for the common Cause, though not supported by the Special Acts of Congress. And it being essential to the peace and Welfare of the Union that such Claims should be Adjusted on uniform principles.

Resolved, That the several States be called upon to Exhibit without Delay to the Board of Treasury their Claims against the United States under the Description above mentioned with such Vouchers, Evidence and Motives of Expenditure, as they may think necessary to support their respective Pretentions; And that if any State shall neglect, within Twelve Months to Exhibit the same, it shall be precluded from all further privilege of exhibiting Accounts, under the description above mentioned.

Resolved, That the Board of Treasury proceed to Examine and arrange such Accounts as are from time to time Exhibited, and that they Report to Congress such principles for determining those Claims, as they shall judge most consistent with general Justice and the Public Interest.

Resolved, That the United States in Congress will after Twelve Months computed from the Fifteenth Day of August next, take up the merits of all pretentions of the several States under the description above mentioned.

That the said Accounts shall finally determined on within Eighteen Months computed fro the above Date and the several States after that period be forever precluded from all pretension of Claims under the above Description.

<u>July 21, 1785</u> –

1) The committee [Mr. Rufus King, Mr. William Samuel Johnson, Mr. William Grayson, Mr. William Ellery and Mr. James Monroe] to whom was referred a motion of the Delegates of Massachusetts for the disqualifying of members of Congress from being appointed to any office of trust or profit under the U.S. submit the following Resolution,

Resolved, That the election and acceptance of any person as a member of Congress shall for ever hereafter be deemed to incapacitate and disqualify such person from being elected by the

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U.S. in Congress assembled to any Office of trust or profit under the said states, during the term for which he shall have been so elected a member of Congress.

July 25, 1785 –

1) The delegates for Massachusetts, laid before Congress an Act passed by the legislature of that Commonwealth, on the 2d day of this present Month, entitled,

"An Act authorizing and empowering the delegates representing this commonwealth in the United States in Congress assembled, to subscribe and ratify an alteration of part of the eighth Article of the Confederation and perpetual Union of the Union States of America."

2) On a report from the board of treasury,

BOARD OF TREASURY,

July 22d, 1785.

SIR: We do ourselves the honor of laying before Congress a Letter received by the Board this day from the Treasure of this State: The Act of the Legislature of New York directs the payment of the Quota of that State on the Requisition of the 27th April, 1784, to be paid into the Treasury of the United States: how far the Resolution of Congress of the 15th April last relative to the future Receipt of Continental Taxes can justify the State Treasurer in deviating from the line of Payment marked out by the Act of the State, it is not for us to determine.

We beg leave to represent to Congress, that as the Loan Officer of the State of New York resides in Albany, great impediments would arise in the Negotiation of the Specie Quota of the Taxes raised in this State on the general Requisitions, if a deviation should be made from the channel of Receipt pointed out by the Act of the State; Exclusive of this it appears to us an unnecessary Expence to pay any Commission on Monies received in the State, where Congress may happen to reside" because the Treasurer if such State can with facility pay in the Taxes to the Continental Treasury, and preserve all those Checks which are necessary on this Transfer. From these Considerations we beg leave to submit to Congress the following Resolves, viz.

Resolved, That in any state, where the United States in Congress assembled may hold their sessions, the taxes collected in such State, in consequence of the general requisitions and not appropriated for the payment of Interest on the domestic debt, shall in the first instance be paid into the treasury of the United States; any thing in the Resolution of the 15th April last to the contrary notwithstanding.

July 26, 1785 –

Produced by Union States Assembly

1) The Delegates of the State of New York, laid before Congress a Copy of the laws of the legislature of that State at their last Session, among which are the following Acts:

1. An Act to carry into effect the Act of Congress of the 11th of the February, 1785, providing for the settlement of Accounts with the Indian Officers therein named. Passed 3, March, 1785.

2. An Act to vest the United States in Congress assembled, with power to prohibit the importation and exportation of goods, wares, and merchandize, agreeably to their Act of the 30th of April, 1784. Passed the 4 April, 1785.

3. An Act acceding to the recommendation of Congress of the 18th of April, 1783, relative to the eighth Article of Confederation and perpetual Union of the United States of America. Passed 9 April, 1785.

4. An Act to raise troops for the purposes, and in the manner therein mentioned. Passed the 22d April, 1785, pursuant to the resolutions of Congress, of the 1st, 7 and 12 of April.

5. An Act directing the treasurer of this state to pay inti the treasury of the United States, 147,734 9/99 dollars. Passed the 4 April, 1785.

6. An Act making it felony without benefit of Clergy, to counterfeit, or forge, or pass, knowing the same to be counterfeit, any of the public certificates of the United States, or of this State, or any species of gold or silver money now, or hereafter to be current in this State. Passed the 25 April, 1785 and

7. An Act to authorize the United States in Congress assembled, to appoint Commissioners to complete the running a certain line of jurisdiction therein mentioned, between this state and the commonwealth of Massachusetts. Passed the 7th of March, 1785.

<u>July 27, 1785</u> –

1) On Motion of Mr. [Elbridge] Gerry, seconded by Mr. [Samuel] Hardy,

Resolved, That the Secretary of Congress apply to the Executives of the several states, for 13 copies of the legislative acts thereof, since the first of September, 1774, inclusive that one set of the said acts be retained for the use of Congress, and that he deliver to the delegates of each State one set {exclusive of its own Acts} for the use of the legislature thereof. And the Secretary is further directed to adopt a similar mode for procuring the acts which may hereafter be passed as aforesaid, to the end, that every state, being this informed, may have the fullest confidence in the other states, and derive the advantages which result from the joint wisdom of the whole.

<u>August 17, 1785</u> –

Produced by Union States Assembly

1) On the report of a committee, consisting of Mr. [Elbridge] Gerry, Mr. [Samuel] Hardy and Mr. [Charles] Pinckney, to whom was referred a motion of Mr. Pinckney:

Whereas many States in the Union continue to be unrepresented in Congress, or to be represented by only two members, notwithstanding the many urgent recommendations of Congress, for remedying these effects, particularly those of 1st of November, 1783, and the 19th of April, 1784. And whereas from the want of a compleat representation, the great Interests of the Union have frequently been, and continue to be neglected or delayed; and the Confederation itself, or the administration thereof by Congress, may be considered as the cause of evils [resulting from an incompleat representation. And whereas it is incumbent on Congress to prevent opinions so derogatory to their honor, and so dangerous to the public welfare.

Resolved, That the Secretary of Congress shall once on every month, transmit to the Legislatures of the respective States, a list of the States represented, and of those unrepresented in Congress, and of the members from each State; that effectual measures may, from time to time, be taken by such States as may be unrepresented or represented by only two members, to remedy these defects.

Ordered, That a copy of this Resolved, and of those to which the first paragraph of the preamble refers, be transmitted to the Legislatures of the respective States.

In passing the foregoing act, a division was called for, and that the question be first taken on the resolution" And on the question to agree to the resolving clause, the yeas and nays being required by Mr. [Jacob] Read, so it was resolved in the affirmative.

The preamble and the Order passed without a division.

<u>August 19, 1785</u> –

1) [Motion of Mr. Elbridge Gerry]

That after the 1st Monday of November next all Directions to Congress shall be addressed to their Excellencies the President and Members of the U. States in Congress assembled.

That each Member of Congress shall take Rank of every officer of the U. States.

That it be recommended to the Legislatures of the Several States to make provision by Law, that their Members of Congress shall be inferior in Rank to none but the Governors respectively.

3) Motion of Mr. Charles Pinckney]

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That the President of Congress shall in future while in the Chair be seated in his robes; and that the Secretary shall also while in the execution during the hours in which in which Congress shall sit, appear in his robes.

That in all cases the members of Congress shall have precedence of the officers, civil and military in the U. States and of all foreign ministers.

August 22, 1785 –

1) The delegates for Massachusetts laid before Congress an Act of the legislature of that State, entitled, "An Act to authorize the United States in Congress assembled, to appoint Commissioners to compleat the running the line of jurisdiction, between the Commonwealth of Massachusetts and the State of New York, on the easterly part of the State of New York."

August 24, 1785 –

1) Resolved, That the Secretary to the United States for the department of foreign affairs be, and he is hereby directed to report the draft of an act to be recommended to the legislatures of the respective states, for punishing the infractions of the laws of nations, and ore especially for securing the privileges and immunity of public Ministers from foreign powers.

August 26, 1785 –

1) On motion of Mr. [Charles] Pinckney, seconded by Mr. [Jacob] Read,

Resolved, That when a motion is made to postpone a report, motion or proposition before the house, in order to take up another proposition, no amendment shall be made or received until the question is put and decided to postpone what was before the house.

August 29, 1785 –

1) On motion of Mr. [Charles] Pinckney, seconded by Mr. [James] McHenry,

Resolved, That the 28th rule instituting and specifying the duties of a committee of the week, be, and it is hereby repealed; and that the said duties be in future performed by the Secretary of Congress; provided that no order shall be taken on any letter, petition, memorial or application whatsoever, until the same shall have been first read in Congress.

2) BOARD OF TREASURY

27th August, 1785.

SIR: Since the resolve of Congress of the 6th July last, directing the Board to report the allowances proper to be made to the Receivers of Continental Taxes, our Enquires have

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naturally turned to the present Establishment and Duties of the Loan Officers, the manner in which they have executed their Trust, the effects which have flowed from the system, and how far it is compatible under the existing arrangement, to the new Trust reposed in it.

The Office was established by the Resolve of Congress of the 3rd October 1776, the respective Officers were to be appointed by the several States which were to be responsible for the faithful discharge of their duty. They were to keep regular Books and to transmit to the Continental Treasurer a monthly account of the cash in their respective Offices; besides receiving monies on Loan, and answering the Drafts of the Treasurer, the annual interest was to be paid at the respective Officers.

Their allowance for all their services was by that Resolve to be, one eighth per cent on all monies brought in to their respective Offices.

By the resolve of Congress of the 29th of September, 1778, the Loan Officers were to be be allowed tow per cent on the amount of the past and future payments of Interest.

The manner in which have this officer has been executed may be ascertained by the Letter of the Comptroller to this Board of the 20th Instant. Copy of which we do ourselves the honor of transmitting.

The effects which have flowed from the establishment of this office have been such as might be naturally expected from the Officers not personally responsible for the execution of their to those whose interest was confided in them – unsettled accounts, a non-compliance with the resolves of Congress and the instructions of the Treasury, and in some instances of importance an absolute deviation from them. Some striking proofs of the validity of this observation have come to the Knowledge of this Board. In several States the Loan Officers have issued certificates of interest beyond the period of time prescribed by Congress, and in a late instance (the evidence of which is transmitted for the information of Congress) the certificates of interest issued in consequence of the Resolve of Congress of the 27th of April, 1784, have been more, than the principal and interest fairly due (estimating the principal loaned agreeably to the scale of depreciation as established by the Resolve of Congress of the 28th June 1780.)

If such irregularities in this office have prevailed in consequence of its present establishment, what evils may not be feared, when the Trust proposed, and the temptations of abuse are far greater, and the consequences of irregularities, (especially in the liquidation of the domestic interest) infinitely more extensive.

Without the gift of prophecy it may reasonably e inferred, that the Commissioners of the Treasury will never be able to ascertain what, if any monies, are in the hands of the several officers, to control its disposition, or to prevent those abuses in the payment of the interest,

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which without the greatest vigilance will creep in, to the enormous augmentation of the national debt.

As it is one of the express duties of our officer to digest and Report plans for Regulating and Improving the Finances, we beg leave to submit to the consideration of Congress the following plan for regulating the receipt of Taxes and payment of the interest due by the United States.

That it shall be the duty of the [Commissioners of the Continental Loan Officers in the respective States] to receive and Keep the monies arising from the Continental Taxers in the different States, and to pay the interest due from the United States, in the said States respectively. And that they hold all monies collected within the several States on account of the Requisitions of Congress, subject only to the orders of Congress, or of the Board of Treasury.

That they shall [agreeable to such mode as may be prescribed by the comptroller] weekly returns to the Board of Treasury of the money they may receive on account of the United States, and also of certificates [which they may issue] for the payment of the Interest on the Public Debt [in pursuance of the Acts of Congress].

That they form accurate estimates as often as called upon by the Board of Treasury, of the interest falling due monthly within their respective States, on Loan Office Certificates, and other liquidated securities of the United States. And that they keep accurate and distinct registers of the principal sums due, as well on the Liquidated, as Loan Office Dept.

That in all their Official transactions they govern themselves by the [Acts and] Resolves of Congress, or the orders of the Board of Treasury not repugnant thereto.

That they make no appropriation of monies by them received on account of the United States (except for the purpose of payment of Interest agreeably to the Resolves of Congress) without the express order of the Board of Treasury: and that they submit to the Comptroller a State of their accounts [quarterly] for examination and allowance.

That the said Officers shall not directly or indirectly be concerned in Trade, and that previously to entering on the duties of their Office, they shall [severally] enter in to Bonds to the United States of America, with two or more Sureties further, they shall severally take an Oath for the due execution of their Offices respectively – Certificates of which together with their several Binds shall be transmitted to the Board of Treasury who shall cause the same to be recorded in the Comptroller's Office.

That in the payment of all monies they shall take Printed Duplicate Receipts, agreeably to such form as shall be transmitted to them by the Comptroller; one of which shall be forwarded [to

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the Board of Treasury] with their accounts in support of the payments made by them respectively.

That they shall also give Duplicate Receipts for all monies received by them in order that the several States may direct one of them to be forwarded to the Board of Treasury, who upon the receipt thereof, shall credit the State for the amount specified therein and charge the same to the Officer receiving it.

That it be recommended to the Legislatures of the respective States to direct their Treasurers to transmit to the Board of Treasury a monthly Abstract of all monies paid on account of the several States to the [Commissioners of the Continental Loan Office] distinguishing the dates and amounts of the respective payments; and the sums paid in [actual money] from those on Interest Certificates.

That all the Acts and resolves of Congress respecting [the duties] of the Commissioners of the Loan Office in the respective States made previously to this date be, and they are hereby repealed, and [declared to be void fro and after the first day of January next] excepting the [requisitions of the 27 & 28 of April 1784, the] Ordinance of the 20th May [and the requisition of the 27th of September 1785.]

SAMUEL OSGOOD

WALTER LIVINGSTON

<u>September 7, 1785</u> –

1) On motion of Mr. [William] Houstoun, seconded by Mr. [William] Grayson,

Resolved, That the postmaster general be, and he is hereby authorized and [instructed, under the direction of the board of treasury] to enter into contracts under good and sufficient security, for the conveyance of the different mails by the stage carriages, from Portsmouth, in the State of New Hampshire, to the town of Savannah, in the State of Georgia and from the city of New York, to the city of Albany in the State fo New York, according to the accustomed route.

On motion of Mr. [Charles] Pinckney,

Resolved, That, whenever it shall appear to the Secretary of the United States of America for the department of foreign affairs that their safety or interest require the inspection of any letters in any of the post Offices, he be authorized and empowered to inspect the said letters, excepting from the operation of this resolution, [which is to continue for the term of twelve months] all letters franked by or addressed to members of Congress.

<u>September 13, 1785</u> –

Produced by Union States Assembly

1) [Report of Mr. David Howell, Mr. Charles Pettit, Mr. William Samuel Johnson, on petition of William Irwine]

The Committee to whom was referred the Petition of William Irwine and others, Report –

That it is stated in the Petition, that the Petitioners under a License from the Commissioners for treating with the Indians, established a Store-house on the West Branch of Big Beaver Creek.

That, finding at the said Place a Conveniency for making Salt, and considering it of great importance, not only as an Object of Profit to themselves, but as beneficial to the Inhabitants of the neighbouring Country, to establish a Manufactory of that necessary Article, they have at a considerable Expence made Provision for carrying on such Manufactory, considering it as within their License from the said Commissioners.

The Petitioners farther State to your Committee that the Western Boundary of Pennsylvania being not yet fixed nor likely to be this year, it remains uncertain whether their Improvements are within that State, or on the Lands of the United States; that they had made considerable Progress in the undertaking before the late Proclamation and on a supposition that it would merit the Approbation rather than the Displeasure of Congress; but that they are Apprehensive the Officer commanding the Troops in that Country may conceive himself obliged to stop their Proceedings – They therefore pray the Protection of Congress, that the said Officer may be instructed to permit them to pursue their Plan of Industry, and that they may have the preemption of the Land on which the Improvements are made if the same should prove to be the property of the United States.

Your Committee therefore submit the following Resolutions,

Resolved, That the Officer commanding the Troops in the Western Country, be instructed to permit William Irvine and others who as a Company *have erected a Store*, and are preparing a Salt Manufactory on Beaver Creek to proceed in the said Business.

<u>September 20, 1785</u> –

1) In pursuance of the order of the 9th of August [the Secretary for Foreign Affairs] reported the number of Consuls necessary to be appointed by Congress.

OFFICE FOR FOREIGN AFFAIRS

19th September, 1785.

The Secretary of the United States for the Department of foreign Affairs, in obedience to the Order of Congress of 9 Aug. 1785, respecting the number of Consuls necessary to be appointed and for what foreign Ports, Reports –

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That in his Opinion it would be expedient to have Consuls in Russia, Sweden, Denmark, Germany the Austrian and united Netherlands, Britain, Ireland, France, Portugal, Spain, the Canaries, Madeira and certain Ports in the Mediterranean.

That another should be appointed for Britain and Ireland to reside at London.

That another will continue necessary for France to reside at Paris.

That another should be appointed for Spain and the Canaries to reside at Madrid.

That another should be appointed for Portugal and Madeira &c. to reside at Lisbon, and that the Mediterranean Ports should for the present be included in his Consulate.

Your Secretary is further of Opinion that each of the said Consuls General should be directed to nominate such and so many Consuls, for Ports within his District, as he may from Time to Tie think necessary and proper, specifying the Extent and Limits of each Consulate – that thereupon Commissions be issued by Congress to such or so any of the Persons, so to be by him nominated, as Congress may judge expedient; or to others whom Congress may prefer.

That it should be in the Power of the Consul General, to suspend for good Cause, any Consul within his District, to report the same to Congress, and to appoint another to supply his Place, until their Pleasure shall be made known to him on the subject.

Your Secretary thinks that when Peace with the piratical States is established, and the American Trace in the Mediterranean, shall become more extensive than it now is, it will be proper to appoint at least one Consul General for the Mediterranean, but that for the present, it should be annexed to Portugal, because the Communication between those Ports, and Lisbon, is more easy and expeditious than with Madrid. The same Remark will also apply to the northern Powers and Germany.

As appeals should lay from Consuls to the Consul General, the latter should be independent and unconcerned in Trade, and consequently, receive an adequate Salary, and although it would be better that Consuls should be maintained and restrained in like manner, yet as the Expense would be enormous, it will be necessary to permit them to trade and receive no Salaries.

Five Consuls General appear to your Secretary to be indispensable and as the Amount of their Salaries cannot well be less than 5000 Sterling a year; he takes the Liberty of submitting to the Consideration of Congress whether it would not be advisable to invest their resident Ministers with consular Powers, and maintain Consuls General, in such States only where they may be thought indispensable, but to which the United States may not Judge it necessary to Send a Minister.

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He also thinks that it would be useful to consider and determine whether Consuls General and Consuls should be permitted to receive any Fees.

If these Ideas should meet with the Approbation of Congress the Difficulty of ascertaining the number of Ports to which Consuls ought to be sent will be removed. As that Difficulty arises from the Necessity of previous and accurate information respecting the Extent and Degree of our Trade to those different Ports, it will not be easy to avoid Mistakes on that Subject. But if that Matter is referred to the Consul General of a certain District, he cannot be much embarrassed in deciding whether a Consul be necessary at this or that Port within it.

Indeed it appears probable to your Secretary, that in the Course of a few Years Consuls will be necessary at Ports to which there would be no Use in sending any at present.

There are certainly some Ports at which there should now be Consuls and they may easily be enumerated – if therefore the Plan above proposed should not be thought advisable, your Secretary on this Report's being referred back to him, will immediately proceed to enumerate them.

All which is submitted to the Wisdom of Congress.

JOHN JAY

Ordered, That Monday next be assigned for the consideration of the said report.

September 21, 1785 –

1) So it was resolved in the affirmative as follows:

Whereas the petition of Zebulon Butler and others, claiming private right of Soil under the State of Connecticut, and within the jurisdiction of the Commonwealth of Pennsylvania, doth not describe with sufficient certainty, the tract of Land claimed by the said Zebulon Butler and others, nor particularly name the private adverse claims under grants from the Commonwealth of Pennsylvania:

Resolved, That the resolutions of Congress of the 23d day of January, 1784, relative to the claim of Zebulon Butler and others, be, and hereby are repealed.

September 24, 1785 –

1) Congress resumed the consideration of the requisition of 1785, which being amended to read as follows:

[Scribe's notes: (See pages 743-750 for the financials].

Produced by Union States Assembly

September 26, 1785 –

1) The Committee consisting of Mr. [James] McHenry, Mr. [Jacob] Read, and Mr. [Charles] Pettit to who were committed a motion of Mr. [James] McHenry beg leave to submit the following resolution.

Resolved, that is be and hereby is recommended to the several States to vest the U.S. in Congress assembled, with the sole and exclusive right and power of establishing and regulating post-offices throughout the U.S. and raising a revenue by exacting postage on the letters and papers passing thro the same, provided that the postage shall not exceed the following rates in pennyweights and grains of silver, estimating each pennyweight. For any distance not exceeding sixty miles one pennyweight, eight grains; upwards of sixty and not exceeding one hundred, two pennyweight;, upwards of one hundred and not exceeding two hundred, teo pennyweight, sixteen grains; and son sixteen grains advance for every hundred miles and for all single letters to and from Europe or any foreign country by packet or dispatch vessels, four pennyweight: the above rates to be doubled for double letters, trebled for treble letters and a packet weighing an ounce to be charged equal to four single letters, and in that proportion if of a greater weight: and to the foregoing rates inland postage an additional sum not exceeding ___ upon every letter packet or dispatch which shall come into this office from beyond sea by any other conveyance than packets or dispatch vessels and which are to be forwarded; but for all such as are not to be forwarded, whether inland or ship letters a sum not exceeding.

Provided also that the net proceeds of the revenue be applied in the first instance to the extinguishment of the post officer debt and the establishment of such cross posts throughout and within the several States and in the western country or new States, as the United States in Congress assembled may judge proper.

Provided also that the residue of the revenue be for ever appropriated for the maintenance of public packets r dispatch vessels, and the support of vessels of war for the protection of trade; provided nevertheless that no part of the said residue be applied without the consent of nine States in Congress assembled.

September 27, 1785 –

1) Congress resumed the consideration of the requisition for 1785, and the report of the grand committee being amended to read as follows:

(See pages 765-771 for financials)

September 29, 1785 –

1) On motion of the state of Massachusetts, seconded by the state of New York:

Produced by Union States Assembly

Whereas on the 7th day of March, 1785, the legislature of the State of New York passed, and afterwards transmitted an attested copy of a law, in the words following:

"Whereas an agreement was made and entered into on the eighteenth day of May, in the year of our Lord one thousand seven hundred and seventy three, between commissioners appointed by an act of the legislature of the late Colony of New York, and Commissioners appointed by an act of the legislature of the late Colony of Massachusetts Bay; which agreement is in the words following, to wit: This Agreement indented, made the eighteenth day of May, in the thirteenth year of the reign of his Most Gracious Majesty George the third, king of Great-Britain, France and Ireland, Defender of the faith, &c. and in the year of our Lord one thousand seven hundred and seventy three, between John Watts, William Smith, Robert R. Livingston and William Nicholl, esquires, duly authorised to make such agreement, by virtue of a law of the province of New York, on the one part; and William Brattle, Joseph Hawley and John Hancock, esquires, thereunto duly authorised by virtue of a law of the province of Massachusetts Bay, of the other part, witnesseth, that the commissaries aforesaid, being met at Hartford, in the colony of Connecticut, for the settlement of a partition line of jurisdiction between the said provinces of New York and Massachusetts Bay, on the easterly part of the said province of New York, and from the south to the north boundaries of the said Massachusetts Bay, in pursuance of said laws, and certain commissions respectively issued to the Commissaries above named, by the governors of the provinces aforesaid, and in compliance with the royal recommendations heretofore signified to Sir Henry Moore, baronet, and Francis Bernard, esquire, the then governors of the said provinces, by letters from the right honorable the earl of Shelburne, late one of his Majesty's principal Secretaries of State; and after having had divers conferences relative to the aforesaid boundary of the said provinces, they, the said commissaries, do thereupon unanimously agree, that the following line, that is to say, a line beginning at a place fixed upon by the two governments of New York and Connecticut, in or about the year of our Lord one thousand seven hundred and thirty one, ofr the north west corner of a tract of Land commonly called the oblong or equivalent land, and running from the said corner north twenty one degrees, 10 minutes and thirty seconds east, as the magnetic needle now points to the north line of the Massachusetts Bay, shall, at all times hereafter, be the line of jurisdiction, between the said province of New York, in all and every part and place where the said province of New York, on its eastern boundary, shall adjoin on the said province of the Massachusetts Bay. In testimony whereof, the commissaries aforesaid, have hereunto set their hands and seals, the day and year above-mentioned. And whereas the governors of the said colonies of New York and Massachusetts Bay, by an instrument in writing under their hands and seal respectively, bearing date the eighteenth day of May, in the year one thousand seven hundred and seventy three, signified their approbation of the said agreement; which said instrument is in the words following, to wit: We the governors of the provinces aforesaid, in testimony of our consent thereto, and of our approbation thereof, have hereunto set our hands and seals, at

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Hartford aforesaid, this eighteenth day of May in the year of our Lord one thousand seven hundred and seventy three, and the thirteenth year of his Majesty's reign. And whereas since the settlement of the said jurisdiction line in manner aforesaid, Commissioners and surveyors have since been appointed, on the part of the said State of New York and Commonwealth of Massachusetts respectively, to run and mark the said line pursuant to the said articles of Agreement; and although such commissioners, in both instances, proceeded in part to run the said line, yet they could not agree so as to complete the same. And whereas the borders on the said line now suffer great inconvenience and injustice, by being exposed to taxation under the authority of both governments, and a regard to their security and the public tranquility require, that some adequate remedy should be provided: Be it enacted by he people of the State fo New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, that it shall and may be lawful to and for the United States of America in Congress assembled, and they are hereby fully authorised to appoint three skillful, judicious and disinterested persons as commissioners, to run out, survey, mark and ascertain the said line of jurisdiction between this state and the commonwealth of Massachusetts, according herein recited. And be it further enacted by the authority aforesaid, that the line so to be run, marked and ascertained by the said commissioners, or any two of them, according to the true intent and meaning of the said Articles of Agreement, shall be, and for ever hereafter remain, a jurisdiction or boundary line, as far as the same shall extend between the Commonwealth of Massachusetts and this state: Provided always, that the commissioners so to be appointed, shall, before they proceed upon the execution of their trust, be respectively sworn in the presence of a Magistrate, to perform the same faithfully and impartially, according to the best of their skill and Judgment, and shall, within two years from the passing of this Act, complete the said survey, and make a true and exact return thereof into the Secretary's Office of the United States in Congress assembled, in order to be there filed as a perpetual evidence od the said Jurisdiction Line. Provided also, That the legislature of the Commonwealth of Massachusetts shall consent to such appointment of Commissioners, and shall, within nine Months from the publication of this act, pass a law vesting the United States in Congress assembled, with similar Powers and Authorities, as are vested in them in and by this Act. And be it further enacted by the Authority aforesaid, That the Governor, or the person administrating the Government of this State for the time being, shall be, and is hereby authorized, to nominate and appoint one or more person or persons to furnish the said Commissioners shall be appointed by Congress, to run the said Jurisdiction line, with the necessary documents and papers relative to the said line, and to disburse and pay, from time to time, the one-half of the expenses attending the survey, as well as to pay the said Commissioners for the one Moiety of their services, and the Person or Persons so nominated and appointed as aforesaid, or any one or more of them, is and are hereby authorized to draw upon, and receive from the Treasurer of this State, a sum not exceeding five hundred pounds,

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for the purposes aforesaid, and for which they shall be accountable to this State." And whereas on the 29th day of June, 1785, the Legislature of the Commonwealth of Massachusetts passed, and afterwards transmitted an attested copy of a Law, in the words following: "Whereas an agreement was made and entered into on the eighteenth day of May, in the year of our Lord one thousand seven hundred and seventy three, between Commissioners appointed by an Act of the Legislature of the late province of Massachusetts Bay, and Commissioners appointed by an Act of the legislature of the late colony of New York, for the settlement of a petition line of Jurisdiction between the said late province of Massachusetts Bay and the late Colony of New York, on the easterly part of the said colony of New York: And whereas since the agreement made as aforesaid, Commissioners and surveyors have been appointed on the part of the Commonwealth of Massachusetts and the State of New York respectively, to run and mark the said line, pursuant to the said agreement; which Commissioners, although attempts have been made for that purpose, have not been able to complete the running the said line; and whereas the State of New York, by an Act of their Legislature passed on the seventh day of March, one thousand seven hundred and eighty five, have, on their part, authorized the United States in Congress assembled, to appoint three skillful, Judicious and disinterested persons as Commissioners, to run out, survey, mark and ascertain the said line of Jurisdiction, according to the true intent and meaning of the agreement above referred to: Be it enacted by the Senate and House of Representatives, in General Court Assembled, and by the Authority of the same, that is shall and ay be lawful to, and for the United States of America, in Congress assembled, and they are hereby fully authorized to appoint three skillful, Judicious and disinterested persons, as Commissioners, to run our, survey, mark and ascertain the said line of Jurisdiction, between this Commonwealth and the State of New York, according to the true intent and meaning of the agreement above-mentioned. And be it further enacted by the authority aforesaid, that the line so to be run, marked and ascertained by the said Commissioners, or any two of them, according to the true intent and meaning of the said agreement, shall be, and for ever hereafter remain, a Jurisdiction or boundary line, as far as the same shall extend, between this Commonwealth and the easterly part of the State of New York: Provided always, that the Commissioners so to be appointed, shall, before they proceed upon the execution of their trust, be sworn faithfully and impartially to perform the same, according to the best of their skill and Judgment, and shall, within two years from the seventh day of March, one thousand seven hundred and eighty five, complete the said survey, and make a true and exact return thereof, into the Secretary's Office of the United States in Congress assembled, to be there filed, as a perpetual evidence of the said Jurisdiction Line. And be it further enacted by the Authority aforesaid, that the Governor, by and with the consent of the Council of this Commonwealth, is hereby authorized to appoint by Congress to run and ascertain the line aforesaid, with the necessary documents and papers relative to the said line, and to make his warrant on the Treasurer of this Commonwealth in favour of the person or persons so to be appointed, for the

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sum of three hundred pounds, to be applied, if necessary, for the payment of one-half of the expenses attending the survey, and for which they shall be accountable to this Commonwealth."

For the purpose of carrying into execution the object of the states aforesaid,

Resolved, That Monday next be assigned for the appointment of Commissioners, conformable to the Laws of the States aforesaid.

September 30, 1785 –

1) The report being amended, was agreed to as follows:

Resolved, that is shall be the duty of the Commissioners of the continental loan Offices in the respective states, to receive and keep the moneys arising from continental taxes in the different states, and to pay the interest due from the United States, in the said states respectively. And that they hold all moneys collected within the several states, on Account of the requisitions of Congress, subject only to the orders of Congress, or of the board of treasury.

That they shall, agreeably to such mode as may be prescribed by the comptroller, make weekly returns the board of treasury, of the money they may receive on account of the United States, and also of the certificates which may issue for the payment of the interest on the public debt, in pursuance of the acts of Congress.

That they form accurate estimates as often as called upon by the board of treasury, of the interest falling due monthly within their respective states, on loan office certificates, and other liquidated securities of the United States; and that they keep accurate and distinct registers of the principal sums due, as well on the liquidated as loan office debt.

That in all their official transactions, they govern themselves by the acts and resolves of Congress, or the orders of the board of treasury, not repugnant thereto.

That they make no appropriation of moneys by them received on account of the United States, except for the purpose of the payment of interest, agreeably to the resolves of Congress, without the express order of the board of treasury, and they submit to the comptroller, a state of their accounts quarterly for examination and allowance.

That the said Officers shall not directly or indirectly be concerned in trade; and that previously to entering on the duties of their office, they shall severally enter into bonds to the United States of America, with two or more sureties [the principals in a sum not exceeding fifty thousand dollars, nor less than ten thousand dollars, and one or more sureties in alike sum, as may, from time to time, be directed by the board of treasury, having regard to the magnitude

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of the trust reposed in the several offices]. Further, they shall severally take and subscribe the oath of fidelity to the United States, and also an oath for the due execution of their offices respectively, certificates of which, together with their several bonds, shall be transmitted to the board of treasury, who shall cause the same to be recorded in the comptroller's office.

That they shall henceforth be respectively allowed for all services and duties which are or may be annexed to their offices, by any sets or resolutions of Congress, or direction of the board of treasury, a sum not exceeding fifteen hundred, nor less than six hundred dollars per annum, exclusive of office-rent, stationary, and other necessary charges, and the wages of such clerks as may be previously authorised by the board of treasury, who shall judge of the services aforesaid.

That in the payment of all moneys, they shall take printed duplicate receipts, agreeable to such for as shall be transmitted to them by the comptroller; one of which shall be forwarded to the board of treasury, with their accounts in support of the payments made by them respectively. That they shall also give duplicate receipts for all moneys received by them, in order that the several states may direct one of them to be forwarded to the board of treasury, who, upon the receipt thereof, shall credit the state for the amount specified therein, and charge the same to the officer receiving it.

That it be recommended to the legislatures of the respective state, to direct their treasurers to transmit to the board of treasury, a monthly abstract of all moneys paid on account of the several states to the commissioners of the continental loan offices, distinguishing the dates and amounts of the respective payments, and the sums paid in actual money, from those in interest certificates.

That all the acts and resolves of Congress respecting the duties of the commissioners of the loan Office in the respective states, made previously to this date, be, and they are hereby repealed and declared to be void from and after the first day of January next, excepting the requisition of the 27 and 28 of April, 1784, the ordinance of the 20th of May, and the requisition of the 27 September, 1785.

That all appointments of Commissioners of the continental loan Offices in future, shall be made by the United States in Congress assembled, any act or resolution to the contrary notwithstanding: provided that such commissioners as are now in office, where the number does not exceed one in each state, be, and hereby are continued in Office, subject to the acts and resolutions of Congress.

And that all loan Officers previous to their entering on their Duties as Receivers shall give bind to the commissioners of the Board of Treasury with sufficient sureties in the sum of ___ Dollars for the faithful discharge of their Trusts respectively.

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That all appointments of commissioners of the continental Loan Offices in future shall be made by the U.S. in Congress assembled, any Act of Resolution to the contrary notwithstanding. Provided that such commissioners as are now in Office when the number does not exceed one in Each State, be and hereby are continued in Office subject to the Acts and Resolutions of Congress.

Resolved, That the Resolution of the 3d of Oct., 1776, so far as relates to the Responsibility of the States for the faithful discharge of the Duty of the Commissioners of the C.L.O. be Repealed and made void from and after the 1st date of Jan., 1786.

Resolved, That the Resolution of the 3d day of October, 1776, so far as it relates to the responsibility of the states for the faithful discharge of the duty of the Commissioners of the continental loan office, be repealed and made void, from and after the first day of January, 1786.

October 10, 1785 –

1) The delegates for New Hampshire laid before Congress two Acts of the legislature of that State, one entitled,

"An Act to vest the United States in Congress assembled, with full power to regulate and enter into treaties of Commerce." Passed 22 and 23 June, 1785.

The other entitled,

"An Act for the regulation of Navigation and commerce." Passed 23 June, 1785.

October 12, 1785 –

1) The delegates for Massachusetts and Virginia having withdrawn their motion of the 7th instant,

On Motion of the delegates of the said states,

Resolved, That a grand Committee be appointed to report what measures are proper for Congress to adopt, to prevent the ill consequences of a particular district in any State, setting ip and claiming the right of independent government, without the consent of the said state and of the United States.

Ordered, That the said committee meet in the Congress chamber, on friday next, at 10 o'clock in the Morning.

2) On motion of Mr. [Elbridge] Gerry, seconded by Mr. [David] Howell,

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Whereas it is indispensably necessary, for the support of the federal government, that the states should support supply their quotas of Money, for the purposes stated in the estimated of the subsisting requisitions of Congress. And whereas [certificates for] the interest arising on loan Officer certificates, and other certificates of liquidated debts, previously to the last day of December, 1782, from the deficiencies of some of the states to comply with the requisition of the 4th September, 1782, and 27 and 28 of April, 1784, will, in pursuance of the requisition of the 27th of September, 1785, be issued by the commissioners of the continental loan Officers in such states; And whereas the extra certificates which the said commissioners may issue for the payment of the said interest, should be called in or redeemed by the deficient states, in Order to complete their respective quotas of the interest of the domestic debt, specified in the said requisitions of the 4 September, 1782, and 27 and 28 April, 1784.

Resolved, That the several States be earnestly called on, to compleat without delay, the whole of their quotas of the requisitions last mentioned, and that such of the states as May be deficient in paying their respective quotas of the interest of the domestic debt, pursuant to the said requisitions, be required to collect and pay into the public treasury, the amount of such deficiencies, either in certificates to be issued by the commissioners of the continental loan Officers, pursuant to the requisition of the 27th September, 1785, for the payment of the said interest, or in specie, to be applied to the redemption of such certificates; provided that the sum so to be paid into the treasury in interest certificates, as part of the requisition of the 27 and 28th April, 1784, shall not at any time exceed he proportion of facilities to be paid into the treasury, agreeably to the requisition last mentioned.

2) OFFICE FOR FOREIGN AFFAIRS,

11th October, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter of 29th September last from the Honorable Doctor Franklin late Minister Plenipotentiary at the Court of Versailles, &c., Reports –

That as his Letter announces the Return of this Minister to this Country after a long Absence, during which he was concerned in very important and successful Negotiations, it affords a natural Occasion for Congress to take his Services, and the Manner most proper to express their Sense of them, into Consideration.

The information that Captain Lamb was charged with Dispatches respecting the Morocco Business, and who might long ago have been expected in Europe, had not arrived; renders it expedient to forward Duplicates of those Dispatches without Delay.

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The Paragraph which mentions that "the Court of France is concerned to find that our Credit is not better supported in the Payment of the interest Money due on our Loans, &c." Should in the Opinion of your Secretary be referred to the Treasury Board. (Agreed to.)

As to the Present made to Doctor Franklin by the King of France, your Secretary thinks a like Order should be taken in this Case, which was done in a similar one the 1st of December, 1780. Order taken concerning this. See letter of Secretary fo Congress 4 March 1786.)

The Doctor in a postscript to hi Letter mentions his having transmitted all the original Treaties he had been concerned in negotiating that were complicated, by his late Secretary, this Gentleman who has Letter to Congress of 12th March 1781 and in others, he makes particular and honorable mention. The following is a list of the Papers which he delivered to your Secretary viz. –

Original Treaties of Alliance, and of Amity and Commerce with his Most Christian Majesty, and the Article separate and secret.

Ratifications of the foregoing Treaties, with the Seal of the last enclosed in a silver Box.

Declaration of the Count de Vergennes relative to the 11th & 12th Articles on the Part of his Most Christian Majesty.

Original Contracts of the 16th July, 1782, and 25th February, 1783, with their Ratifications.

Convention respecting Consuls.

Original tobacco Contract with the Farmer's General of France 17th November, 1781.

Powers to Count de Creutz, Ambassador of Sweden to form a Treaty with America.

Original Treaty with Sweden, and the Ratification of it by the King of Sweden, with the Seal enclosed in a silver Box.

Ratification of the provincial Articles by his Britannic Majesty with the Seal enclosed in a silver Box.

Original definitive Treaty 9marked Duplicate) with its Ratifications and the Seal enclosed in a silver Box.

All of which is Submitted to the Wisdom of Congress.

JOHN JAY

<u>October 13, 1785</u> –

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1) A motion was made by Mr. [David] Howell, seconded by Mr. [William] Ellery, that the grand committee, to whom was referred a Motion in the words following, viz. That a committee be appointed to devise and report an additional Article to the confederation, to be submitted to the legislatures of the several states, for the purpose of admitting into the federal Union, on certain terms to be specified in the said article, and part or district of any of the United States provided that the legislature of the state to which such district may belong, shall join with the people of such district in an Application to Congress, for the exercise of the power and Authority aforesaid, be directed to report as soon as may be.

On this the previous question was Moved by the State of South Carolina, seconded by Massachusetts; and on the question to agree to the previous question, the yeas and nays being required by Mr. [David] Howell, so it was resolved in the affirmative.

2) On motion of the Delegates for Massachusetts,

Resolved, That Copies of the papers and documents received from the Governour of the State of Massachusetts respecting the encroachment made by certain Subjects of His Britannic Majesty upon the territories of that State, and within the boundaries of the United States, be transmitted to the Minister plenipotentiary of the United States at the Court of London, and to the end that effectual measures should be immediately taken to settle all disputes with the Crown of Great Britain, relative to that line.

Resolved, That the said Minister plenipotentiary be and hereby is instructed, to present a proper representation of this case, and if an adjustment consistent with the true meaning of the definitive Articles of Peace and friendship between the United States and his Britannic Majesty cannot by such representation be obtained in the ordinary mode of negotiation; that he propose; for the appointment of whom, and for all purposes incidents to the final determination of the said dispute by Commissaries conformably to the Laws of Nations, the said Minister plenipotentiary is hereby vested with full powers on behalf of the United States of America.

3) OFFICE FOR FOREIGN AFFAIRS

13th October, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred back his Report of the 19th Ult: respecting Consuls – accompanied with a Motion of the Same Date, Reports –

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That agreeable to what he conceives to be the Design of this Re-reference, he has endeavored to contract the Plan contained in that Report, and to adapt it more immediately to our present Circumstances.

Viewing the Subject in that point of Light, he is of opinion, that is would be expedient to vest the Minister of the United States at the Court of Madrid, with the Powers of a Consul, for Spain and their adjacent Islands viz. the *Canaries and those* in the Mediterranean. And that the Charge des Affaires there, there authorised to exercise those Powers for the present.

That Consuls should be appointed to reside at Bilboa, Cadiz, Malaga, Alicant and Barcelona. That their Jurisdictions be so extended and ascertained, as that every Port in the Kingdom be comprehended within one or the other of the five Consulates. That a Consul be also appointed for the Canaries, to reside at Tenefiff.

That it would be expedient to send a Resident to Portugal, to give him an adequate Salary, which your Secretary thinks would be about one thousand pounds sterling Year, and to vest him with the Powers of a Consul General for that Kingdom, and for the Madeiras.

That one Consul should be appointed for Portugal to reside at Lisbon, and one for the Madeiras, to reside at Madeira.

That until all Questions relative to the Convention with France, now under the Consideration of Congress, shall be settled; it would be expedient to postpone all other measures respecting Consuls for that Kingdom.

That it would be expedient to vest the minister of the United States at the Hague, with the Powers of a Consul General; and that one Consul for the United Netherlands be appointed to reside at Amsterdam.

That is would be expedient to vest the Minister of the United States at the Court of London with the Powers of the Consul General for Britain and her adjacent Islands – but as the Government of that Country is administered according to fixed Laws, which as well as their Language and Customs are well known to the people of America, your Secretary thinks there can be but little Use for Consuls in any of their Ports, at least before we have a Treaty of Commerce with them. But lest he should be mistaken in this Opinion, and that Consuls would now be useful; he is inclined to think it would be sufficient to place them at London and Bristol in England, and at Dublin and Cork in Ireland – as to Scotland he cannot judge whether any should be sent there, or if any, to what Ports, in preference to others – the far greater part of the American Trade to Scotland, being carried on in british Vessels.

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Whether the present Commerce of the United States with the northern Powers, with Germany and the easterly Shores and the Islands of the Mediterranean, calls for Consuls immediately, your Secretary cannot determine with Certainty – he rather thinks they may at present be dispensed with. He ought however to observe that we have a Treaty of Commerce with Sweden, that they have a Consul here, and that from his Accounts, our Trade is remarkably favored there.

Your Secretary for the Reasons stated in his Report, is of opinion that the before mentioned Consuls should have no Salaries but he permitted to Trade. As to Fees, he can readily suppose that in certain Cases, it would be proper to provide for and ascertained them; but he doubts the present Power of Congress to charge either vessels or Persons with the Payment of them, he thinks it would be prudent in all Cases to prohibit the Consuls from demanding or receiving any Fees or Perquisites.

Your Secretary, from Regard to that Subordination, which ought to be observed in every Department, thinks that the Consuls General should have Power to suspend for good Cause, any Consul within their respective Jurisdictions, and to appoint another to fill his Place until the Pleasure of Congress be known, to whom the Consul General should immediately give Notice of such Suspension and of his Reasons for it.

Your Secretary is further of Opinion that the Consuls General should be so strictly restrained from Commerce, as that on due Proof made of their being either directly or indirectly concerned in it, they should be dismissed from the Service of Congress.

All which is submitted to the Wisdom of Congress.

JOHN JAY

4) OFFICE FOR FOREIGN AFFAIRS

13th October, 1785.

SIR: Your Excellency will find herewith enclosed a Letter fro Chevalier Jones of 6th August, and a Copy of a Letter (which is the same that is published in the Philadelphia Paper of the 11th Instant) from Monsieur Soulanges, dated 14th July last, to the Judges and Consuls at Nantes, informing that the Algerines had declared War against the United States.

As their late Peace with Spain has rendered their Armaments unnecessary against that Power, they probably chuse to turn them against us, to prevent their being useful, and in Hopes of acquiring considerable booty. This Peace, if the public Accounts are true, gives those Pirates just matter of Triumph, and in this Moment of their Exultation, I am inclined to think that an advantageous Treaty with them is not to be expected.

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This War does not strike me as a great Evil, the ore we are treated ill abriad, the more we shall unite and consolidate at Home. Besides, as it may become a Nursery for Seamen, and lay the Foundation for a respectable Navy, it may eventually prove more beneficial than otherwise. Portugal will doubtless unite with us in it, and that circumstance may dispose that Kingdom to extend commercial Favors to us farther than they might consent to do, if uninfluenced by such Inducements, For my Part, I think it may be demonstrated, that while we bend our Attention to the Sea, every naval War which does not do us essential Injury will do us essential Good.

I have the Honor Etc.

JOHN JAY

His Excellency the PRESIDENT OF CONGRESS.

October 20, 1785 –

1) OFFICE FOR FOREIGN AFFAIRS

20th October, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred his Letter of the 13th Instant to his Excellency the President, and one from Chevr. Jones to his of 6th August last, with a Copy of a Letter from Mr. Soulanges to the Judges and Consuls at Nantes, informing that the Algerines had declared War against the United States. And also a Motion of the Honorable Mr. Pinckney of 17th October, Instant Reports –

That this Declaration of War being unprovoked, and made solely with Design to acquire Plunder, it would not in the Opinion of your Secretary, become the United States to answer it by Overtures for Peace, or Offers of Tribute.

That Duplicates of the Dispatches relative to Treaties with the Barbary State carried by Capt. Lamb, who it seems had not arrived when Doctor Franklin left France, should be forthwith sent to our Ministers, with Instructions to proceed with the other States, but to take no Notice of Algiers –

That both the Honor and Interest of the United States demand that decided and vigorous Measures be taken to protect the American Trade and meeting these predatory Enemies in a proper Manner.

That it should be recommended to the American Merchants, who traffic to Spain, Portugal, the Mediterranean and to the Madeiras and Canaries, to employ none but Vessels well armed and manned; and as the Expense of complying with this Recommendation would exceed the usual Profits of their Voyages, your Secretary thinks it should be –

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Resolved, That every American built Ship, capable of carrying twenty Guns or more, which any American Merchant may desire to send to those Parts for Trade, shall be supplied by the United States with military Stores, and with Money to pay the Men necessary to man her, and that an Ordinance directing the Manner in which this Resolution shall be executed, be immediately prepared.

That in the Opinion of your Secretary five forty Gun Ships should be forthwith built and put under the Direction of a brave experienced Commodore, for the Purpose of cruising in those Seas, during the Seasons proper for it –

That the Board of Admiralty should be organized and put in condition to execute its Functions; and that in his opinion one good Commissioner would be more useful and responsible than any greater Number.

That a requisition should be made to the States for the Supplies necessary for the Purposes aforesaid.

That a Minister or Envoy should be sent to Portugal, and instructed, among other things, to negotiate for such an Alliance, as ay provide for a Co-operation of Forces and Mutual Defence against the common Enemy, and restrain both Nations from making a separate Peace. That to favor this Design, and on Condition of their acceding to such Proposals, it would be well to agree that no portugal Productions should be imported into portugal Ports, except in the vessels of Portugal or the United States. Such a Restriction would make it the Interest, and consequently the Wish of other commercial Nations, rather to see the War terminated than continued. Were it not for the Stipulations with France, Sweden &c.: whereby they are to be treated like the most favored Nations, your Secretary thinks that it would be politic to prohibit all Nations at Peace with Algiers from bringing any Thing to this Country which was not produced in their own; and also from carrying any Thing from hence, except on their own account, and directly to their own Ports. As arguments may be drawn from these Stipulations against such a Prohibition, it might occasion Discontent and Complaint – but he nevertheless thinks it merits Enquiry, whether the Condition of War against Algiers, would not be a good Consideration to ground it upon, and whether the Prohibition would end with the War, it ought to be considered as a Violation of those Stipulations –

Your Secretary takes the Liberty of observing that he has calculated the aforegoing Report on a Presumption that the United States extend their Views and Wishes to naval Strength and maritime Importance; and he thinks the time is come for the final and decided Determination of this Question viz. Whether it would be more wise in the United States to withdraw their Attention from the Sea, and Permit Foreigners to fetch can Carry for them; or to preserve in

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concerting and pursuing such Measures as may conduce to render them a maritime Power? It is only in the latter Case, that this Report will deserve any Attention.

As to the Motion referred to your Secretary, he thinks the Measure recommended in t would be Expedient, except with Respect to Algiers, to whom in his Opinion no Overtures should now be made.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.

October 24, 1785 –

1) OFFICE FOR FOREIGN AFFAIRS

20th October, 1785.

The Secretary of the United States for the Department of foreign Affairs to whom was referred his Letter of the 8th Instant to his Excellency the President enclosing one from the Consul of Sweden, Reports –

That in his Opinion Copies of the Consul's Letter should be sent to the different States, with a Resolution of the following Tenor –

Whereas His Swedish Majesty hath been pleased to place the american Merchants, trading to the Ports of his Kingdom, exactly on the same Footing as swedish Merchants; so that american Ships and Merchandize which there arrive and are imported, are chargeable only with the same Duties and Imposts, as if they belonged to the Merchants of the Country. And whereas it is both proper and expedient, that such Marks of Liberality and Good Will towards the United States should meet with adequate Returns on their Part.

Therefore, *Resolved*, That it be and it is hereby recommended to the Legislatures of the United States, to provide b Laws, for that Purpose to be enacted, that the Ships and Merchants of Sweden trading here, be put exactly on the Same Footing with the Ships and Merchants of the United States trading to Sweden, shall there continue on the same Footing with the Ships and Merchants of that Nation.

Your Secretary thinks it would also be proper to give a Copy of the aforegoing Resolution to the Swedish Consul, that by transmitting it to his Court, his Swedish Majesty may be induced to postpone making any Alterations in his commercial System respecting America, which it is probable he might otherwise be led to do, on finding that his Merchants did not enjoy reciprocal Priviledges in this Country.

Produced by Union States Assembly

All which is Submitted to the Wisdom of Congress.

JOHN JAY

October 28, 1785 –

1) On motion of Mr. [Charles] Pinckney, seconded by Mr. [Elbridge] Gerry,

Whereas it is expedient that consuls should be appointed in the different States with which the citizens of the United States are engaged in Commerce; therefore.

Resolved, That the ministers plenipotentiary of the United States, in Europe, and where there is no minister, the charge de affairs shall exercise the powers of a consul general, for the kingdoms or states in which they respectively reside, provided that no additional salary be allowed for such service.

November 2, 1785 –

1) The Agents for the States of Massachusetts and New York, represented to Congress as follows:

To the honorable the United States in Congress Assembled: The Agents of the States of Massachusetts and New York, whose names are subscribed, beg leave to represent: That such have been the difficulties and delays in obtaining answers from several of the judges, chosen to determine the controversy between the said States, that they are left in suspense even to this hour; a circumstance which hitherto hath prevented a hearing and enders farther procrastination unavoidable. Wherefore it is prayed, in behalf of the said States, that the hearing of the said controversy may be on such future day as the parties shall mutually agree upon, and hereafter certify to Congress, and at the place appointed for that purpose, by their act of the ninth day of June last,

Signed, JAS. DUANE, JOHN JAY

Agents for New York,

E. GERRY, RUFUS KING, S. HOLTEN,

Agents for Massachusetts.

New York, November 1, 1785.

Whereupon, *Resolved*, That the court for determining the controversy aforesaid, be held at the city of Williamsburgh, in the State of Virginia, upon such future day as the parties, by their lawful agents, shall mutually agree upon and hereafter certify to Congress, or in case of their

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disagreement, upon such day as may be appointed by Congress, on the application of either party.

November 23, 1785 –

1) Congress proceeded to the election of a president; and, the ballots being taken, the honorable John Hancock was elected.

The president not being present, Congress proceeded to the choice of a chairman; and, the ballots being taken, the honorable D[avid] Ramsay was elected.

2) On motion of Mr. [Rufus] King, seconded by Mr. [John] Kean,

Ordered, That a standing committee on qualifications, consisting of five members, be appointed to examine the credentials produced by members, and report thereon, from time to time,

3) On Motion of Mr. [Charles] Pinckney, seconded by Mr. [Rufus] King,

Resolved, That all matters which were before the last Congress, and left unfinished by them, be taken up in the present; and that all committees having business before them, and who have not reported, be directed to proceed therein, and to report as soon as may be.

4) [Motion of Mr. [John] Kean]

That the Board of Treasury report the expences of the Presidents household for the years 1783, 1784, and 1785.

Ordered, That the above motion be referred to the Board of Treasury to take order.

November 25, 1785 –

1) OFFICE FOR FOREIGN AFFAIRS

24th November, 1785.

SIR: Mr. Temple presented to me this Morning the omission which I have now the Honor of transmitting to your Excellency, herewith enclosed. It appoints him Consul General of his Britannic Majesty throughout the United States of America.

Two questions arise on this Occasion –

1) Whether he is to be received *de Jure*.

2) Whether it will be expedient to receive him *de Gratia*.

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The first Question is settled by Vattel in the following Paragraph, viz.

"Among the modern Institutions for the utility of Commerce, one of the most useful is that of Consuls, or Persons residing in the large trading Cities, and especially in foreign Sea Ports; with a Commission empowering them to attend to the Rights and Priveleges of their Nation, and to terminate Misunderstandings, and Contests, among its Merchants. When a Nation trades largely with a Country, it is requisite to have there a Person charged with such a Commission, and as the State which allows of this Commerce, must naturally favor it; so for the same Reason, it is likewise to admit a Consul. But there being no absolute and Obligation to this, the Nation disposed to have a Consul, must procure itself this Right by the very Treaty of Commerce."

The second Question appears to me to be an important one, for that however Determined, interesting Consequences will result from its Decision. In considering it, a secondary Question presents itself, wish viz. Whether the Rejection or Reception of this Consul will most dispose this Nation to the Terms of Commercial Intercourse which we To this Point the Fable of the North Wind and Sun seems applicable.

It appears to me that the Admission of Consul here, it not a matter of so uch Importance to Britain, as to induce that Nation to purchase or obtain it, by any Compliances which they would not otherwise make. Severity or Summum Jus on small Points may irritate, but they very seldom coerce. Retaliatory Restrictions on Trade and Navigation, are great Objects, and very consistant with the Pride and Dignity as well as Interest of a Nation – but under such Ideas, to refuse to receive a Consul, would (whatever might be the true Motives}, be generally ascribed to a Degree of Pique and Irittation, which though Nations may feel they ought not expressly or impliedly to declare.

In my Opinion therefore this Consul should be received, but in such a Manner as to be, and to appear, a Matter of Favor, and not as a Matter of Course.

I have the Honor to be etc.

JOHN JAY

His Excellency

THE PRESIDENT OF CONGRESS.

<u>December 28, 1785</u> –

1) On a report of a committee, consisting of Mr. [Rufus] King, Mr. [David] Howell and Mr. [William] Hindman, to whom was referred a motion of Mr. [David] Howell,

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Resolved, That the board of Treasury be, and hereby are declared to be vested with full authority to superintend and examine the conduct of all Officers employed in the Department of the Treasury, and of the several Commissioners appointed, or that hereafter may be appointed for the settlement of the public accounts, as well those of the Five great departments, as those authorized to adjust the accounts between the United States and individual States. And in case any of the said Officers, or Commissioners, shall unnecessarily absent themselves from their respective Offices, or shall engage in any business inconsistent with, or that may hinder a constant discharge of the duties of their several appointments, it shall be the duty of the board of Treasury to make immediate report thereof to Congress, that such measures may be adopted thereon as Justice and the public interest may require.

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Summary of 1786

January 2, 1786 –

1) On motion of Mr. King

Ordered, That the Secretary of Congress report the number of States, which have compiled in the whole or in part with the revenue System of April 18th, 1783. The recommendation of Congress of the same date for an alteration of the 8th of the Articles of Confederation and the act of the 30th of April, 1784, recommending the vesting of certain commercial powers in Congress.

January 3, 1786 –

1) In obedience to the orders of Congress, the Secretary of Congress reports:

That the revenue system of 18th April, 1783, consists of two parts –

1st. A recommendation to the States to invest the United States in Congress assembled with a power to levy for the use of the United States, certain duties upon goods imported into the said States from any foreign port, Island, or plantation to be applied to the discharge of the Interest and principal of the debts contracted on the faith of the United States, agreeably to the resolution of the 16th, Dec., 1782, and not to be continued for a longer term than 25 years. The Collectors of the duties to be appointed by the States respectively, but when appointed, to be amenable to, and removable by the United States in Congress assembled alone. And in case any State shall not make such appointment, the appointment may be made by the United in Congress assembled.

With this part of the Act the following States have complied:

New Hampshire by the Act of 1st & 2d Jany., 1784.

Massachusetts	do	30th Oct., 1783.
Connecticut	do	May, 1784.
New Jersey	do	11th June, 1783.
Pensylvania	do	23d Sep., 1783.
Virginia	do	Oct., 1783; Chap. 31st.

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North Carolina	do	June, 1784.
South Carolina	do	21st March, 1784.

Rhode Island, in the session of their legislature in the spring of 1785, passed an Act for levying the duties pointed out by Congress, but have therein enacted that the Collectors shall be appointed by and amenable to the General Assembly, and that of the money arising from the duties a certain sum, viz. 8,000 dollars, shall be appropriated in their treasury for the payment of the Interest of that State's proportion of the foreign debt of the United States, and paid to the order of Congress, and that the surplus of the duties and the amount of other taxes ordered by the said Act, shall be appropriated to the payment of the Interest of the internal debt of the United States due within that State. This Act to take effect, when the other States in the Union agree to the said Impost to the acceptation of Congress, and have provided other adequate funds for compleating their quota of 1,500, 000 dollars, according to the requisition of Congress of 18th April, 1783; but with this proviso and upon this express condition, "that no duties shall be collected upon articles imported into any State upon which the said duties have been paid in any other State and that no duty shall be imposed by any one State upon the citizens of another State, either upon imported Articles having paid the duties aforesaid, or upon any articles of the growth, produce, or manufacture of the United States."

The State of Maryland in June, 1782, pursuant to Acts of Congress of the 3d and 7th Feb., 1781, passed "an Act to authorise the United States in Congress assembled to impose and levy a duty of *five per cent* on imported, and on all prizes and prize goods for the payment of the debts contracted by Congress during the war." And in the November Session, 1784, their legislature passed a supplement to the aforementioned Act, whereby it should "take effect as soon as 12 States, including that State, vested Congress with similar powers." But it does not appear that they have passed any Act pursuant to the recommendation of Congress of 18th April, 1783.

Delaware it is said has passed an Act conformable to the recommendation above mentioned; but no official information thereof has yet been transmitted to this office or to the board of Treasury.

The second part of the revenue system of the 18th April, 1783, consists of a recommendation to the several States to establish for term limited to 25 years, and to appropriate to the discharge of the Interest and principal of the debts contracted on the faith of the United States for supporting the war substantial and effectual revenues of such nature as they may judge most convenient for supplying their respective proportions of 1,500,000 dollars annually, exclusive of the aforementioned duties. With this part of the Act the following States have complied

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New Jersey	by their Act of 20th Dec., 1783.	
Pensylvania	do	Sept., 1783.
North Carolina	do	June, 1784.

Rhode Island in the Act above mentioned has enacted that a tax of one spanish milled dollar upon every hundred Acres of land within that State, upon every male poll in the State of 21 Years of Age, and upon every horse or mare of two years old and upwards, shall be annually laid, levied, and collected, and that the amount thereof shall be appropriated to the payment of the Interest of the internal debt of the United States due within that State, with the proviso, and on the condition above set forth.

The Act of the 18th April, 1783, also recommends to the State an Alteration in the 8th of the Articles of Confederation and perpetual union for ascertaining with more convenience and certainty the proportions to be supplied by the States respectively to the common treasury. And the several States are advised to authorize their respective delegates to subscribe and ratify the same as part of the said instrument of Union, in the words therein mentioned.

With this part of the Act, the following States have complied:

Massachusetts	by their Act of 2d July, 1785.	
Connecticut	do	May, 1783.
New York	do	April, 1785.
New Jersey	do	June, 1783.
Pensylvania	do	Aug., 1783.
Maryland	do	Nov., 1784.
Virginia	do	May, 1784.
North Carolina	do	June, 1784.

By the Act of the 30th April, 1784, it is recommended to the Legislatures of the several States to vest the United States in Congress assembled with power –

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1st. To prohibit any goods, wares, or merchandize from being imported into, or exported from any of the States in vessels belonging to, or navigated by the Subjects of any power, with whom these States have not formed treaties of commerce.

2nd. To prohibit the subjects of any foreign State, Kingdom, or Empire, unless authorized by treaty, from importing into the United [States], any goods, wares or merchandizes, which are not the produce, or manufacture of the dominions of the Sovereign, whose Subjects they are.

In pursuance of this Act –

New Hampshire has invested Congress for 15 years with full power to regulate the trade of the United States, as they may judge best calculated to promote the weal and prosperity thereof, the fees, profits, and emoluments arising from their regulations to be appropriated to the sole use of discharging public debts. (See Act 22d June, 1785).

Massachusetts has passed a law in the terms of the recommendation 1st July, 1784.

Rhode Island has empowered their delegates to agree to and ratify any Article empowering the United States in Congress assembled to regulate, restrain, or prohibit the importation of all foreign goods in any but American Vessels (see Act passed in Feb. Session, 1785); and by an additional Act passed Oct., 1785, the Delegates are empowered to regulate the trade and commerce of the respective States and Citizens thereof with each other and to regulate, restrain, and prohibit the importation of all foreign goods in American vessels for 25 years.

New York has passed an Act in the terms of the recommendation 4th April, 1785.

New Jersey 26 Nov., 1785.

Pensylvania the same 15th, Dec., 1784.

Maryland the same Nov., 1784.

Virginia the same 3 May, 1784.

North Carolina the same 2 June, 1784.

Connecticut the same May, 1785.

Ordered, That the above report be printed for the use of the members.

January 5, 1786 –

Produced by Union States Assembly

1) The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter of the 29th Ult: from the Encargado de Negocios of Spain enclosing a Decree of the 28th May last which directed what Flags should in future be used by the Navy and Merchant Ships of that Kingdom, Reports:

That in his Opinion the Translation of that Decree should be published; and that your Secretary should have thirteen Copies prepared with a Design of the Flags annexed, and transit one to the Executive of each of the States.

All which is submitted to the Wisdom of Congress,

John Jay

January 6, 1786 –

1) On a report from the Secretary of the United States of America for the department of foreign Affairs, to whom was referred a letter of the 2 of last Month, from the Encargado de Negocios of Spain, enclosing a Decree of the 28th May, 1785, which directed what flags should in future be used by the Navy and Merchant Ships of that Kingdom:

Ordered, That the decree be published and that the Secretary for foreign Affairs have thirteen copies prepared with a design of the flags annexed, and transmit one to the executive of each of the States.

2) The Committee [consisting of Mr. William Houstoun, Mr. William Grayson, Mr. John Kean, Mr. Charles Pettit, and Mr. William Samuel Johnson] to whom the Letter from the Secretary at War was refer'd recommend the following resolve:

Resolved, That the Post Master General be and he is hereby authorized and directed to establish a Communication by Post between Philadelphia and Fort Macintosh on the River Ohio; the Post to travel once in a fortnight from Philadelphia to ___ and once in a Month from ___ to ___. And also that he be authorized to employ Expresses on the same Route on the application of the Secretary at War or the Secretary of Congress.

January 18, 1786 –

1) "An offer of the delegates of Connecticut to make a cession conformable to an Act of that State of Jan. 1784 and a Motion that Congress would accept it" [Referred to] "Mr. [William Samuel] Johnson, Mr. [William] Hindman, Mr. [William] Grayson, Mr. [David] Ramsay, Mr. [Samuel] Livermore. Report April 10."

2) BOARD OF TREASURY,

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Jan. 18th, 1786.

SIR: In obedience to the act of Congress of the 5th instant we do ourselves the Honor of transmitting to your Excellency an account of Continental Money destroyed previous to the 18th September, 1782, and what has been since cancelled in pursuance of that Resolve.

Congress will observe that is no return in this office of any monies destroyed by the Commissioners of the several States, excepting New Hampshire. We have, in consequence of the resolve of Congress written to those officers, to transmit to this Board returns of all monies they may have destroyed since the 18th Sept. 1782, which we shall do ourselves the Honor of laying before Congress, as soon as they come to hand.

[Scribe's notes: See pages 22-25 for further details].

January 27, 1786 –

1) According to Order, Congress proceeded to the election of a Consul, to reside in Canton, and, the ballots being taken, Mr. Samuel Shaw was elected; having been previously nominated by Mr. [Charles] Pinckney.

Ordered, That the Secretary for foreign Affairs prepare a commission for Mr. Shaw, as consul of the United States of America, at Canton; that the same, when prepared, be signed by the chairman, and that the great Seal of the United States be thereto affixed.

January 28, 1786 –

1) On motion of Mr. [Charles] Pinckney, seconded by Mr. [Nathaniel] Gorham:

Ordered, That the Chairman write the Executives of the States of Rhode Island, Delaware, Maryland, Virginia, North Carolina and Georgia, stating to them the inconveniences arising from a want of a sufficient number of States to proceed on the business of the Union, and earnestly pressing them to send on their delegates immediately.

2) The Committee consisting of Mr. [John] Bayard, Mr. [Rufus] King, and Mr. [Stephen Mix] Mitchell, to whom were refer'd the proposals and Specimens, for Printing the Journals of Congress in Folio, report:

That they have examined the various proposals, and Specimens, sent onto the Secretary of Congress, and by Him communicated to your Committee, All which they have arranged for the Inspection and final determination of Congress.

Your Committee submit to Congress the propriety of obliging the Printer that may be appointed, entering into Articles to print 500 Copies at His own Risk and Cost for Sale.

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And also that the Journals of the first Congress, held in New York in the year 1764 be included in the present Edition. All which is Submitted.

January 31, 1786 –

1) The Secretary of the United States for the department of foreign Affairs, to whom was referred a letter of 4 November last, from his excellency the governour of Massachusetts to the delegates for that Commonwealth in Congress, having reported,

That this letter states in substance, "That divers effects had by orders of the British Commanders in chief been taken from the inhabitants, not as the property of enemies but of persons under their protection, under the idea that the former ownership continued, and the greater part of which was expressly engaged to be restored by those Commanders; that the latter clause in a British Act of parliament passed in the twentieth year of George the third create legal impediments to those Owners recovering in due course of law the value of their effects so taken. That considering the peculiar circumstances of this subject, the spirit and real intention of that clause, the times and general purposes that produced it, the legislature is induced to believe that if Congress would instruct their Minister at the court of London to move this subject properly digested to that court, the government of that Nation would so far reconsider their former doings on it as to remove those impediments, or make some other provision whereby right and justice shall be done to the parties and individuals more immediately concerned.

If Congress make any application to the british court on this subject, it can only be either for *Justice* or for *favour*. The latter will doubtless be out of question.

If for *justice*, two questions arise. First, Whether their application can be supported on that ground; and Secondly, Whether it will probably be successful, if it can be so supported. The clause recites that "Whereas before the passing of this act divers persons, vessels, cargoes and other effects may have been seized, detained, damaged or destroyed, in pursuance of orders, regulations, restrictions and limitations, heretofore issued and established by the commanders in chief of his Majesty's forces in North America, or by persons acting under their authority, for the *public service*, and for suppressing the rebellion in North America," it then enacts "that all such acts, matters and things shall be deemed and are hereby declared to be legal to all intents and purposes whatever; and that all actions, &c. for or by reason of any act, matter or thing advised, commanded, appointed or done with respect to such orders and regulations by the said commanders in chief, or by any person acting under their authority, shall be discharged and made void."

May it not be questioned, whether this act can be construed to invalidate the engagements or promises of the Commanders to make restoration? Or, in other words, can effects taken under

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such engagements be considered as coming within the view and provision of the statue which, from the nature of it, must be construed strictly? If the court and their judges should adopt this idea, the matter will naturally remain as it now is, and the application would produce nothing except perhaps an Opinion that it was premature.

If, on the other hand, they should consider all these cases as within the Act, might they not answer, that all military violences and injuries on both sides were done away by the peace, and that as cases were not provided for in it, they must remain as they then were? May they not also answer, that we pass laws in some of the states impeding british creditors from recovering their debts as stipulated by the peace; and that in another, we pass laws authorizing actions at law for damages done during the war by military order, and that while such acts continue, such applications should be postponed?

Admit that justice demands of them to remove the impediments in question, is it probable that they would do it?

A judgment of the temper of the nation in general, and of their parliament in particular, may be formed from Mr. Adam's letters; and they, in the opinion of your secretary, represent it in a view so unfavourable as to promise no success to such an Application. Many of their officers might be deeply affected by the loss of that indemnity, which they now hold on the faith of government; and it is not likely that they will open their treasury and compensate the sufferers in question out of it, when so many refugees, from whom they are bound to provide, are daily importuning them for Money.

For there and a variety of reasons your Secretary thinks it is not probable that such an application would be successful; and he also thinks that Congress should never demand or ask for even justice, while they have great reason to apprehend a refusal, unless in cases where they may be able and determined to compel a compliance by force or retaliation.

If a period should arrive when both countries shall be disposed to do away whatever may be mutually offensive or disagreeable, it is not improbable that in the moment of that good humour they might do something for the sufferers under consideration; but that period has not yet arrived.

Upon the whole matter, your secretary is of the Opinion, that copies of these papers should be transmitted to Mr. Adams; that he be instructed to sound the British minister on the subject, but not to bring any formal demand or representation thereon, unless from proceeding circumstances he shall be induced to think that it would have a favorable issue; it being the intention of Congress to refer the time and manner of doing it to his prudence and discretion.

Resolved, That Congress agree to the said report.

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Ordered, That the delegates for Massachusetts be furnished with a copy of the above report and resolution.

2) The Committee consisting of Mr. [Charles] Pinckney, Mr. [Nathan] Dane, Mr. [James] Monroe, Mr. [William Samuel] Johnson and Mr. [Rufus] King to whom were referred a report from the Board of Treasury on revising the system adopted for the settlement of the accounts of the five great Departments and containing such alterations therein as would in their opinion be more conducive to a speedy and just settlement of the said accounts, recommend it be

Resolved, That the resolutions of Congress of the 27 February, 1782, so far as they relate to the appointment of commissioners for settling the accounts of the five great departments be repealed

That the respective commissioners deliver to the order of the board of Treasury the books and papers of their several offices and that they account respectively with the comptroller of the treasury for the amount of the certificate paper delivered to them.

That the board of treasury be and they are hereby impowered and directed to apply out of the monies heretofore granted to the said departments a sum not exceeding ___ dollars per annum for the sole and express purpose of procuring a speedy settlement of the accounts of the said departments.

That the settlement of the accounts of the 5 departments be vested in one commissioner to be appointed by Congress and subject to the Superintendance and control of the Board of Treasury.

That he exercise all such powers in the adjustment of the same as were assigned to the said commissioners by any former resolutions of Congress and that he be allowed ___ dollars per annum during the time he shall be employed in the same.

That in organizing the said office, the Board of Treasury be and they are hereby authorized to engage such persons as they may judge best adapted to their respective stations reporting to Congress the names of those employed and their respective allowances.

That all persons employed in adjusting the said accounts take the oath of office previous to their entering on the execution of the trust reposed in them.

3) The Committee [consisting of Mr. Charles Pettit, Mr. John Kean, and Mr. John Bayard] to whom were referred a Letter from Mr. John Wingrove together with a Recommendatory Letter in favour of the said Mr. Wingrove from the Honble. John Adams, Report

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That, however desirous your Committee may be to encourage the laudable Desire of Mr. Wingrove to serve the United States in India, they find themselves precluded from recommending a Compliance with his wishes at present by a general Resolution of Congress, "That it is inconsistent with the Interest of the United States to appoint any Person, not a citizen thereof, to the Office of Minister, Charge des Affaires, Consul, Vice-Consul, or to any other civil Department in a foreign Country."

February 1, 1786 –

1) On a motion of Mr. Mitchell, seconded by Mr. Nathaniel Gorham,

Resolved, That the injunction of Secrecy upon Mr. Adams' letters, so far as relates to the appointment of Commissioners to treat with the Barbary powers, be taken off.

2) OFFICE FOR FOREIGN AFFAIRS

31st January, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred his Letter of 28th December, 1785, enclosing Mr. Adams of 15th, 17th, 21st, 25th, and 27th October last, Reports:

That in his Opinion it should be –

Resolved, That Congress approve of the Manner in which Mr. Adams appears from his several Letters to have executed the Duties of his Legation to the Court of Great Britain, and that they are greatly pleased with his Diligence, Attention and Intelligence he has Manifested therein.

Resolved, That Ways and Means should be seasonably devised for placing such further Funds in Europe as will probably be necessary as well for the Support of the public Servants there, as for supplying any Deficiency in the Sum appropriated for the Negociations with the Barbary Powers.

Ordered, that this Resolution be referred to the Treasury too report.

From the Tenor and Complection of all Mr. Adams Letters it appears evident to your Secretary,

1. That general and full Powers to regulate the Trade of the United States both foreign and domestic should be vested in Congress.

2. That the United States should be put in a very respectable Posture of Defence, by forming ample Magazines of military Stores, and by having a considerable part of the Militia always well prepared to take the field.

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3. That proper Measures should be devised to cause a punctual Compliance with any payment of the Requisitions of Congress, and to prevent unconstitutional Dismemberments of any of the States which manifestly tending to weaken the Force and impair the Union by creating domestic Contention and affording Objects of foreign manouevres are highly impolitic.

4. That Mr. Jefferson should be directed to communicate to the Court of France the exact State of the United States with Great Britain relative to the Posts, to urge the Guarantee of France as a Reason for their friendly Interference, and to ascertain how far the United States may expect his Most Christian Majesty's good Offices and Aid on that Subject.

5. That pursuant to the 8th Article in the Treaty with France it would be proper to request his most Christian Majesty's good Offices with the Barbary Powers to promote the present Negociations, with them.

Your Secretary is also included to believe as well from Conversations with Mr. Gardoqui as from Mr. Carmichaels Letter, that Spain would if applied to very sincerely endeavor to exert her Influence with the Emperor of Morocco in favor of the United States, Wherefore he thinks that application should be made to his Catholic Majesty for that Purpose.

Your Secretary sees many good Consequences that might result from communicating Mr. Adams Letters to the Executives of the different States, and accompanying them with a Letter from Congress urging the Necessity of ordering all the general Concerns of the Union by a Stable, well digested System, and to that End of delegating such Powers as may be adequate to the great Objects of duly regulating the Commerce protecting the Union, and of drawing forth and directing its Resources both of Wealth and Power, as Exigences may require. Your Secretary nevertheless has great Doubts of the Prudence of communicating Mr. Adams Letters, lest Copies of them should return to England and place him there in a Situation neither agreeable to himself nor advantageous to the Public.

Your Secretary has Reason to believe that too much of their Contents has already slipped out, He having been lately told by a Person who ought not to have had such Information, that Mr. Adams had written that the Situation of the british Debts was made an Objection to the Evacuation of our Posts. He is however of Opinion that a Letter from Congress cautiously stating the general State of our Affairs and strongly impressing the Necessity of Efficiency and Vigour in the federal Government would be very expedient.

All which is submitted to the Wisdom of Congress.

JOHN JAY

February 2, 1786 –

Produced by Union States Assembly

1) OFFICE FOR FOREIGN AFFAIRS

2d Feb. 1786.

The Secretary of the United States to who was referred the Draft of a Treaty of Amity and Commerce between his Britannic Majesty and the said States, which was transmitted by Mr. Adams, together with his Letters that accompanied it, Reports:

That in his opinion the United States may safely enter into Treaty with Britain on the Terms and agreeable to the tenor of the said Draft, and therefore that is should be –

Resolved, That Congress approve of the said Draft and that in the Blank left for the Term of Duration of the Treaty be inserted twenty years.

Your Secretary thinks it would be expedient to refer the Letters above mentioned to the same Committee to whom other Letters from Mr. Adams were yesterday Committed.

All which is submitted to the Wisdom of Congress.

JOHN JAY

February 3, 1786 –

1) The committee, consisting of Mr. [James] Monroe, Mr. [William Samuel] Johnson, Mr. [Nathaniel] Gorham, Mr. [John Cleves] Symmes and Mr. [Samuel] Livermore, appointed to consider whether any, and what measures may be necessary for Congress to adopt, in pursuance of their recommendations to the several states, on the 18 of April, 1783, having reports as follows:

The committee have thought it their duty, upon the subject above referred to them, to present to the view of Congress, a statement of the amount, and the purposes for which Money is required, with the funds the United States are possessed of, for complying with the same, this will enable them to judge of the nature and urgency of these demands, of the efficiency of such funds, or of the further measures it may be necessary to take respecting them.

By the estimate for the late requisition, it appears that

	dollars
For the service of the United States for one year, there will be wanting	404,555.32
For one year's interest upon the foreign debt	440,252.58
For one year's interest upon the domestic debt	1,663,619.16

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It appears further to the Committee, that there will be due in the course of the next year, a part of the principal of two of the foreign loans, and afterwards a part of the other loans, agreeably to the stipulations of the several contracts. To be paid annually by instalment, until the whole is extinguished, which will, until that event, proportionally increase the sums called for. That the whole of the domestic debt is not yet liquidated, and that there still remains extensive claims of states and individuals within the same against the United States to be adjusted and settled, which will probably increase the amount beyond what it hath heretofore been estimated at. Nor is there any reason to suppose, from the lights in their possession, that the expences of the government of the United States will be diminished. Some offices have already been abolished, and the Salaries of those absolutely necessary, reduced to as low a scale as can be done, to leave any encouragement to men of talents and Character to remain in their service; others, it is true, instituted for the settlement of accounts, will terminate so soon as that desirable end is effected, but this will create but an inconsiderable saving. The Indian department when organized, may also be less expensive than it hath been since the peace, but there must be some appropriation to it. What sum the military department may require, is altogether uncertain, and depends upon many circumstances. Since the peace, it has been thought proper to keep in service about seven hundred men. Upon that compliment the estimate for the requisition was formed; but it is to be recollected that the Indians were at that time suing for peace; that the powers on the coast of Barbary were friendly disposed; and that we had nothing to apprehend from any quarter whatever; and although the necessary measures having been taken to cultivate this good disposition, and to avail ourselves of the favourable junction; and the Committee have a high confidence in the success of these negotiations, yet they consider it is expedient to be prepared for a contrary event. As, therefore, under the impression, it may be found prudent to establish Magazines in different quarters of the Union, and to keep up at least the aforesaid compliment of men, they apprehend the expences necessary for payment of the interest, and a part of the principal of the foreign loans, will be increased, those for the payment of the interest on the domestic debt, probably may, and there can be little or no reduction in the expences of the government of the United States, it follows that the demands upon the States, or supplies for federal purposes, must for some time be greater than they have heretofore been.

It remains now to be enquired, how these demands shall be complied with. The federal constitution authorizes the United States to obtain money by three means; 1st by requisition; 2d, by loan; and 3d, by emitting bills of credit. 1st Of the success of that by requisition, we shall be enabled to form a judgment by a statement of those which have been made, and the compliances of the several Statements under them.

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October 30, 1781, A requisition was made for	Dolls.	8,000,000
October, 1782, for		2,000,000
April 18th, 1784, for		2,670,987
September 1785, for		3,000,000

Up to the first day of February, 1786, the payments have been as follows:

New Hampshire		7,679.8	Delaware	8,368.7	11,820.82
Massachusetts	28,864.12	342,677.83	Maryland		167,286.26
Rhode Island		75,609.43	Virginia	29,910	533,096.38
Connecticut		140,772.15	North Carolina		
New York		163,810.51	South Carolina		374,339.53
New Jersey		135,738.52	Georgia		
Pennsylvania		496,173.11			

It is to observed, that the two former requisitions were made during the existence and for support of the war; and therefore were not, after its termination, pressed in full on the States, the two latter, however, being a pressure of the former, in the degree, were made upon the estimate of the expences of the government and of the public debt, which must remain the same, or nearly so, subject only to the above incidental alterations, until the debt is paid. So disproportionate, then, have the payments been, and inadequate to the above purposes, that even the interest upon the foreign loans, which had become due, would not have been paid, had it not been that a part of the said loans were as yet unappropriated; this money was therefore applied to this purpose; but this resource is now exhausted.

2d. Shall we then make further loans? In objection to this, it will obviously occur, that unless we can pay the interest due upon the money we have already borrowed, we shall not be able to borrow more, or upon such disadvantageous terms as to make it highly inexpedient: Add to this, that having in a great measure recovered from the Calamities of the late war, being in possession of a free and extensive commerce, at peace with all Nations, and the economy of

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our own government, thus circumstanced, only to attend to, it would add but little to its credit to admit that it could not discharge those engagements without the aid of the other nations.

In objection to the 3d plan, or emission of paper bills of credit, it may only be observed, that such bills would not even serve to pay off the domestic debt, since bearing no interest, they would in effect put the domestic debt in a worse condition than they are now in much less would they avail to support the current expences of the government of the United States, or discharge the interest due on the foreign debt. The United States, are, however, in possession of another fund, arising from the cession of vacant and unappropriated lands by individual States; but this, it is apprehended, as public securities are received in payment, will bring but little specie into the treasury. Being depreciated considerably below, and received at par with specie, it is to be presumed, the purchasers, whether Citizens or foreigners, not possessed of, will procure these securities for the purpose. These lands, therefore, may be calculated on, and in the degree, as a fund only for the discharge of the domestic debt; and as they are not to be disposed of, until surveyed, and some time must elapse before this can be effected, it is obvious that no immediate aid, even for this purpose, can be derived from that source.

[From a full view therefore of the purposes for which Money is necessary, or of the publick engagements of the United States, and the means in their hands for complying with the same, it appears that the said means are altogether inadequate; it flows of course that unless some other more efficient and productive fund can be found we must experience].

Since, therefore, experience hath evinced, that requisitions have failed to obtain from the States, money sufficient for the support of their own government only, that it would be impolitic, if not impossible, to borrow more; that the emission of paper bills of credit would be altogether ineffectual, and of course inadmissible; and that the vacant and unappropriated lands, ceded by individual States, can be calculated on only as a fund for the discharge, and in the degree, of the interest and principal of the domestic debt, it necessarily follows, that, unless some other more efficient and productive fund can be found out, we shall suffer the highest National difficulties. Although we have already experienced, and may calculate much, on the generosity of our ally; although our domestic creditors, and especially those of the Army, have evinced a patience and magnanimity under their sufferings, which does them the highest credit; yet it is neither consistent with the honour nor the interest of the United States, that justice should be longer delayed, especially while a single effort in their power remains unattempted. After the matures deliberation, the Committee have been able to devise no other than that recommended on the 18th of April, 1783; To this, therefore, they are of opinion, the United States should turn their attention, as the means of relieving them from their present embarrassments. The system, as therein recommended, consists of two parts; the FIRST, an investment of the United States in Congress, with power to levy for the use of the United

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States, certain duties upon goods imported into the said states from any foreign port, island or plantation: The SECOND, such other substantial and effectual revenues as they may judge most convenient for supplying their respective proportions of one million five hundred thousand dollars Annually, exclusive of the aforementioned duties, as therein more fully delineated.

In examining the conduct of the several States under this recommendation, they find that, except New York and Georgia, they have all complied, in some degree, with the first part, and that only ___ have with the latter. That the relief, therefore, may be as expeditious as possible, and particularly that the United States may be enabled to comply with their foreign engagements, while the aforesaid recommendations shall remain in full force as to the whole, in confidence they will ultimately be compelled with, the Committee beg leave to report the following resolution:

Resolved, That it be earnestly recommended to the states of New York and Georgia, to take into their immediate consideration, the said recommendation of the 18th of April, 1783, more especially that part which proposes an investment of the United States, certain duties upon goods imported the said States from any foreign port, island or plantation, and to comply with the same.

February 7, 1786 –

1) And a motion of Mr. [Charles] Pinckney, seconded by Mr. [John Cleves] Symmes, being before Congress, in the words following:

Whereas, exclusive of the maintenance of the civil list, and the other services of the federal government, it appears, from the documents before Congress, at their late requisition of September, 1785, that the payment of the annual interest of the foreign and domestic debt, will require the sum of ___ dollars: And whereas it appears, from the requisitions of Congress, since December, 1781, that although the states have been called upon to furnish upwards of seven millions of dollars for these purposes, that not above ___ have been paid into the federal treasury, from which failure in the states, the most serious consequences must ensure in lessening the credit, and injuring the national reputation of the Union.

To prevent the evils arising solely from the want of sufficient and permanent funds to defray the expences of government, and to do justice to its creditors, and to press the indispensable necessity of providing such firm and efficient funds as will enable the United States fully and effectually to comply with all their public engagements, they conceive it their duty again earnestly to call upon the states of New York and Georgia, to take into their immediate consideration the recommendation of the 18 of April, 1783, more especially that part which proposes an investment of the United States, with power to levy, for the use of the said states,

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certain duties upon goods imported into the said states from any foreign port, island or plantation, and to comply with the same.

In once more bringing this recommendation to their view, it may be necessary to state that there will be due, in the course of the next year, a part of the principal of two of the foreign loans, and afterwards a part of the other loans, agreeable to the stipulations of the same, to be paid annually by instalments, until the whole is extinguished, which must, until that event, proportionally increase the sums called for: That the whole of the domestic debt is not yet liquidated; and that its amount will probably be enlarged beyond its former estimate: That the civil and military government of the United States is reduced as low as it its situation will admit: That the treaties necessary for the protection of our commerce from the piratical states of Barbary, the safety of our frontier inhabitants from the savages, and the establishment of magazines in different parts of the Union, may perhaps increase the estimate of the military department; and that the supplies for federal purposes must for some time be greater than they have hitherto been. That the means afforded by the consideration for obtaining money, have been found ineffectual, the experience of the four last years sufficiently proves; in which not more than one third of the sum called has been paid into the common treasury, nor is a more punctual compliance to be expected from the states, until some practicable federal rule is established for ascertaining the quota of each, and the commerce of the Union relieved from its present oppression and embarrassment.

That, to borrow more money would be impolitic, as well as dishonorable, until we were in a capacity to pay the interest due on what had been already loaned us under circumstances the most generous and disinterested. That to emit bills of credit, and procure them a circulation, without establishing permanent and substantial funds for their redemption, is not even to be hoped, when we recollect how much our citizens have suffered from their confidence in the former emissions: That the vacant territory of the United States, obtained by cessions from individual states, has been ordered to be surveyed, and will be disposed of for public securities; that this, however, will produce little, if any, specie, and can only be received as far as it will go, as a fund for extinguishing the domestic debt; but, that as a considerable time must intervene before it can be surveyed and disposed of, no immediate aid is to be drawn from this source: And that, since, therefore, a sufficient sum for the exigencies of government, and the payment of the interest due on the public debt, is not to be expected from any of the means authorised by the Confederation, either of requisition, loan or emission, it follows, that unless some more efficient and productive fund can be discovered, we shall soon be exposed to the greatest national difficulties and disgrace.

While, however, it is in the power of the states to prevent these inconveniencies, and to do justice to their creditors, it is the duty of Congress to urge them to it. They now again present

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to the view of the states of New York and Georgia, the system which has been so long under reference to their legislatures, as the only one calculated to assert the credit and relieve the distresses of the Union.

In examining the conduct of the several states, they find that all, except New York and Georgia, have, in some degree, complied with the first part of the recommendation, for investing the United States with the power of levying certain duties for their use, on goods imported into the said states from any foreign port, island or plantation. The assent of so large a majority of the states, including some of the most important in commercial and other resources, shews that they were impressed with the necessity and propriety of its motives. They have considered the extension of their commerce, and the security of their liberties, as owing to the joint efforts of the whole. Convinced of the importance of the federal government, and that on its existence their political welfare and consequence must depend, they have liberally dedicated to this support a part of the advantages derived from its establishment; nor have they considered this as more than justice to the citizens of those states whose situation renders them dependent upon their imports for supplies. They have, therefore, wisely determined to make the welfare of the Union their first object, reflecting, that in all federal regulations, something must be yielded to aid the whole, and that those who expect support, must, in their turn, be ready to afford it. How far their example may induce the legislatures of New York and Georgia to adopt the same liberal conduct, is now left to themselves to decide. Congress, however, still hope that these states will not be less mindful of the public welfare, nor less disposed to give vigor and efficacy to a government upon which all must, eventually, depend for the protection and security of the invaluable blessings they enjoy.

A motion was made by Mr. [Charles] Pettit, seconded by Mr. [Charles] Pinckney, to fill in the first blank with the words and figures 'upwards of 2,400,000;' And on the question to agree to this, the yeas and nays being required by Mr. [Melancton] Smith, so the motion was lost.

On motion, the blank was filled with 2,103,772; and the motion was amended, by inserting, after the words, "domestic debt," the following words, "as far as the latter was then liquidated."

<u>February 8, 1786</u> –

1) Congress resumed the consideration of the motion of Mr. [Charles] Pinckney, which was under debate yesterday; during the debate, a report was made by the board of treasury, which being read:

[Scribe's notes: See pages 54-57 for report].

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It is with the utmost regret that this Board are constrained to Observe, that although frequent Applications have been made by the Ministers of His Most Christian Majesty, and by the express directions of their Sovereign, to know with precision, what provision had been made for the payment of the Principal and Interest on the French Loans; and although the United States in Congress assembled by their Resolves of the 16th April, 1784, Pledged themselves "That they would with the greatest care adopt subsequent measures for the punctual payment of the Principal and Interest of the Debt due to France," yet no increase of the Public Revenue has taken place in consequence of the earnest recommendations of the United States in Congress to the several States, but, on the contrary, the Collection of Taxes has been less productive that it was before the Requisition of the 27th April, 1784. Under these circumstances it becomes a duty which this Board owe to themselves and to Congress to declare explicitly, that the small product of the Taxes and the irregularity in their Collection, prevents them altogether from deriving any advantage from an Anticipation of the Revenue; and that they Can only be responsible for the faithful Administration of the actual Funds which may come into the Public Treasury.

The Crisis is arrived when the People of these United States, by whose Will and for whose Benefit the Federal Government was instituted, must decide whether they will support their Rank as a Nation by maintaining the Public Faith, at home and abroad; or whether for want of a timely exertion in Establishing a General Revenue and giving Strength to the Confederacy, they will hazard, not only the existence of the Union, but of those great and invaluable privileges, for which they have so arduously and honorably contended.

Impressed with a persuasion, that a fair statement of the Sums for which a timely provision in necessary, accompanied with a serious and candid Appeal to the Honor and Interest of the several States cannot fail to have effect upon those to whom the Welfare of the Citizens is entrusted, The Board beg leave to Annex to this Report a Statement of the several Installments of the Principal on Interest due on Foreign Loans; and to submit to the consideration of Congress the following resolves:

Resolved, That a Copy of the Report of the Commissioners of the Board of Treasury on the Memorial of Monsieur Otto, Charge des Affaires of His Most Christian Majesty, be transmitted to the Legislatures of the several States, and that they be called upon in the most earnest manner to enforce the Collection of Taxes in the several States, that the United States may be enabled to Discharge those Engagements with Foreign Nations which have been entered into for the Common Benefit.

Resolved, That the Requisitions of Congress of the 27th April, 1784, and the 27th September, 1785, cannot be considered as the Establishment of a System of General Revenue in Opposition to that recommended to the several States by the Resolves of Congress of the 18th of Apr.,

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1783. That the said Requisitions were adopted only for making a Temporary provision for the Exigencies of Government, and the payment of the National Interest; and that Congress have ever trusted that the good Sense and Experience of the several States would soon impress on them the necessity of adopting in the fullest manner the Resolves above mentioned.

Resolved, That the Resolves of the 18th April, 1783, be again Recommended to the serious consideration of the Legislatures of those States which have not fully complied with the same, that they be earnestly called upon to adopt the same; and not to hazard the Welfare and Harmony of the Union by withholding their Assent to those Measures which in the Opinion of the other Members of the Confederacy are essential to the Interest, Honor, and Security of the Nation.

Resolved, That while the United States in Congress are deprived of the Means of satisfying those Engagements which they have Constitutionally entered into for those Evils which will inevitably flow from a Violation of the Public Faith and of those principles of Justice which are the only solid Basis of the Honor and prosperity of Nations.

All which is with deference to the Judgement of Congress submitted.

February 7th, 1786.

Ordered, That the said report, together with the motion under debate, and the report which was postponed, be referred to a committee of five.

<u>February 9, 1786</u> –

1) On the report of a committee, consisting of Mr. [Charles] Pinckney, Mr. [Rufus] King, Mr. [William Samuel] Johnson, Mr. [William] Grayson and Mr. [William] Hindman, to whom was referred a letter from Cyrus Griffin, esq.

Resolved, That Congress are fully impressed with a sense of the ability, fidelity and attention of the judges of the court of Appeals, in the discharge of the duties of their Office; but that as the war was at an end, and the business of that court in a great measure done away, an attention to the interests of their constituents made it necessary that the salaries of the said judges should cease.

<u>February 19, 1786</u> –

1) *Resolv'd*, That the board of treasury be directed to lay before Congress a statement of all sums of money borrow'd from the treasury of the United States, by individual States during the late war.

February 13, 1786 –

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1) The Committee consisting of Mr. [Rufus] King, Mr. [Charles] Pinckney, Mr. [John] Kean, Mr. [James] Monroe, and Mr. [Charles] Pettit, to whom were referred several Report and Documents, concerning the system of General Revenue, recommended by Congress on the 18th of April, 1783, Report:

(See pages 62-66).

And to the end that Congress may remain wholly acquitted from every imputation of a want of attention to the interest and welfare of those whom they represent, the committee submit the following Resolves –

Resolved, That the Requisitions of congress of the 27th of April, 1784, and the 27 of September, 1785, cannot be considered as the establishment of a System of General Revenue, in opposition to that recommended to the several states by the resolves of congress of the 18th of April, 1783: That the said Requisitions were adopted for the exigencies of Government, and as a temporary provision for the provision for the payment of the interest of the National Debt; and that Congress have ever trusted that the Good Sense and Experience of the several States, would impress on them the necessity of adopting, in the fullest manner, the Resolves above mentioned.

Resolved, That the Resolves of Congress of the 18th of April, 1783, recommending a system of general Revenue, be again presented to the consideration of the Legislatures of the several States, which have not fully complied with the same. That it be earnestly recommended to the Legislatures of New Hampshire, Massachusetts, Connecticut, New Jersey, Pensylvania, Virginia and South Carolina which have complied only in part with the said system, completely to adopt the same; and to the Legislatures of the States of Rhode Island, New York, Maryland, and Georgia, which have not adopted the said system, wither in whole or in part, to pass Laws without further Delay, in full conformity with the same. But as it his highly necessary that every possible aid should in the most expeditious manner be obtained of the Revenue of the United States, it is therefore recommended to the several states that in adopting the said system they enable the United States in Congress assembled to carry into effect that part which relates to the imposts so soon as it shall be acceded to.

Resolved, That whilst the United States in Congress, are denied the means of satisfying those Engagements which they have constitutionally entered into for the common Benefit of the Union; they cannot be responsible for those fatal Evils which will inevitably flow from a breach of Public faith, pledged by solemn contract, and a violation of those principles of Justice, which are the only solid Basis of the honor and prosperity of Nations.

<u>February 14, 1786</u> –

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1) The Committee [consisting of Mr. John Cleves Symmes, Mr. Henry Lee, and Mr. Pierse Long] to whom was referred the letter from the Count de Beaufort to this Excellency soliciting the United States to make him a grant of lands within their territory, upon certain conditions therein stipulated, beg leave to report.

That in the opinion of your committee, proper attention ought to be paid to the contents of the letter from the Count de Beaufort, for the following reasons:

1st. That an advantageous disposition of the western territory is an object worthy the deliberation of Congress,

2nd. That as the letter of the Count de Beaufort is the first overture of this nature made by any foreigner to the United States, it is just to conclude that the success attending this negotiation will give a complexion to subsequent ones, and operate very considerably on the minds of other Europeans who may entertain views of making similar proposals.

Your committee find themselves a little embarrassed when they consider that the Count de Beaufort, believing (as they suppose) that the United States in their federal capacity are possessed of an extensive sea coast on the Atlantic, has calculated his plans upon commercial views, as well as on those of manufactures and agriculture; whereas in fact the United States have never been able to obtain the cession of one foot of sea coast, from the individual States. The interior navigable waters of the St. Lawrence and the Mississippi which spread themselves very extensively along the west and north boundaries of the United States, have no communication with the Atlantic ocean but through the dominions of his british majesty in Canada in the former instance, and through territories belonging to his Catholic majesty at the Floridas in the latter. Therefore until by future treaties with these Crowns, the United States obtain the free navigation of those several rivers, the United States have it not in their power to encourage the maritime views of the Count de Beaufort.

Your committee are of opinion that the United States have it in their power fully to accommodate the Count de Beaufort with a district of country equal to his wishes, as far as agriculture and manufactures are concerned, and within the latitudes to which he gives preference, but beg leave to submit, that the Ordinance of Congress of the 20th of May last, so circumscribes your committee that they do not find themselves at liberty to take into their consideration what particular parts of the federal lands are best adapted to the plan of the Count de Beaufort, it being impossible without a violation of the Ordinance to appropriate any certain district (especially in the extent requested) to the purposes of the Count.

Your committee are led to believe that the Count de Beaufort expects to obtain a patent from the United States of the district for which he sues, on a kind of feudal tenure, stipulating as an equivalent, to build houses and even a city, to introduce settlers, encourage the arts, establish

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manufactures, promote agriculture, &c, &c, and to effect much of this within a given period, and tho' your committee are fully sensible of the utility that would result to the United States from all these labours and improvements, yet the pressing necessities of the federal government are such, that if it was otherwise compatible with the genius and liberty of the citizens of the United States to countenance a tenure of this sort, their finances will by no means admit of a disposition of any part of the federal lands but an immediate compensation agreeably to the said Ordinance.

Your committee are of opinion that ___ be directed to transmit to the Count de Beaufort, copies of the articles of confederation and perpetual union of the United States, of the resolution of Congress of the 23 of April, 1784, and the ordinance of Congress of the 20th of May, 1785, and that he inform the Count de Beaufort that Congress will treat with him in all respects upon the same footing as the citizens of the United States purchase and appropriate lands in the federal territory.

February 15, 1786 –

1) The Committee, consisting of Mr. [Rufus] King, Mr. [Charles] Pinckney, Mr. [John] Kean, Mr. [James] Monroe and Mr. [Charles] Pettit, to whom were referred several Reports and Documents concerning the System of General Revenue, recommended by Congress on the 18th of April, 1783; Report –

That in pursuance of the above reference, they have carefully examined the Acts of the several States, relative to the general System of Revenue recommended by Congress on the 18th of April, 1783, and find that the States of Delaware and North Carolina have passed Acts in full conformity with several parts thereof; the former of which States has inserted a proviso in their Act, restraining the operation thereof until each of the other States shall have made a like and equally extensive grant; that the States of New Hampshire, Massachusetts, Connecticut, New Jersey, Virginia and South Carolina, have each passed Acts complying with that part of the System, which recommends a general impost, but have come to no decision on the other part, which proposes the establishment of funds, supplementary to, and in aid of the general impost; that the State of Pennsylvania has passed an Act complying with the recommendation of the general impost, and in the same act has declared, that their proportion or quota of the supplementary funds, shall be raised and levied on the persons and estates of the inhabitants of that State, in such manner as the Legislature thereof shall, from time to time, direct, with this proviso, that if any of the Annual proportion of the supplementary funds shall be otherwise raised and paid to the United States, then such annual levy or tax shall be discontinued: The Committee conceive that this clause is rather an engagement that Pennsylvania will provide adequate supplementary funds, than an actual establishment thereof; nevertheless, the Act contains a proviso restraining its operation until each of the other States shall have passed Laws

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in full conformity with the whole of the Revenue System aforesaid: The Committee further find, that the state of Rhode Island has passed an Act on this subject, but so different from the plan recommended, and so wholly insufficient, that it cannot be considered as a compliance with any part of the system submitted for their adoption; that the State of Maryland passed an Act in 1782, and a supplement thereto in 1784, complying with the recommendation of Congress of the 3d of February, 1781, which recommendation is not compatible with, and was relinquished by the resolves of Congress of the 18th of April, 1783; but that neither the State of Maryland, New York nor Georgia, has passed any act in pursuance of the system of the 18th of April, 1783.

From the statement it appears that seven States, viz. New Hampshire, Massachusetts, Connecticut, New Jersey, Virginia, North Carolina and South Carolina, have granted the impost in such manner, that if the other Six States had made similar grants, the plan of the general impost might immediately begin to operate; that two other States, viz. Pennsylvania and Delaware, have also granted the impost, but have connected their grants with provisos, which will suspend their operation until all the other States shall have passed laws in full conformity with the whole of the revenue system aforesaid; that two only of these nine States, viz. Delaware and North Carolina, have fully acceded to that system in all its parts; and that the four other States, viz. Rhode Island, New York, Maryland and Georgia, have not decided in favor of any parts of the system aforesaid, so long since and so repeatedly presented by Congress for their adoption.

The Committee have thought it their duty candidly to examine the principles of this system, and to discover, if possible, the reasons which have prevented its adoption; they cannot learn that any Member of the Confederacy has stated or brought forward any objections against it, and the result of their impartial enquires into the nature and operation of the plan, has been a clear and decided opinion, that the system itself is more free from well founded exceptions, and is better calculated to receive the approbation of the several States than any other that the wisdom of Congress can devise.

In the course of this enquiry, it most clearly appeared, that the requisitions of Congress, for eight years past, have been so irregular in their operation, so uncertain in their collection, and so evidently unproductive, that a reliance on them in future as a source from whence moneys are to be drawn to discharge the engagements of the Confederacy, definite as they are in time and amount, would be not less dishonourable to the understandings of those who entertain such confidence, than it would be dangerous to the welfare and peace of the Union: The Committee are therefore seriously impressed with the indispensable obligation that Congress are under, or representing to the immediate and impartial consideration of the several States, the utter impossibility of maintaining and preserving the faith of the federal Government, by

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temporary requisitions on the States, and the consequent necessity of an early and complete accession of all the States to the revenue system of the 18th of April, 1783.

Although in a business of this magnitude and importance to the respective States, it was natural to expect a due degree of caution, and a thorough investigation of the system recommended, yet the Committee cannot forbear to remark, that this plan has been under reference for nearly three years; that, during that period, numerous changes have taken place in the delegations of every State, but that this system has received the repeated approbation of each successive Congress, and that the urgency of the public engagements at this time, renders it the unquestionable duty of the several States to adopt, without further delay, those measures which alone, in the judgement on the Committee, can preserve the sacred faith of this Confederacy.

The following state of facts must convince the States of the propriety of urging this system with unusual anxiety at this period.

That the sum necessary to discharge the interest on Loans of the	240,740.60
King of France, to the 1st January, 1787, is	
For interest on Certificates to Foreign Officers, made payable in	
France, to the 1st of January, 1787	22,370
For interest on the Spanish Loan, due the 21st March, 1787	48,596.55
For interest on the Dutch Loans, to the 1st of June, 1787	265,600
	577,307.25

That although some of the objects of disbursement are in the year 1787, the periods at which they become due, will shew the absolute necessity of an immediate provision for them.

That notwithstanding some of the above sums do not fall due until 1787, yet, exclusive of the same, there will be due on the french and dutch Loans, in that year, 1,252,938 dollars and 57 ninetieths, and during the nine succeeding years, that is, until the year 1797, including the payment of the interest and the partial disbursements of the Capitals of the french and dutch loans, the average sum of near one million dollars annually; for certain obtaining of which, at fixed periods, effectual measures can no longer be delayed. More fully to illustrate this subject, the committee annex a schedule of the french and dutch loans, shewing the periods of their redemption, with the annual interest payable thereon, until the final extinction; in addition to the above foreign demands, the interest on the Spanish loan, and on debts due to foreign Officers, must be provided for and annually paid: The amount of these annual demands will be

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greatly increased by adding the annual interest on the domestic debt, the whole of which is not yet liquidated, and the aggregate whereof, will consequently be enlarged beyond its last estimate.

The Committee contemplate, with great satisfaction, the prospect of extinguishing a part of the domestic debt, by the sales of the Western territory of the United States; but a considerable time must elapse before that Country can be surveyed and disposed of; and the domestic Creditors, until that event, must depend for support on the justice of their Country: The revenue system, if adopted, would afford this support, and enable Congress to fulfil the public engagements with their foreign Creditors. The whole product of this system is appropriated for the payment of the principal and interest of the national debt, and no part thereof can be diverted to other purposes.

That it has been the earnest wish of Congress to prevent the vast accumulation of foreign interest that now exists, appears, from their estimates and requisitions of the 27th April, 1784, and the 27th September, 1785; and the following abstract, taken from the books of the Treasury, of the amount of moneys brought into the federal treasury in the course of the four years last, viz. between the 1st November, 1781, and the 1st of January, 1786, will show the little success of requisitions, and demonstrate the inadequacy of their products to maintain the federal government, and at the same time to discharge the annual public engagements.

The receipt of taxes from the 1st November, 1781, to 1st November,

1784, amount to	2,025,089.34
From 1st November, 1784, to 1st January, 1786	242,897.81
Total	2,457,987.25

Thus it is evident, that the sum of 2,457,987 dollars and 25-90ths only, was received in a space of more than four years, when the requisitions, in the most forcible manner, pressed on the States the payment of much larger sums, and for purposes of the highest national importance. It should be here observed, that the receipts of the last fourteen months of the above period, amount only to 432,897 Dollars and 81-90ths, which is at the rate of 371,052 dollars per annum, a sum short of what is essentially necessary for the bare maintenance of the federal government on the most economical establishment, and in time of profound peace.

The Committee observe with great concern, that the security of the Navigation and Commerce of the Citizens of these States from the Barbary powers, the protection of the frontier inhabitants from the savages, the immediate establishment of military magazines on different parts of the Union, rendered indispensable by the principles of public safety, the maintenance

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of the federal government at home, and the support of the public servants abroad, each and all, depend upon the contributions of the States under the annual requisitions of Congress. The moneys essentially necessary for these important Objects, will so far exceed the sums formerly collected from the States by taxes, that no hope can be indulged of being able, from that source, to make any remittances for the discharge of foreign engagements.

Thus circumstanced, after the most solemn deliberation, and under the fullest conviction that the public embarrassments are such as above represented, and that they are daily increasing, the Committee are of opinion, that it has become the duty of Congress to declare most explicitly, that the crisis has arrived, when the people of these United States, by whose will, and for whose benefit the federal government was instituted, must decide whether they will support their rank as a nation, by maintaining the public faith at home and abroad; or whether, for want of a timely exertion in establishing a general revenue, and thereby giving strength to the confederacy, they will hazard not only the existence of the Union, but those great and invaluable privileges for which they have so arduously and so honourably contended.

Resolved, That Congress agree to the said report.

And to the end, that Congress may remain wholly acquitted from every imputation of a want of attention to the interest and welfare of those whom they represent,

Resolved, That the requisitions of Congress of the 27th of April, 1784, and the 27th of September, 1785, cannot be considered as the establishment of a system of general revenue, in opposition to that recommended to the several States by the resolves of Congress of the 18th of April, 1783.

Resolved, that the resolves of Congress of the 18th of April, 1783, recommending a system of general revenue, be again presented to the consideration of the Legislatures of the several States, which have not fully complied with the same: That is be earnestly recommended to the Legislatures of New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia, and South Carolina, which have complied only in part with the said system, completely to adopt the same; and to the Legislatures of the States of Rhode Island, New York, Maryland and Georgia, which have not adopted the said system, either in whole or in part, to pass laws, without further delay, in full conformity with the same, But as it is highly necessary that every possible aid should, in the most expeditious manner, be obtained to the revenue of the United States, it is therefore recommended to the several States, that, in adopting the said system, they enable the United States in Congress assembled, to carry into effect that part which relates to the impost, so soon as it shall be acceded to.

Resolved, That whilst Congress are denied the means of satisfying those engagements which they have constitutionally entered into for the common benefit of the Union, they hold it their

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duty to warn their Constituents that the most fatal evils will inevitably flow from a breach of public faith, pledged by solemn contract, and a violation of those principles of justice, which are the only solid basis of the honor and prosperity of Nations.

February 25, 1786 -

1) OFFICE FOR FOREIGN AFFAIRS

21st February, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred. A Letter to him of 28th November last from the Charge des Affairs of France enclosing a Plan of a Treaty for the Correspondence of Letters between the Post Offices of France and those of the United States, Reports:

That he submitted the said Plan to the Consideration of the Post Master General of the United States, whose Opinion thereon appears in the following Letter, viz. –

GENERAL POST OFFICE,

21 February, 1786.

SIR: I have had under Consideration the proposed "Plan of a Treaty for the Correspondence of Letters between the Post-Offices of France and those of the United States of North-America," and observe but one Defect in it; and that is, it is left optional with the Writers to pay the Postage or not; and if we may judge from Experience, they will not pay it. The Consequences will be –

1st. That a Receipt must be given by the American Office, which will make the United States accountable for the Amount of the Postage.

2nd. The Letters must then be distributed from New Hampshire to Georgia; and the dead or (refuse) Letters returned to New York at the Risque of the United States; which will, evidently be very great, if we consider the Distances to which the Letters must travel, the Size and Situation of many of our Ferries, and our Seasons, especially the Winter.

3rd. Accounts must be kept between the American and French Offices, which, in their very nature, must be complex and intricate, both Nations being interested in the Postage of each letter, and the Postage being marked, partly in french Money and partly in Pennyweights and Grains of Silver; the former, not being sufficiently understood by us – will occsassion many Errors, and be the Source of much Confusion.

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We were exactly upon the above Plan with Respect to the british Packets at their first Establishment, as you will observe from the enclosed Advertisement; but the Inconveniences attending it were so great that it found necessary to make an Alteration; and the whole Business was amazingly simplified by providing that all the Packet Business should be paid in England. By this small change in the System every Difficulty is removed; and, as Experience has evinced its Utility, I beg leave to recommend the Adoption of the same Mode in the present Case. Indeed, it will be more advantageous to France than the Plan now proposed, because the number of refuse Letters will be lessened by it, as all the Letters put into the Offices in France will then be paid for, and the refuse Letters from this side of the Water will not be more numerous upon this Plan than upon the other: there will also be a Saving of the Commissions allowed to the Deputy Post Masters for transacting the Business.

The other Regulations, such as giving the Captains, Receipts for the Mails, sending Invoices of the Letters &c are equally proper upon either Plan.

I have the honor to be &c.

(Signed) EBENEZER HAZARD

The Honble: the Secy: for foreign Affairs.

Your Secretary thinks the Observations of the Post Master General are well founded, and therefore is of Opinion, that he the said Post Master General should be duly authorized to conclude the said Treaty with the Director of the French Posts vested with equal Powers on the part of his Most Christian Majesty, provided the Alterations in question are admitted, and provided further that the Duration of the said Treaty shall not exceed the Term of ten Years.

Your Secretary is also of Opinion that the said Treaty should be engrossed and executed in both Languages.

All which is submitted to the Wisdom of Congress.

JOHN JAY.

(See pages 82-84 for the Estimate for Monies requisite for the Services of the Year 1786.)

February 27, 1786 –

1) [A Motion of Mr. Dane]

That a Committee of Five be appointed to examine how far the several States have complied with, and adopted the Alteration of the Eight Article of the Confederation and perpetual Union, recommended by Congress, April 18, 1783, and to consider and report, what further Measures

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are proper to be adopted by Congress, for carrying into Effect a Federal Rule for apportioning Federal Taxes on the several States.

2) [Motion of Mr. Monroe]

Resolv'd, That the President and other members of Congress shall in all cases have precedence, and that the secretary of foreign affairs be instructed to give information thereof to the representatives of foreign powers, that they may be enabled to comply with the sentiments of the U.S. in Congress assembled.

February 28, 1786 -

1) The Secretary of the United States of America for the Department for foreign Affairs, to whom was referred a letter to him from A. Fowler, of 1 October last, complaining that a boat which he had sent down the Mississippi was stopped at the Natches by the Spaniards, having reported,

That there is good reason to believe that the King of Spain is resolved, if possible, to exclude all Nations from the navigation of that part of the Mississippi which runs between his territories.

That therefore the United States will not have that navigation open to their citizens, unless by *Arms*, or by *Treaty*. That in the Opinion of the Secretary, the time for the *former* is not yet come. That the free navigation of that river is now the subject of discussion between the Spanish Encargado de Negocios and himself, and that great difficulties oppose their agreeing on that head. But that however doubtful the success of these negotiations may be, it appears to him most prudent that they should not be precipitated, and therefore he thinks that the letter which he has written to Mr. Fowler, and of which a copy is subjoined, prevents the necessity of taking further measures for the present. As the country adjacent to the river becomes filled with people, and the affairs of the Confederacy become regulated and arranged, the attainment of that and every other object will daily and proportionably become more probable and easy.

The copy of the letter subjoined is as follows:

NEW YORK, *February 13, 1786*.

SIR, I have been favoured with your letter of 1 October last, and am sorry you have experienced the difficulties and disappointments mentioned in it. It is to be hoped that all territorial questions between the United States and Spain will be amicably settled, and that both parties will, in the mean time, cultivate that disposition which is most likely to promote that end. Whatever resolutions Congress may take on your letter shall be communicated to you; and if

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further occurrences relative to the subject of it have since happened, I wish you had taken an Opportunity of informing me of them.

I am, &c.

JOHN JAY.

Ordered that the foregoing report be refered back to the Secretary for foreign Affairs to take Order.

2) The Committee consisting of Mr. [John] Kean, Mr. [Nathaniel] Gorham, Mr. [Charles] Pinckney, Mr. [Melancton] Smith and Mr. [William] Grayson, to whom were recommitted sundry papers and documents relative to Commerce, and the acts passed by the States in consequence of the recommendations of Congress of the 30th April, 1784, Report –

That they have carefully examined the several matters given to them in charge, from which it appears, that there is little or no probability of commercial treaties being informed with any European power, other than those already concluded; but more especially there does not appear any prospect of forming one, with the British nation on terms reciprocally advantageous.

The reasons which have produced this determination seem to be -

1st. The want of power in Congress to form a system regulatory of foreign commerce; which meeting theirs with equal restrictions, would render it expedient for them to forego their present system, so highly disadvantageous to the union, and would operate on them a necessity of concluding treaties on terms mutually advantageous.

2nd. The hope and belief which they entertain that the States never will grant Congress such powers as are necessary to effect purposes so much to be desired, and that in their individual capacity they can never be brought to unite in a system uniform in its parts and clarifications in its operation.

Commerce under due regulation is of the highest national importance; it is the basis of naval power; it is an incentive to industry; it is a source of opulence; the protection of it calls forcibly on the States for their most serious consideration. For want of due regulation the foreign commerce of the union is threatened with annihilation.

Our Commerce in the hands of foreigners will to them be strength and riches; while we, deprived of it, will be insignificant amongst the most insignificant.

Congress have not been unmindful of these very weighty considerations. So long since as the 30th April, 1784, they recommended to the States, to vest the U.S. in Congress assembled with

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power to prohibit for fifteen years the importation or exportation of any goods, wares, or merchandize in vessels belonging to or navigated by the subjects of any power with whom these states have not formed commercial treaties and also to prohibit for the same term of time the subjects of any foreign state, kingdom or empire unless authorised by treaty, from importing into the U.S. any goods, wares or merchandize which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.

Although the powers to be vested by these recommendations do not embrace every object that may be necessary in a well formed system, yet many very beneficial effects may be expected from them.

Convinced of the great utility of a well regulated commercial system and the impracticability of forming one, uniform and efficacious under thirteen different authorities, we think it the duty of Congress to call the attention of the States to a subject of such magnitude, the longer neglect of which must be attended with evils of vast importance.

Therefore that Congress may stand exculpated from all inattention we think the following resolutions should be adopted.

March 1, 1786 –

1) OFFICE FOR FOREIGN AFFAIRS

28th February, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Note of the 15th Instant from the Minister of the United Netherlands Reports:

That this Note states in Substance, that the House of de la Lande & Fynje of Amsterdam has failed.

That the Majority of their Creditors addressed the States of Holland and West Freizeland for a Letter of License for the said House, which was granted *provisionally* on the 4th July last – but what those Provisions are does not appear from this Note.

That there is reason to apprehend that some of these non-concurring Creditors, endeavor to elude the Orders of their Sovereign, by seizing the Effects, Monies and Claims of the House in America.

That to prevent this, the said House and the Assignees appointed by a majority of their Creditors petitioned the States General of the Low Counties, to order their Minister here to take proper Measures to stop such Proceedings of this small number of Creditors who act separate from and to the Prejudice of the rest.

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That their High Mightinesses answered favorably to this Petition, by their Resolution of the 20th October last.

In pursuance of which, the Minister requests, that Congress will be pleased to take measures to prevent the Seizure of Merchandises, Effects and Credits of the said House on the Part of any other Dutch Subject than such as may act under Powers from that House or their Assignees, and to annul all such Seizures as may have already been made.

On this State of Facts your Secretary thinks it should be Resolved –

All which is submitted to the Wisdom of Congress –

JOHN JAY

2) [A Motion of Mr. Pinckney]

"That the Secretary inform the C. des Affairs of F[rance] that C[ongress] have received his late memorial &c."

March 3, 1786 –

1) The committee, consisting of Mr. [John] Kean, Mr. [Nathaniel] Gorham, Mr. [Charles] Pinckney, Mr. [Melancton] Smith and Mr. [William] Grayson, to whom were recommitted sundry papers and documents relative to Commerce, and the acts passed by the States in Consequence of the recommendations of Congress of the 30th April, 1784, report:

That in examining the laws passed by the States, in Consequence of the Act of the 30 April, 1784, they find that four states, namely, Massachusetts, New York, New Jersey and Virginia, have enacted Laws conformable to the recommendations contained in the Act. But have restrained their operation, until the other states shall have substantially complied.

That three States, namely, Connecticut, Pennsylvania, and Maryland, have passed laws conforming to the same, but have determined the time from which they are to commence; the first from the time of passing their Act in May, 1785; and the two latter from the 30 April, 1784.

That New Hampshire, by an Act passed the 23 June, 1785, have granted full powers to regulate their trade, by restrictions or duties, for fifteen years, with a proviso that the law shall be suspended until the other states have substantially done the same.

That Rhode Island, by Acts, passed in February and October, 1785, have granted power for the term of twenty five years, to regulate trade between the respective States, and of prohibiting, restraining or regulating, the importation only of all foreign goods in any ships or vessels other than those owned by Citizens of the United States, and navigated by a certain proportion of

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Citizens; and also with a proviso restrictive of its operation until the other states shall have substantially complied.

That North Carolina, by an Act passed the 2nd June, 1784, have granted powers similar to those granted by Rhode Island, relative to foreign commerce, but unrestrained in duration and clogged with a clause, that when all the states shall have substantially complied there with, it shall become an Article of Confederation and perpetual Union.

That they cannot find that the other three states, namely, Delaware, South Carolina and Georgia, have passed any laws in consequence of the Recommendations. The result is, that four States have fully complied; three others have also complied, but have determined the time of commencement, so that there will be a dissimilarity in the duration of the power granted; that three other states have passed laws in pursuance of the recommendations, but so inconsonant to the, both in letter and spirit, that they cannot be deemed compliances; and that three other States have passed no acts whatever.

That although the powers to be vested by the recommendations, do not embrace every object which may be expected from them, the Committee think it the duty of Congress, again to call the attention of the states to this subject, the longer delay of which must be attended with very great evils; whereupon,

Resolved, That the recommendations of the 30 of April, 1784, be again presented to the view of the States of Delaware, South Carolina and Georgia, and that they be most earnestly called upon to grant powers conformable thereto.

Resolved, That the States of New Hampshire, Rhode Island and North Carolina, be solicited to reconsider their Acts, and to make them agreeable to the recommendations of the 30 April, 1784.

Resolved, That the time for which the power under the recommendations of the 30 April, 1784, is to continue, ought to commence on the day that Congress shall begin to exercise it; and that it be recommended to the States of Pennsylvania, Connecticut and Maryland, to amend their Acts accordingly.

<u>March 8, 1786</u> –

1) The Committee consisting of Mr. [Nathan] Dane, Mr. [William] Grayson, Mr. [Stephen Mix] Mitchel, Mr. [James] Monroe and Mr. [John] Kean to who was referred the motion of Mr. Dane of Feb. 27, 1786, report:

That they have carefully attended to the several matters referred to them, and on examining the doings of Congress and the several States relative thereto, find, that Congress, at an early

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period in the affairs of the Union, having no federal rules for apportioning taxes and the common charges of the Confederacy on the respective States, established by them, adopted as the only one in their power, in any degree practicable, the number of Inhabitants in each State, with some small variations, that the necessities and wants of the late war rendered indispensable.

When the Articles of Confederation and perpetual union between the States came under their examination, and the consideration of Congress; and particularly the 8th article of it, the inequalities and difficulties that would attend the carrying of it into effect, were foreseen by several of the States, and therefore this part of the federal Compact was, then, in a peculiar manner, objected to. These difficulties then but imperfectly foreseen and stated have, by many years experience, have sufficiently realized and fully demonstrated; for Notwithstanding 5 years have elapsed since this compact was finally ratified; and Notwithstanding the earnest Recommendation of Congress to the several States, passed more than three years ago, to make and transit to the United States in Congress, an accurate, and Just account of the quality of land in each State, with the buildings and improvements thereon, according to the tenor of that article; yet, not a single State in the Union has, in any degree, complied therewith, and transmitted such account; unless an unauthenticated account transmitted by the State of New Hampshire of the houses, other buildings and lands in that State, a part whereof was imperfectly formed can be considered a compliance. But about the same time, that Congress, lest no other federal rule of apportionment should be adopted by the States, recommended the carrying that article into execution, Congress appears to have been aware of the impracticability in some degree of its execution, and the inequality of its operation; for the U. States in Congress assembled on the 18th of April, 1783, after mature deliberation, and examining the subject in its full extent, almost unanimously agreed to propose to the States an alteration of that article; and instead of the rule of apportionment therein prescribed, to adopt the rule, then proposed, of supplying the common Treasury in proportion to the number of white and other free Citizens and inhabitants, and three fifths of all other persons, Indians not paying taxes excepted, as a more convenient and certain rule of ascertaining the proportion to be supplied by respective States; to be triennially taken in such mode as Congress should direct and appoint.

The reasons that induced the federal Government, at the time, to recommend this constitutional alteration of the Confederacy, the Justice, propriety, and expediency of the change, are fully and largely stated to the several Legislatures in the address of Congress to them of the same month of April; to which Congress again ought, in their opinion of this Committee, in the most pressing manner to call their earliest attention.

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In examining the several laws passed by the States in pursuance of the above recommendation, the Committee find, that a majority of the States, and a great proportion of the whole confederacy, have readily and fully approved of the proposed alteration of that article of the federal Government; that nine States, including Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina, have, by their legislatures acts, passed in pursuance of said recommendation, fully complied with it, and authorised the respective Delegates in Congress to ratify the alteration proposed. But they do not find that the other States have passed laws, or taken any measures on the subject; nor do they find that any well founded exceptions or any particular objection has been made by those States, to the plan proposed; it is to be observed that the power of appointing on what mode the number of Inhabitants in each State, shall be so ascertained and transmitted, is vested in the federal Government, by the act Congress and those laws passed by several States and it is thereby the duty of that Government to direct the same; But it does not appear that Congress has taken any measures for that purpose; or that State has so taken and transmitted the number of its inhabitants in consequence of that recommendation. In February and March, 1782, March, 1783, and November, 1784, it appears the States of Rhode Island, Connecticut, New Jersey, and Maryland, returned to Congress the number of their inhabitants, respectively, distinguishing white from black; but as these returns are not founded on the principles of the said Recommendation, nor in any degree preserve the principal and material distinctions therein prescribed, the Committee are of opinion they cannot be considered as a substantial compliance with it. Notwithstanding some known and established rule of apportioning the Common Charges of the Union on the individual States, hath been several years is, and ever must be, so necessary for the preservation of Justice and peace among them yet no such rule has ever been established; necessity hitherto hath constrained and yet obliges the United States in Congress to adopt as the rule of apportionment, the number of inhabitants in each State of which they have had but very imperfect accounts.

In this situation of this subject, after so many exertions in Congress to effect some mode by which the Common burdens of the Confederacy may be equally borne, and the ruinous consequences of the injustice and inequality avoided and all, as yet, to no effectual purpose, the Committee are induced again to examine why no effectual measures have been pursued by the respective States to effect an object so desirable; since this subject has been under their consideration, so many years, they do not find that any State in the Union has ever had in contemplation any other mode, by which to assess the States, except the one contained in said article, and the one contained in the proposed amendment of it; but, on the contrary, have uniformly fixed their attention on these, as the only plans Just and practicable, even in theory – nor can the Committee entertain a thought, that the establishment of some Just rule, in this Case, is not the wish of every State in the Union; for, in their present situation, no state is secure from the oppression of the rest, and the very being of the Confederacy must be

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endangered by the injustice, the inequalities, the sure consequences of that situation. It must be, therefore, from a division of sentiments between the two propositions before the several States; from the difficulties and apparent impractibility of executing the former, and some exceptions, not well founded, to the adoption of the latter. But in addition to what hath been heretofore suggested in the comparative examination of those propositions, the mode of apportionment prescribed in the said 8th article as it now stands and the mode prescribed in the proposed alteration of it, repeated investigations of their principles and effects; and the known sentiments of the States respecting them, furnish new arguments in favor of the proposed alteration. For when it is considered how uncertain and fluctuating the value of real property in the several States is; how variant their rules and opinions in ascertaining it; how often, to preserve equality, it may be necessary to form new estimates; how tedious and expensive it will be to ascertain the quantity and value of near all the real property of an extensive Country; to how little effect it has been urged and attempted for years past, and how many States, by adopting the alteration recommended, have relinquished the other plan, the carrying into execution the said article in its present form, it is unreasonably to be hoped, that the other States will soon adopt the alteration also. That article, in its present form, is not only, in the opinion of the Committee, in some degree impracticable in its execution, but even the value of the property therein mentioned, will not give a rule of apportionment, against which very substantial and well founded objections will not lay. It is a well established position that the ability of a State to bear public burdens is in proportion to the whole property of it, and the means in the power of her Citizens to acquire property; and this, if practicable, ought to be the rule; but this would combine too many objects, indefinite in their nature, and extent to be capable of being put in practice. The real property of a State constitutes but a part of its wealth, and the property, means, and acquisitions of numbers, concerned in trade, manufacturers &c. are not brought not view in fixing the rule for assessing the States on that article of the Confederation; nor is there always a due proportion between the value and profits of real estates, but a rule, in this case, perfectly equal is not to be expected. In States situated like these, where the Citizens acquire, hold, transfer, and divide property by laws nearly similar the probability is, that their abilities will ever be near in proportion to numbers; this is an observation not merely founded in theory, but it is supported by the experience of mankind; and the Committee think they are right in this question, that a federal tax apportioned on the States according to the amendment in the Confederation proposed, will be the most Just and most equal; but further it is to be considered, that the number of Inhabitants in each State is easily ascertained, and with little expence; and in doing it, there is no occasion for States, or for men concerned, to call into exercise an interested discretion or biased Judgment, and thereby to excite Jealousies and suspicions, fatal in the end, of partial and unfair conduct in each other. But the value of lands and their improvements are rather matters of opinion, and men will not, probably rate them so much according to truth, as to certain rules they have been accustomed

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to in fixing, from time to time, this value. An interested discretion must decide on questions on which the existence of the Union may depend. It can require but little discernment to foresee that the Judgment of men will be biased continually by interest and local connexions, and such are their dispositions, that States will, on every occasion, suspect each other of partiality; the consequence of which will be, differences, disputes, and animosities among them.

The Committee have carefully attended to some objections to the proposed alteration, said to prevail in some of the States – that it must operate unequally, and to the disadvantage of some particular States; and that the taking of three-fifths of all other persons therein mentioned is not bringing a sufficient number of that Class of people into the estimate; but they do not find that those objections are founded on any particular calculations or documents. As to the last objection, it may be observed, that there is no possible rule by which the acquisitions and abilities of freemen can be accurately compared with that of persons who are in a State of servitude; but few can doubt, that the acquisitions and abilities of freemen, capable of directing their own conduct, and moved to exersions by motives founded on their own immediate interest, are much superior to those of Slaves, whose actions have no other Spring than the interest and directions of a master; but on a question so uncertain, and very extensive in its effects, it is to be ardently wished that a disposition to make mutual concessions will be continued and promoted through all the States so intimately concerned in one great and one Common Interest; and as to the objections, that the proposed substitute will have a more unequal effect than the present federal rule, is, in the opinion of the Committee, a matter very questionable; or that it will operate to the disadvantage of some States, is a point by no means established. As there is no rule in this Case by which federal taxes can be assessed, and but little probability the States will put in operation the one in the Confederation, in its present form, but may soon be induced to adopt the proposed alteration, the Committee are of opinion, that the States, which have not acceded to that alteration be again earnestly called upon to do it; and that it be recommended to all the States immediately to take effectual measures for ascertaining and transmitting to the United States in Congress assembled the number of Inhabitants in each State, making the proper distinctions and lest that alteration shall not finally be adopted, and Congress shall be constrained to carry into operation the federal, rule of apportionment heretofore acceded to by the several States that is can be also again recommended to the States to pursue effectual measures for obtaining the object of the resolve of February 17, 1783, relative to this subject; for, however exceptionable the federal rule in this Case may be in its present form as to its execution and effects, yet, it is the only one acceded to by the States, and if no other rule can be agreed to by them, the Common charge of the union must, and ought to be, apportioned on it and if the several States do not very speedily transmit to Congress the proper materials whereon to form a federal rule of apportionment it will become the indispensable duty of Congress to execute the rule of the Confederation in the best manner in their power, and when they have so done they must stand

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excused from any injustice or inequality that may take place. Therefore the Committee submit the following resolves:

Resolved, that it be earnestly recommended to the Legislature of the States of New Hampshire, Rhode Island, and Providence plantations, South Carolina, and Georgia, to take into their immediate consideration the said recommendation of Congress of April 18, 1783, so far as it respects the alteration of the eighth of the articles of Confederation and perpetual union between the States, and to authorise their Delegates, respectively in Congress, to subscribe and ratify the proposed alteration of it.

Resolved, That it be recommended to the Legislatures of the several States immediately to pass laws, and to take the most effectual measures for ascertaining and transmitting to the United States in Congress assembled on or before the first day of July next, the number of white and other free inhabitants of every age, sex, and condition, in their respective States, including those bound to servitude for terms of years, and the number of all other persons not comprehended in the foregoing description except Indians not paying taxes in each State, and for ascertaining and transmitting the like number in like manner triennially forever hereafter.

Resolved, That it be again recommended to the Legislatures of the several States to take into their consideration the said Resolve of Congress of February 17th, 1783, and to adopt effectual measures for obtaining the objects thereof as soon as maybe.

March 10, 1786 –

1) The Secretary of the United States for the Department of foreign Affairs to whom were referred the Treaty lately concluded with Prussia, and transmitted with a Joint Letter from Mr. Adams and Mr. Jefferson, Reports:

That on considering the several Articles in the said Treaty, he observes that each Party is to enjoy in the Dominions of the other the same Rights and Privileges as to Commerce &c. as are or shall be granted to the most favored Nation.

On this Point your Secretary adheres to the same Opinion which he heretofore communicated to Congress in his Report of the 17th May last, on the Draft of a Treaty of Amity and Commerce transmitted by the American Ministers. He also thinks that much of the reasoning in that Report applies to certain other Articles in the Treaty under consideration.

Your Secretary suspects that the following Article is a little equivocal viz: "more especially each Party shall have a Right to carry their own Produce, Manufactures, and Merchandize in their own or any other Vessels, to any Parts of the Dominions of the other, where, it shall be lawful for all subjects or Citizens of that other freely to purchase them; and thence to take Produce,

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Manufactures and Merchandize of the other which all the said Citizens or Subjects shall in like Manner be free to sell them paying &c"

Altho' the meaning of this Article appears obvious, yet it might perhaps be construed to imply that there are or will be certain free Ports; where every Thing brought by or belonging to either Party may be freely sold and bought, in Contradistinction to other Ports and Places in the same Dominion where such Liberty is not allowed. The Intention of the Article doubtless is that such Liberty is to be enjoyed at every Port and Place.

The latter part of the 10 Article is not quite reciprocal, viz.

"And where on the Death of any Person holding real Estate within the Territories of the one Party, such real Estate would by the Laws and the Land descended on a Citizen or Subject of the other, were he not disqualified by Alienage, such Subject shall be allowed a reasonable Time to sell the same and to withdraw the Proceeds without Molestation &c.; But the Article shall not derogate in any Manner from the Force of the Laws already published or hereafter to be published by the King of Prussia to prevent the Emigrations of his Subjects."

This latter Clause reserves to the King of Russia the Right of making Laws to prevent Emigrations, but does not so limit the Extent of those Laws, as that they shall not operate against the Right to sell &c. granted in the preceding one; for instead of saying that such Laws shall not derogate in any Manner from the true Intent and Meaning of this Article, it says that this Article shall not derogate in any Manner from the Force of his Laws &c Besides the like right is not reserved to the United States.

Upon the whole Matter, and particularly considering that the Duration of this Treaty is limited to ten Years, your Secretary thinks that it will be prudent and best to ratify it.

A Year from the day of the Signature is allowed for the exchange of Ratifications. It appears to have been signed by Baron Thulemeir 10 September, 1785; Mr. Adams 5 August, 1785; Doctor Franklin 9 July, 1785; Mr. Jefferson 28 July, 1785.

This Term of a Year is doubtless to be computed from 10 September last, for as the Prussian Minister appears to have signed it last, and it was not until then compleat, there can be no Room for the Questions that might have otherwise arisen on the subject.

All of which is Submitted to the Wisdom of Congress.

JOHN JAY.

March 14, 1786 –

1) A letter of the 13 from the board of treasury, was read;

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BOARD OF TREASURY,

March 13th, 1786.

SIR: We esteem it our duty to inform Congress, that the Commissioner of the Loan Office of the State of New York has declined taking the Oath, of which we do ourselves the honor of transmitting a Copy as per No. 1. The Form of this Oath was delivered to us by the Secretary of Congress, when we entered on the Duties of our Appointment: We of course considered it as the Oath of Office; and not only complied with it ourselves, but transmitted it as such to the Commissioners of the Loan Offices in the respective States, by whom (except in the present instance) no objection to a compliance has been made.

On a mature consideration of the nature of the Trust reposed in the Loan Officers by the Ordinance of Congress of the 27th September last, and the Duties required of them by the late Requisition of Congress; we think an Oath to keep Secret such Papers in the respective Loan Offices, as in the opinion of this Board are improper to be communicated, is essentially necessary. Without it, the views of Congress with respect to the Certifying of Interest to Foreigners, as well as to the Citizens, and the indiscriminate Payment of Indents of Interest in all Continental Taxes throughout the Union, may be altogether defeated. The force of this Observation will be best felt, by a perusal of the General Instructions agreed on by this Board, for the Government of the several Commissioners of the Loan Office, Copy of which we do ourselves the honor of Enclosing, No. 2. Should the Form of the Oath delivered by us to the Secretary of Congress, be deemed as Official in this Department, we beg leave to suggest the propriety of expressing the Sense of Congress on this Subject, in such a manner as may preclude any further discussions on this Account, betwixt this Board and the subordinate Officers.

A Copy of the Oath which the Commissioner of the Loan Office of the State of New York has taken, is herewith enclosed as per No. 3. It materially differs from the usual Form, not only by an Omission of the Oath of Secrecy, where the same is enjoined, but in rendering the Judgment of the Officer, instead of the Resolves of Congress, and the Instructions of this Board, the Rule of his Conduct; - We cannot therefore, think ourselves Warranted in admitting a deviation from the Form, which the other officers have complied with, without the express Directions of the United States in Congress.

We have the honor etc.

Whereupon, on motion of Mr. [Rufus] King, seconded by Mr. [John] Kean,

Resolved, That in all cases where an Oath of office is required of any person holding an Office under the United States is Congress assembled, such oath be in the form of the Oath of Office

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established in the Ordinance for ascertaining the powers and duties of the Secretary at War, passed the 27th day of January, 1785, *mutatis mutandis*.

2) The Secretary of the United States for the Department of foreign Affairs in Obedience to the Orders of Congress reports the following Form for ratifying on their part, the Treaty of Amity and Commerce lately concluded by their Plenipotentiaries with the King of Prussia, viz.

Whereas "a treaty of Amity and Commerce between his Majesty the King of Prussia and the United States of America" was concluded and signed by the Plenipotentiaries of the United States and by the Plenipotentiary of his said Majesty duly and respectively authorized for that purpose, at the Places of their respective Residence, and at the Dates expressed under their several Signatures, which said Treaty written both in the American and French Languages is in the Words following viz –

Now Know Ye that we the said United States in Congress Assembled having considered and approved do hereby ratify and confirm the said Treaty and every Article and Clause therein contained.

In Testimony whereof we have caused our Seal to be hereunto affixed. Witness the Honorable Nathaniel Gorham, Esquire our Chairman in the Absence of his Excellency John Hancock, Esquire, our President, this seventeenth Day of May in the Year of our Lord one thousand seven hundred and eighty-six, and of our Independence and Sovereignty the tenth.

JOHN JAY.

March 22, 1786 –

1) OFFICE FOR FOREIGN AFFAIRS

22nd March, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred his Report of the 31st January last on certain letters from Mr. Adams, in order that he might prepare Drafts of the Instructions therein proposed, Reports:

That in his opinion the Minister Plenipotentiary of the United States at the Court of Versailles should be instructed in Manner following, viz –

SIR, It is the Pleasure of Congress that you represent to his most Christian Majesty –

That by the 11th Article of the Treaty of Alliance between his said Majesty and the United States, they guaranty to each other as follows:

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"The two Parties guaranty mutually from the present Time and forever, against all other powers, *to wit*, the United States to his most Christian Majesty, the present Possessions of the Crown of France in America; as well as those which it may acquire by the future Treaty of Peace; and his most Christian Majesty guarantys 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 may obtain during the War, from any of the Dominions now or heretofore possessed by Great Britain in North-America, conformable to the 5th and 6th Articles above written; the whole as their Possession shall be fixed and assured to the said States, at the Moment of the cessation of their present War with England."

That the United States consider all the Countries, Dominions, and territorial Rights ascertained and assured to them at the Conclusion of the late War, by the Treaty of Peace between them and Great Britain, to be comprehended within the Terms and true Intent and Meaning of the said Guarantee.

That among obstacles to their full and perfect Enjoyment of the said Countries and territorial Rights, Great Britain continues to withhold from them the Possession of their frontier Posts and Places occupied by them during the late War within the Boundaries of the United States, as ascertained and fixed by the said Treaty of Peace – Altho' by the 7th Article of the said Treaty it was stipulated and agreed, that his britannic Majesty should with all convenient Speed, withdraw all his Armies and Garrisons from the said United States and from every Post and Place within the same &c.

That as near three Years have since elapsed, the United States consider the Detention of those Posts and Places as being contrary to the Terms of the Treaty, and consistent with the good Faith with which it ought to have been observed.

That they have by their Minister at the Court of London remonstrated to his Britannic Majesty on this Subject, but that no satisfactory answer has yet been given to them.

That from the defensive State in which those Posts and Places are kept, as well as from the Number of Forces stationed in the Province of Quebec, the intention of his Britannic Majesty to evacuate them has become problematical.

That the Confidence which the United States repose in the Justice and Good Faith of his Majesty, leaves them no Room to Doubt of his Readiness to join with them in the measure proposed; and therefore that they have instructed their Minister at the Court of London, as soon as he shall be informed thereof, to confer freely and fully with his Majesty's Minister at the same Court; and in Concert with him, to make such Remonstrances on the Subject to his

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Britannic Majesty, as they may jointly think most Expedient and conformable to their respective Instructions.

It is also the Pleasure of Congress that you represent to his most Christian Majesty.

That by the 8th Article of the Treaty of Amity and Commerce subsisting between him and the United States it is stipulated that, "The most Christian King will employ his good offices and Interpositions with the King or Emperor of Morocco, or Fez; - the Regencies of Algiers, Tunis and Tripoly, or with any of them; and also with every other Prince, State or Power, of the Coast of Barbary in Africa, and the Subjects of the said King, Emperor, States and Powers, and each of them, in order to provide as fully and efficaciously as possible for the Benefit, Conveniency and Safety of the said United States, and each of them, their Subject, People and Inhabitants, and their Vessels and Effects, against all Violence, Insults, Attacks or Depredations, on the part of the said Princes and States of Barbary or their Subjects.

That the United States have found it necessary to commence Negociations with the above named Powers for the Purpose of forming such Treaties and Arrangements with them, as may prevent their committing any future Depredations on the American Vessels and Trade. You are to communicate to his Majesty an exact State of the Measures taken for that Purpose, and to request that he will, agreeable to the said Article, interpose his friendly Aid and good Offices to promote the Success of those Negociations, which negocations Mr. Adams and You will conduct in such a manner as you and he may think best calculated to give them all the Advantage that can result from his Majesty's Interposition.

Your Secretary further Reports that the Charge des Affaires at the Court of Spain should be instructed as follows, viz:

It is the Pleasure of Congress that you present their Thanks to his Catholic Majesty for the very friendly Manner in which he interposed his good Offices with the Emperor of Morocco in behalf of the American Vessel and Crew captured by one of his Corsairs; as well as for the kind Disposition he has expressed of his Readiness to promote a good Understanding between the United States and that Prince.

You will communicate to his Majesty that Congress have taken Measures for negociating a permanent Peace with the Emperor, and that they would esteem themselves greatly obliged by his Majesty's Endeavours to promote the Success of those Negociations, by exerting his Influence at that Court in their Favour.

You will assure his Majesty that his friendly Attention to the United States will always make a correspondent Impression on them, and that they will always be happy to embrace every Occasion of testifying the Sense they entertain of it, as well as of manifesting their sincere

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Disposition to unite the two Nations by the strongest Ties of Mutual Affection and reciprocal Advantage.

Your Secretary takes the Liberty of observing, that as their High Mightinesses have agreed by the 23rd Article of Treaty between them and the United States, to second and aid in Negociations of the later with the African piratical States, it would in his Opinion be proper for Congress to avail themselves of this Article, and apply to their High Mightinesses accordingly.

All which is submitted to the Wisdom of congress.

JOHN JAY.

March 24, 1786 –

1) On a report of a committee, consisting of Mr. [Charles] Pinckney, Mr. [Nathan] Dane, Mr. [James] Monroe, Mr. [William Samuel] Johnson and Mr. [Rufus] King, to whom was referred a report of the board of treasury, on revising the system adopted for the settlement of the Accounts of the five great departments:

Resolved, That the respective commissioners, as soon after the 15 day of April next as may be, deliver to the Order of the board of treasury, the books and papers of their several Offices; and that they account respectively with the comptroller of the treasury for the amount of certificate delivered to them.

That the settlement of the accounts of the said five departments be vested in one commissioner, to be appointed by Congress, and subject to the superintendence and controul of the board of treasury; That he exercise all such powers in the adjustment of the same, as were assigned to the said commissioners by any former resolutions of Congress, and that he be allowed fifteen hundred dollars per annum, during the time he shall be employed in the same.

That all persons employed in adjusting the said Accounts, take the Oath of Office, previous to their entering on the execution of the trust reposed in them.

Resolved, That Thursday next be assigned for electing the said commissioner.

Ordered, That the board of treasury report to Congress the number of person necessary to be employed under the commissioner aforesaid, and the salaries to be allowed to each of them, and also an estimate of the contingent expenses of the Office of the said Commissioner.

2) The Grand Committee consisting of [Mr. Pierse Long, Mr. Nathan Dane, Mr. William Samuel Johnson, Mr. Melancton Smith, Mr. Josiah Hornblower, Mr. John Bubenheim Bayard, Mr. William Hindman, Mr. James Monroe and Mr. Charles Pinckney] to whom were (among other things) referred a Motion of Mr. [James] Monroe respecting the Cessions and division of

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Western lands and territory; report, that they have considered the said motion and examined the Acts of Congress and of the States relating to the Cessions of Western lands and Territory and of the United States to forming the same into States and future Governments thereof and find that the State of New York ceded their claims to those Western lands beyond certain limits generally, and without any condition as to the extent of the States that may be there formed; and that Congress October 10th, 1780, having (among other things) resolved that the unappropriated lands that may be ceded to the United States by any particular State, pursuant to the recommendation of Congress of Sept. 6th, 1780, shall be formed into distinct Republican States; that each State which shall be so formed shall contained a suitable extent of Territory not less than one hundred, nor more than one hundred and fifty miles Square, or as near thereto as circumstances will admit. The States of Massachusetts and Virginia in pursuance of said Resolve, have made Cessions of their claims to said lands and the Territory, beyond certain limits on condition that the same be formed into States of the extent aforesaid – which Cessions have been accepted by Congress – by reason of which conditions it is become obligatory on the federal government in dividing the said lands into States, to form them of the same extent; unless those Conditions shall be altered by consent of the said States; but such a division of the western Country cannot in the opinion of the Committee, be, in any degree practicable, conformable to the Natural boundaries of it, or for the interest of the Confederacy; according to this plan some States must be so situated as to have no advantages of Navigation; some inconveniently divided by rivers, lakes and mountains, and many of them must probably contain a large proportion of barren and unimprovable lands.

It is in the Opinion of the Committee highly expedient that settlements in that Country should be formed into governments as soon as possible, and admitted into the Confederacy; that order and the true principles of government may be established among them, and they become an accession of strength to the Union. But if that Country be divided into States agreeable to the system at present adopted, the probability is that many of them will not soon, if ever, have a sufficient number of Inhabitants to form a government; the consequence of which must be, that they will continue without laws, and without order among them, and the Union without receiving any advantages or aid from them. The tract of Country Northwest of the River Ohio, having many natural boundaries, and the barren and fertile lands intermixed in no regular form, it will be found in the division of it, indispensably necessary to pay particular attention to those Boundaries, and the Circumstances of the Settlements, men will from natural local advantages be induced to make, and such a variety of circumstances must come into view in fixing the dimensions of States there, on a more perfect knowledge of a Country, as yet, in some degree unexplored, that it is in the opinion of the Committee, highly inexpedient, by any compact of Condition so far as to limit the United States in Congress assembled in forming States there as to preclude the consideration of the future interest of the Confederacy, the future Condition of that Country, and the circumstances of settlers in it; and though the mode of dividing the

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Country into States heretofore adopted may be as perfect as our knowledge of it would then suggest, yet a further investigation of the subject must fully evince, that it is in some degree defective and incapable of being carried into effect.

Therefore they submit the following Resolve.

The Grand Committee to whom were referred a Motion of Mr. Monroe upon the subject of the Western Territory ceded by individual States beg leave to report, in part:

That the United States in Congress Assembled having on the 6th day of September, 1780, *Resolved*, That it be recommended to the several State having claims to waste and unappropriated lands to make liberal surrenders thereof to the United States for their common benefit; and on the 10th of October following, That the Territory thus ceded shall be formed into distinct Republican States and admitted members of the Federal Union having the same rights of Sovereignty, freedom and Independence as the other States; and that each State which shall be so formed shall contain a suitable extent of Territory not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit. And the States of Virginia and Massachusetts having made Cessions accordingly, the latter founded on and the former with an express compact, among others, as to the said Condition; and the United States fully to carry the said Condition into effect, entered into on the 23rd of April, 1784, several Resolutions respecting it. And whereas upon further consideration of the same, it hath appeared that a strict adherence to said Condition in the division of the Country as aforesaid will produce many inconveniences to settlers upon the same, and like wise to the Confederacy, to prevent which and put it in the power of the said States to enable the United States to make such division thereof as shall be expedient, it was by the resolution of ___ recommended to the said States to revise their acts of Cession as aforesaid; and as the Resolutions aforesaid of the 23rd of April, 1784, might thereof restrain the United States in case the said recommendation should be complied with, from taking such measures as might be for the general interest it is hereby

Resolved, That the resolutions of the 23rd of April, 1784, in the words following Viz: "That so much of the Territory ceded or to be ceded by individual States to the United States as is already purchased or shall be purchased of the Indian Inhabitants, and offered for sale by Congress, shall be divided into distinct States in the following manner, as nearly as such Cessions will admit; that is to say, by parallels of latitude, so that each State shall comprehend from North to South two degrees of latitude beginning to count from the completion of fortyfive degrees North of the equator; and by Meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western Cape of the mouth of the great Kanhaway: but the Territory eastward of this last Meridian, between Ohio, lake Erie and Pennsylvania, shall be one State whatsoever may be its comprehension of

Latitude. That which may lie beyond the Completion of the 45th degree between the said Meridians shall make part of the State adjoining it on the South; and that part of the Ohio, which is between the same Meridians coinciding nearly with the parallel of 39°shall be substituted so fair in lieu of that parallel on a boundary line" And "That the preceding articles shall be formed into a charter of Compact; shall be duly executed by the President of the United State in Congress Assembled under his hand and the seal of the United States; shall be promulgated; and shall stand as fundamental Constitutions between the thirteen original States and each of the several States now newly described, unalterable from and after the sale of any part of the Territory of such State pursuant to this resolve, but by the joint consent of the United States in Congress assembled, and of the particular State within which such alteration is proposed made" be and they are hereby repealed.

March 27, 1786 –

1) On the report of a committee, consisting of Mr. [Rufus] King, Mr. [Charles] Pinckney, Mr. [William Samuel] Johnson, Mr. [Stephen Mix] Mitchell and Mr. [Mitchell] Hindman, to whom was referred a letter from the board of treasury, of the 14 May, 1785, stating that by the abolition of the Office of an Assistant to that board, and a small increase of the Salary of their Secretary, a considerable saving will accrue to the public,

Resolved, That the Office of an Assistant to the board of treasury, be, and hereby abolished, and that the secretary of the said board of treasury hereafter be allowed and paid a salary, at the rate eighteen hundred and fifty dollars per annum.

March 29, 1786 –

1) [Motion of James Monroe]

Ordered, that the late dispatches from the Hnble. Mr. Adams be referr'd to the Secretary for foreign affairs to report, and that he be instructed to report particularly upon the propriety of instructions to the said minister, to protract his negotiations with the court of G. Britain respecting the posts which should have been before this surrend'd to the U.S. by the late treaty, and other infractions of the said treaty by that power, so as to avoid demanding a categorical answer respecting the same until the further order of Congress.

2) OFFICE FOR FOREIGN AFFAIRS

29th March, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred his Report of 21st February last on the proposed Convention between the Post Offices of the United States and France, Reports:

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That in his Opinion the following Form of such a Convention would be proper viz

Plan of a Convention between the Post Office of France and that of the United States of America for regulating their mutual Intercourse and correspondence.

His most Christian Majesty having authorized ___ the Director of the Post Office of France, and the United States having authorized Ebenezer Hazard Esquire their Post Master General, to form and conclude such Convention, they have accordingly agreed upon the following Articles viz:-

1.

There shall be maintained on both sides a good, constant and mutual correspondence for the Transmission, Reception, and Distribution of Letters, Dispatches and Packets.

2.

All Imposts, Postage, and Charges which may be due on Letters passing from the Post Offices of France to those of the United States, shall be paid in France. And on the other hand, all Letters passing from the Post Offices of the United States to those of France, shall be paid in the United States. That is to say, no French or other Postage due on Letters coming from that Kingdom to the United States shall be demanded or received in the United States, nor any american Postage due on Letters going from the United States to france shall there be demanded or received. The Packet, Postage on Letters passing by Packets to or from France and the United States to belong to the Sovereign whose Packet shall carry such Letters.

3.

And as his most Christian Majesty has, in order to promote and facilitate the Intercourse and Correspondence between the two Countries, been pleased to establish Packets at L'Orient which sail once a Month from that Place to New York by the said Packets, shall be put into a Mail by the Post Office at L'Orient, which Mail sealed with the known and acknowledged Seal of the Post Office and directed to the Post Office at New York, shall on its Arrival at New York, be immediately delivered to the said Post Office, where the same shall be opened by the Post Master, in the Presence of the Consul or Vice Consul of France there residing, or of the French Agent for the said Packets, and all such Letters as may be found therein franked by the French Ministers of either of the great Departments shall be immediately delivered to the said Consul, Vice Consul or Agent, to be forwarded and transmitted in such Manner as he or they may think proper. And further, that whenever and as often as the Post Master at New York shall receive from a Captain of one of the said Packets a Mail so put up and directed, and being in good Order, he shall give to the said Captain a Receipt for the same mentioning therein the Name of

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the Captain and Packet who brought it, the Time when received and that the same was in good order.

4.

That all Letters intended to be transmitted from New York by one of the said Packets to L'Orient shall be put into a Mail by the Post Office at New York, which mail sealed with the known and acknowledged Seal of the said Office and directed to the Post Office at L'Orient shall at the Stated Times appointed for the sailing of a Packet, be delivered by the said Post Master to the Captain thereof who shall thereupon give him a Receipt for the same specifying when he received it and that it was in good order.

5.

That whenever one of the said Mails shall arrive at L'Orient and be delivered to the Post Office there it shall be opened in the Presence of the Consul, Vice Consul or Agent of the United States there residing, to whom all such Letters found therein as may be franked by the President of Congress or either of the Ministers of the great Departments shall immediately delivered, and they shall be forwarded and transmitted in any Manner that the said Consul, Vice Consul or Agent may think proper; but they or such one of them to whom the said Letters shall be so delivered shall without Delay give a proper Receipt for the same to the Post Office.

6.

The Director of the Post Officer at L'Orient and the Post Master at New York, shall with every Mail send to each other a Letter of Advice specifying the Number of Letters enclosed in it; which said Letters shall be counted on the opening of the Mail to determine whether the Number received be the same with the Number sent.

All which is submitted to the Wisdom of Congress.

JOHN JAY.

March 30, 1786 –

1) The Committee consisting of Mr. [Arthur] St. Clair, Mr. [Henry] Lee and Mr. [John] Lawrance to whom was referred a report of the Sec. at War on the Articles of War and Courts Martial report as follows:

Whereas crimes may be committed by officers and soldiers, serving with small detachments of the forces of the United States, and where there may not be a sufficient numbers of officers to

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hold a general court martial according to the rules and articles of war, in consequence of which criminals may escape punishment, to great injury of the discipline of the troops and the public service. Whereupon,

Resolved, That the fourteenth section of the rules and articles for the better government of the troops of the United States, and such other articles as relate to the holding of courts martial, and the confirmation of the sentences thereof, be and they hereby are repealed.

Resolved, That the following rules and articles for the administration of justice, and the holding of courts martial and the confirmation of the sentences thereof, be duly observed, and exactly obeyed by all officers and soldiers, who are or shall be in the armies of the United States.

ADMINISTRATION OF JUSTICE

ART. 1. General courts martial, in the armies of the United States of America, shall not consist of less than five, nor more than thirteen commissioned officers. The numbers to be in proportion to the officers present. The president of the court martial shall not be the officer ordering the same, nor under the degree of a captain.

ART. 2. General courts martial may be assembled by orders of the general or officer commanding the troops. But no sentence of a court martial, extending to loss of life, the demission of a commissioned or which shall respect a general officer, shall be put into execution, until after report shall be made of the whole proceedings to Congress, the Secretary at War, the commander in chief, or general commanding in the department where such general court martial shall be held, and their or his orders be issued for carrying such sentences into execution. All other sentences may be confirmed by the officer ordering the court to assemble.

ART. 12. For the more equitable decision of disputes which may arise between officers and soldiers belonging to different corps, it is hereby directed that the courts martial shall be equally composed of officers belonging to the corps in which the parties in question do then serve; and that the presidents shall be taken by turns, beginning with the corps which shall be eldest in rank. [For this reason the Army ought to be considered as one family the Interests of every part of which are the Interests of the whole, and contrariwise, the holding up the suspicion of a different way of thinking is the ready way to introduce it.]

ART. 13. . . . Neither shall a prisoner in his defence, or at any other time, in the presence of a court martial, use indecent or improper language with regard to the person by whom he may have been arrested, on the penalty of being punished at the discretion of said court martial

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ART. 17. No officer or soldier who shall be out in arrest or imprisonment shall continue in his confinement more than eight days, or until such time as a court martial can conveniently assemble.

ART. 22. In all cases where a commissioned officer shall be suspended from command, by the sentence of a court martial, his pay and emoluments shall during the same time be suspended.

March 31, 1786 –

1) OFFICE FOR FOREIGN AFFIARS

30th March, 1786.

The Secretary for the Department for foreign Affairs to whom was referred Mr. Adams Letters of the 2d, 6th, 9th, 12th and 15th December, 1785, and 4th January, 1786, with the Papers enclosed with them, and also a Motion founded on Mr. Adams Memorial demanding the Evacuation of the frontier Posts &ca, Reports:

That in his Opinion the Instructions proposed by the Motion in Question would be proper and expedient: Because

1. A categorical Answer in the Negative would involve the United States either in War or in Disgrace. They are not prepare for the former, and should if possible avail the latter.

2. It would not be expedient to press that Answer while the Intentions of the Court of France on the Subject remain doubtful.

Your Secretary therefore thinks that Mr. Adams should be immediately instructed in the Words of the said Motion, viz "to protract his Negociations with the Court of Great Britain respecting the Posts which should have been before this surrendered, to the United States and other Infractions of the said Treaty by that Power, so as to avoid demanding a categorical Answer respecting the same until further Orders of Congress."

All of which us submitted to the Wisdom of Congress.

JOHN JAY.

April 5, 1786 –

1) The Committee consisting of Mr. [William Samuel] Johnson, Mr. [James] Monroe, Mr. [Charles] Pinckney, Mr. [John] Kean and Mr. [Nathan] Dane to who was referred the report of Secretary of the United States for the Department of foreign affairs relative to negociations, and other measures to be taken with the Barbary powers

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Report that in their opinion the negociations now on foot with those powers must be conducted according to the plans hitherto adopted, until Congress can be better informed of the effects, and Events of them.

But the Committee are of opinion that the monies heretofore appropriated, and means provided for obtaining peace with those powers will be found inadequate for effecting that object; and that therefore Congress ought immediately to make further provision and to procure by loan or otherwise further and considerable sums of mony for the express purposes of procuring peace with those powers, which further provision and sums of money (if the overtures of the United States for peace shall be rejected) shall be employed in protecting the Commerce of these States.

And that the United States may be prepared for the latter Event the Committee are of opinion that the attention of the federal Government, ought to be turned to the Marine Department, as an ordinance be passed as soon as may be for organizing and arranging the same.

Wherefore they submit the following resolves –

Resolved, That the Commissioners of the Treasury devise way and means to obtain by loan, or otherwise, a sum not exceeding ___ Dollars for the purposes of securing the Commerce of the United States against the Depredations of the Barbary States, and if by loan, ways and means to secure the repayment thereof – and report,

Resolved, That it is proper and expedient for the federal Government to turn their earliest attention to the Marine Department, and that a committee be appointed to frame and report an ordinance organizing the same.

<u>April 7, 1786</u> –

1) WAR OFFICE, *April 6th, 1786*.

SIR: Having been waiting for the information which might result from the issue of the treaty with the Indians at the river Miami, and also for such explanations of the designs of the british Court respecting the western posts as might be supposed to arrive by this time, I have hitherto deferred submitting to Congress my ideas of the disposition of the troops of the United States during the course of the ensuing year. But the treaty at the Miami being terminated and the Court of Great Britain appearing still to persist in their plan of retaining the posts on the communication of the great Lakes it is proper that I should no longer postpone stating to Congress the proposed destination of the troops the reasons on which it is founded and to request their orders respecting the same.

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Congress having been pleased by their proclamation strictly to forbid all unwarrantable intrusions on the lands of the United States I have in my orders to the commanding officers of the troops enjoined the highest activity to prevent or remove all such intrusions.

The propensity of lawless men to establish themselves on the public Lands instead of being damped by the rigorous treatment they have received rises to a great height and is even spreading itself among men who have been supposed to be under the influence of reason and law, strong desires to possess the fertile unlocated lands joined to the facility with which possession has heretofore been obtained induces an opinion that the right of an adventurer is superior to all others. These sentiments acquire vigour by communication and unless opposed with decision in the first instance will overwhelm the western territory with such incumbrances as to annihilate at once the interest and government of the United States.

To prevent the effects which may be apprehended from people so disposed it will be necessary to post the greater part of the troops on the Ohio at such distances that the intermediate spaces may be easily kept clear of settlers by the frequent patroles of armed parties. In the present state of affairs I consider this as the most important object for the employment of the troops.

The jealousy of the Indians who inhabit the country lying between the Ohio and lake Erie might render it unwise at this time to assume those posts which perhaps might have a better military aspect. The Miami village at the head of the river of the same name which empties into lake Erie would be an excellent military post for twelve of fifteen hundred men in case hostilities with the Indians, and to curb or awe the british troops while in their present posts. This might be combined with a chain of posts extending along the south side of lake Erie.

But it would he highly impolitic to irritate the Indians when we ought to consolidate their affections, to alarm the british garrisons and thereby to reinforce them we wish them to be entirely withdrawn.

By posting the troops at due distance on the Ohio and perhaps ascending the Miami river with one company and taking post with it at the Pieque's town and with another at the Tuscarawas on the Muskinghum at present would best conform to the objects of Congress. By this disposition lawless emigrants would be restrained, the surveyors protected, and the sales of the lands be made, in the most advantageous and honorable manner. The Indians would have the opportunity of regarding the moderation, justice, and power of the United States; and the british troops would be under no apprehensions of being dispossessed by force of those posts their Court unjustly retain from us.

On the contrary the troops being much advanced into the country would admit of the irruptions and settlement of equivocal or bad men. The Savages already doubting of our pacific and

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honorable intentions would be driven into hostilities. An event which would be accelerated by the acts of insidious men favored by the countenance if not acting under the orders of the military servants of the crown of Great Britain. The plans of Congress would be frustrated for surveying and alienating the lands, and the United States involved in all the expences arising from an Indian war.

Were it a proper policy to obtain possession by force of the posts occupied by the british, and to push the savages further into the wilderness, an army would be required for the purpose, which would but ill comport with the present state of the finances of the United States.

There are six companies on the Ohio; of the troops now raising in Pennsylvania and New Jersey three companies will march by the 1st of May, and the remainder during that month excepting the number necessary to form a guard to the stores at West Point. The whole effective on the Ohio will probably amount to about six hundred men, deducting the sick and deserters.

One Company may occupy Fort McIntosh with a small detachment at Fort Pitt	70
Four companies at the headquarters at the Muskinghum, three of which may be detached either to cover the surveyors or to take post high up on the Miami or Muskinghum	280
One company at the Scioto	70
Two companies at the mouth of the Miami	140

The companies at Fort McIntosh and the Muskinghum to scour the country between each of them; as will those at the Scioto and the Muskingum. The companies at the mouth of the Miami to patrole to Clarkesville or below it if necessary.

If this arrangement should be consistent with the idea of Congress, I shall direct it to be carried into execution.

I have the honor, Sir, to be, with great respect,

Your most Obedient humble Servant,

H. KNOX.

The Honorable Mr. RAMSAY

April 10, 1786 –

1) The Committee [consisting of Mr. William Samuel Johnson, Mr. William Hindman, Mr. William Grayson, Mr. David Ramsay and Mr. Samuel Livermore] to whom was refer'd a Motion

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of the Delegates of the State of Connecticut, relative to a Cession of part of that States Claim to Western Territory beg leave to Report the following Resolution,

Resolved, That Congress in behalf of the United States, are ready to Accept all the Right, Title, Interest, Jurisdiction and Claim of the State of Connecticut, to certain Western Lands described in the form of a Deed of Cession, in the following Words to wit [insert here] tendered to Congress by the Delegates of said State, in pursuance of full Powers given them for that purpose, whenever the said Delegates shall execute the said Deed.

April 12, 1786 –

1) BOARD OF TREASURY

April 8th, 1786.

SIR, We do ourselves the Honor of enclosing the Report of this Board upon the several References of Congress relative to the Establishment of a Mint for the United States of America.

We judge it necessary to submit several Principles for the Decision of Congress, previous to our making a Report on this subject, and on the Various Propositions that have been made for undertaking a Copper Coinage. Congress by their Act of the 6th July last resolved, that the Money Unit of the United States should be a Dollar, but did not determine what number of Grains of Fine Silver should constitute the Dollar.

(See pages 162-182 for the rest of the report. NOTE – THIS SHOULD BE OF INTEREST TO THE MONETARY SUB-COMMITTEE).

April 17, 1786 –

1) The delegates for the Commonwealth of Massachusetts, laid before Congress the following Act of the legislature of that state, empowering them, in conjunction with the Agents of New York, to nominate judges for a federal court, to settle a controversy between those states, relative to the Western Lands.

Commonwealth of Massachusetts, in Senate, December 1, 1785.

Whereas it is necessary that some persons be specially authorised to represent this State in the appointment of a federal Court, to hear and determine a certain controversy now subsisting between this Commonwealth and the State of New York, respecting a certain territory to which that Government and this make claim.

Resolved, That the Delegates who shall actually represent this commonwealth in Congress the current year, or any two of them, be, and they are hereby authorised and empowered to join

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with such agent or agents as may be appointed by the State of New York, to appoint Commissioners of Judges, who shall constitute a federal Court for the purposes aforesaid, as particularly mentioned in a resolve passed the 11th day of November, A.D. 1784.

SAMUEL PHILLIPS, junior *President*.

A. WARD *Speaker*.

Sent down for concurrence, in the house of representatives, March 17, 1786. Read and concurred.

Approved, JAMES BOWDOIN.

True Copy. Attest: JOHN AVERY, junior *Secretary*.

2) The commissioners for negotiating with the Indians in the Middle district, having transmitted to Congress a treaty which they have entered into with the Shawanese; And the Commissioners for treating with the Southern Indians, having transmitted to Congress treaties which they have severally made with the Cherokees, Chickasaws and Choctaws,

Ordered, That the said treaties be entered on the journal of Congress.

Articles of a treaty concluded at the mouth of the great Miami, on the Northwestern bank of the Ohio, the thirty-first day of January, one thousand seven hundred and eighty-six, between the Commissioners plenipotentiary of the United States of America, on the one part, and the Chiefs and Warriors of the Shawanoe Nation of the other part.

Art. 1st. Three hostages shall be immediately delivered to the Commissioners, to remain in the possession of the United States, until all prisoners, white and black, taken in the late war from among the citizens of the United States, by the Shawanoe nation, or by any other Indian or Indians residing in their towns, shall be restored.

Art. 2nd. The Shawanoe nation, do acknowledge the United States to be the sole and absolute sovereigns of all the territory ceded to them by a treaty of peace, made between them and the King of Great Britain, the fourteenth day of January, one thousand seven hundred and eighty-four.

Art. 3rd. If any Indian or Indians of the Shawanoe nation, or any other Indian or Indians residing in their towns, shall commit murder or robbery on, or do any injury to the Citizens of the United States, or any of them, that nation shall deliver such offender, or offenders, to the Officer commanding the nearest post of the United States, to be punished according to the Ordinances of Congress: And in like manner any citizen of the United States who shall do an Injury to any

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Indian of the Shawanoe nation, or to any other Indian or Indians residing in their towns, and under their protection, shall be punished according to the laws of the United States.

Art. 4th. The Shawanoe nation having knowledge of the intention of any nation or body of Indians to make war on the citizens of the United States, or of their counselling together for that purpose, and neglecting to give information thereof to the commanding officer of the nearest post of the United States, shall be considered as parties in such war, and be punished accordingly; and the United States shall in like manner inform the Shawanoes of any injury designed against them.

Art. 5th. The United States do grant peace to the Shawanoe nation, and do receive them into their friendship and protection.

Art. 6th. The United States do allot to the Shawanoe nation, lands within their territory to live and hunt upon, beginning at the South line of the lands allotted to the Wiandots and Delaware nations, at the place where the main branch of the great Miami which falls into the Ohio intersects said line; then down the river Miami, to the fork of that river, next below the old fort, which was taken by the French in 1752; thence due west to the river de la Panse; then down that river, to the river Wabash, beyond which lines, none of the citizens of the United States shall settle, nor disturb the Swananoes in their settlements and possessions; and the Swananoes do relinquish to the United States, all title, or pretence of title they ever had to the lands east, west and south, of the east, west and south lines before described.

Art. 7th. If any Citizen or Citizens of the United States, shall presume to settle upon the lands allotted to the Shawanoes by this treaty, he or they shall be put out of the protection of the United States.

In testimony whereof, the parties hereunto have affixed their hands and seals, the day and year first above mentioned.

(Signed:) G.R. Clarke, Richard Butler, Samuel H. Parsons, Aweecony, Kakawipilathy, Malunthy, Musquauconocah, Meanymsecah, Waupaucowela, Nihipeewa, Nikinessicoe.

Attest: Alexander Campbell, *secretary to Commissioners*.

Witnesses: William Finney, Major B.B. Thomas Doyle, Captain B.B. Nathan M'Dowell, ensign, John Saffenger, Henry Govy, Kagy Gallowway, his X mark, John Baggs, and others.

Articles of a Treaty concluded at Hopewell, on the Keowee, between Benjamin Hawkins, Andrew Pickens, Joseph Martin, and Lachlan McIntosh, Commissioners Plenipotentiary of the United States of America, of the one part, and the Head men and warriors of all the Cherokees of the other.

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The Commissioners plenipotentiary of the United States in Congress assembled, give peace to all the Cherokees, and receive them into the favor and protection of the United States of America, on the following conditions:

Art. 1st. The Head men and warriors of all the Cherokees, shall restore all the prisoners, citizens of the United States, or subjects of their Allies, to their entire liberty. They shall also restore all the negroes, and all other property taken during the late war from the citizens, to such person, and at such time and place, as the Commissioners shall appoint.

Art. 2nd. The Commissioners of the United States in Congress assembled, shall restore all the prisoners taken from the Indians, during the late war, to the Head men and warriors of the Cherokees, as early as is practicable.

Art. 3rd. The said Indians for themselves, and their respective tribes and towns, do acknowledge all the Cherokees, to be under the protection of the United States of America, and of no other sovereign whosoever.

Art. 4th. The boundary allotted to the Cherokees for their hunting grounds, between the said Indians, and the citizens of the United States, within the limits of the United States of America, is, and shall be the following, viz. Beginning at the mouth of Duck river on the Tennessee; thence running northeast, to ridge dividing the waters running into Cumberland from those running into the Tennessee; thence eastwardly along the said ridge to a northeast line to be run, which shall strike the river Cumberland forty miles above Nashville; thence along the said line to the river; thence up the said river to the fork where Kentucky road crosses the river, thence to Campbell's line, near Cumberland gap; thence to the mouth of Cloud's creek on Holstein; thence to the chimney top mountain; thence to camp creek, near the mouth of Big Limestone, on Nolichuckey; thence a southerly course six miles to a Mountain; thence south to the North Carolina line; thence to the South Carolina Indian boundary, and along the same southwest over the top of the Oconee mountain till it shall strike Tugalo river; thence a direct line to the top of the Currohee mountain; thence to the head of the South fork of Oconee river.

Art. 5th. If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands westward or southward of the said boundary which are hereby allotted to the Indians for their hunting grounds, or having already settled and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not as they please; provided nevertheless, that this Article shall not extend to the people settled between the fork of French-broad, and Holstein rivers, whose particular situation shall be transmitted to the United States in Congress assembled, for their decision thereon, which the Indians agree to abide by.

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Art. 6th. If any Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery or murder, or other capital crime, on any citizen of the United States, or person under their protection, the nation, or the tribe to which such offender or offenders may belong, shall be bound to deliver him or them up to be punished according to the Ordinances of the United States; provided that the punishment shall not be greater than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

Art. 7th. If any citizen of the United States, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the murder or robbery, or other capital crime, had been committed on a citizen of the United States; and the punishment shall be in the presence of some of the Cherokees, if any shall attend at the time and place, and that they may have an opportunity so to do, due notice of the tribe of such intended punishment shall be sent to some one of the tribes.

Art. 8th. It is understood that the punishment of the innocent under the idea of retaliation, is unjust, and shall not be practiced on either side, except where there is a manifest violation of this treaty; and then it shall be preceded, first by a demand of Justice, and if refused, then by a declaration of hostilities.

Art. 9th. For the benefit and comfort of the Indians, and for the prevention of Injuries or oppressions on the part of the citizens or Indians, the United States in Congress Assembled, shall have the sole and exclusive right of regulating trade with the Indians, and managing all their affairs in such manner as they think proper.

Art. 10th. Until the pleasure of Congress be known, respecting the 9th Article, all traders, citizens of the United States, shall have the liberty to go to any of the tribes or towns of the Cherokees to trade with them, and they shall be protected in their persons and property, and kindly treated.

Art. 11th. The said Indians shall give notice to the citizens of the United States, of any designs which they may know or suspect to be formed in any neighbouring tribe, or by any person whosoever, against the peace, trade or interest of the United States.

Art. 12th. That the Indians may have full confidence in the Justice of the United States respecting their interests, they shall have the right to send a Deputy of their choice, whenever they think fit, to Congress.

Art. 13th. The hatchet shall be for ever buried, and the peace given by the United States, and friendship re-established between the said states on the one part, and all the Cherokees on the

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other, shall be universal; and the contracting parties shall use their utmost endeavours to maintain the peace given as aforesaid, and friendship re-established.

In witness of all, and every thing herein determined, between the United States of America, and all the Cherokees: We their underwritten commissioners, by virtue of our full powers have signed this definitive treaty, and have caused our seals to be hereunto affixed. Done at Hopewell, on the Keowee, this 28th of November, in the year of our Lord one thousand seven hundred and eighty-five.

(Signed:) Benjamin Hawkins, Andrew Pickens, Joseph Martin, Lachn, M'Intosh, and by thirty seven head men of the Cherokee Nation.

Articles of a treaty, concluded at Hopewell, on the Keowee river, near Seneca old town, between Benjamin Hawkins, Andrew Pickens and Joseph Martin, Commissioners plenipotentiary of the United States of America of the one part, and Piomingo, Head Warrior and first Minister of the Chickasaw Nation, Mingatushka, one of the leading chiefs, and Latopoia, first beloved man of the said nation; Commissioners Plenipotentiary of all the Chickasaws of the other part.

The Commissioners plenipotentiary of the United States of America, give peace to the Chickasaw nation, and receive them into the favour and protection of the said States, on the following conditions:

Art. 1st. The Commissioners plenipotentiary of the Chickasaw Nation, shall restore all the prisoners, Citizens of the United States, to their entire liberty, if any there be in the Chickasaw Nation. They shall also restore al the Negroes, and all other property taken during the late War from the Citizens, if any there be in the Chickasaw Nation, to such person, and at such time and place, as the Commissioners of the United States of America shall appoint.

Art. 2nd. The Commissioners plenipotentiary of the Chickasaws, do hereby acknowledge the tribes and the towns of the Chickasaw Nation to be under the protection of the United States of America, and of no other Sovereign whosoever.

Art. 3rd. The boundary of the lands allotted to the Chickasaw Nation to live and hunt on, within the limits of the United States of America, is, and shall be the following, viz

Beginning on the ridge that divides the Waters running into the Cumberland, from those running into the Tennessee, at a point in a line to be run Northeast, which shall strike the Tennessee, at the mouth of Duck river; thence running westerly along said ridge, till it shall strike the Ohio; thence down the southern banks thereof, to the Mississippi; thence down the same, to the Choctaw line or Natches district; thence along the said line, or the line of the

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District Eastwardly as far as the Chickasaws claimed, and lived and hunted on, the 29th of November, one thousand seven hundred and Eighty two. Thence the said boundary Eastwardly, shall be the lands allotted to the Choctaws and Cherokees to live and hunt on, and the lands at present in possession of the Creeks; Saving and reserving for the establishment of a trading post, a tract or parcel of land to be laid out at the lower post of the Muscle Shoals, at the mouth of the Ocochappo, in circle, the diameter of which, shall be five miles on the ___ river, which post, and the lands annexed thereto, shall be to the use and under the government of the United States of America.

Art. 4th. If any Citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands hereby allotted to the Chickasaws to live and hunt on, such person shall forfeit the protection of the United States of America, and the Chickasaws may punish him or not as they please.

Art. 5th. If any Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery or murder, or other capital crime, on any citizen of the United States, or person under their protection, the tribe to which such offender or offenders may belong, or the nation, shall be bound to deliver him or them up, to be punished according to the ordinances of the United States in Congress Assembled: Provided that the punishment shall not be greater, than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

Art. 6th. If any citizen of the United States of America, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders, shall be punished in the same manner, as if the murder or robbery, or other capital crime, had been committed on a citizen of the United States of America; and the punishment shall be in the presence of some of the Chickasaws, if any shall attend at the time and place, and that they may have an opportunity so to do, due notice, if practicable, of such intended punishment, shall be sent to some one of the Tribes.

Art. 7th. It is understood, that the punishment of the innocent, under the Idea of retaliation, is unjust, and shall not be practiced on either side, except where there is a manifest violation of this Treaty; and then it shall be preceded, first by a demand of Justice, and, if refused, then by a declaration of hostilities.

Art. 8th. For the benefit and comfort of the Indians, and for the prevention of Injuries or oppressions on the part of the citizens or Indians, the United States in Congress Assembled, shall have the sole and exclusive right of regulating trade with the Indians, and managing all their affairs in such manner as they think proper.

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Art. 9th. Until the pleasure of Congress be known, respecting the 8th Article, all Traders, citizens of the United States, shall have the liberty to go to any of the Tribes or Towns of the Chickasaws to trade with them, and they shall be protected in their persons and property, and kindly treated.

Art. 10th. The said Indians shall give notice to the citizens of the United States of America, of any designs which they may know or suspect to be formed in any neighbouring tribe, or by any person whosoever, against the peace, trade or Interest of the United States of America.

Art. 11th. The Hatchet shall be for ever buried, and the peace given by the United States of America, and friendship re-established between the said States on the one part, and the Chickasaw nation on the other part, shall be universal; and the contracting parties shall use their utmost endeavours to maintain the peace given as aforesaid, and friendship re-established.

In witness of all, and every thing herein contained, between the said States and the Chickasaws, we, their underwritten Commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed. Done at Hopewell, on the Keowee, this 10th of January, in the year of our Lord one thousand seven hundred and eighty six.

(Signed:) Benjamin Hawkins, Andrew Pickens, Joseph Martin, Piomingo, Minggatushka, Latopoia.

(Witness:) William Blount, William Hazzard, Samuel Taylor, James Cole, *Sworn Interpreter*.

Articles of a treaty concluded at Hopewell, on the Keowee, near Seneca old town, between Benjamin Hawkins, Andrew Pickens and Joseph Martin, Commissioners plenipotentiary of the United States of America of the one part; and Yockahoopia, leading Chief of Bugtoogoloo, Mingohoopoie, leading Chief of Haskooqua, Toboch, great medal Chief of Congaloo, Pooshemastubie, gorget Captain of Sonayazo, and thirteen small medal chiefs of the first class, twelve medal and gorget captains, Commissioners plenipotentiary, of all the Chocktaw Nation of the other part.

The Commissioners plenipotentiary of the United States of America give peace to all the Chocktaw nation, and receive them into the favour and protection of the United States of America, on the following conditions:

Art. 1st. The Commissioners plenipotentiary of the all Chocktaw Nation, shall restore all the prisoners, citizens of the United States, or subjects of their Allies, to their entire liberty, if any there be in the Chocktaw Nation. They shall also restore al the negroes, and all other property taken during the late war, from the citizens, to such person, and at such time and place, as the

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Commissioners of the United States of America shall appoint, if any there be in the Chocktaw Nation.

Art. 2nd. The Commissioners plenipotentiary of the Chocktaw Nation, do hereby acknowledge the tribes and the towns of the said nation, and the lands within the boundary allotted to the said Indians, to live and hunt on, as mentioned in the third Article, to be under the protection of the United States of America, and of no other Sovereign whosoever.

Art. 3rd. The boundary of the lands, hereby allotted to the Chocktaw Nation to live and hunt on, within the limits of the United States of America, is, and shall be the following, viz. Beginning at a point on the thirty-first degree of North Latitude, where the eastern boundary of the Natches district shall touch the same; thence east along the said 31st degree of North altitude, being the southern boundary of the lands on which the Indians of the said Nation did live and hunt on the twenty-ninth of November, one thousand seven hundred and eighty-two, while they were under the protection of the King of Great Britain. Thence northerly along the said eastern boundary, until it shall meet the northern boundary of the said lands; thence westerly along the said northern boundary, until it shall meet the western boundary thereof; thence southerly along the same to the beginning; saving and reserving for the establishment of trading posts, three tracts or parcels of land, of six miles square each, at such places as the United States in Congress Assembled shall think proper; which posts, and the lands annexed to them, shall be to the use and under the Government of the United States of America.

Art. 4th. If any Citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands hereby allotted to the Indians to live and hunt on, such person shall forfeit the protection of the United States of America, and the Indians may punish him or not as they please.

Art. 5th. If any Indian or Indians, or persons residing among them, or who shall take refuge in their nation, shall commit a robbery or murder, or other capital crime, on any citizen of the United States of America, or person under their protection, the tribe to which such offenders may belong, or the nation, shall be bound to deliver him or them up to be punished according to the ordinances of the United States in Congress assembled: Provided that the punishment shall not be greater than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

Art. 6th. If any citizen of the United States of America, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders, shall be punished in the same manner, as if the murder or robbery, or other capital crime, had been committed on a citizen of the United States of America; and the punishment shall be in the presence of some of the Chocktaws, if any shall attend at the time and place; And that they

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may have an opportunity so to do, due notice, if practicable, of the time of such intended punishment, shall be sent to some one of the Tribes.

Art. 7th. It is understood that the punishment of the innocent, under the Idea of retaliation, is unjust, and shall not be practiced on either side, except where there is a manifest violation of this treaty; and then it shall be preceded, first by a demand of Justice, and if refused, then by a declaration of hostilities.

Art. 8th. For the benefit and comfort of the Indians, and for the prevention of Injuries or oppressions on the part of the Citizens or Indians, the United States in Congress assembled, shall have the sole and exclusive right of regulating trade with the Indians, and managing all their affairs in such manner as they think proper.

Art. 9th. Until the pleasure of Congress be known, respecting the eighth article, all traders, citizens of the United States of America, shall have the liberty to go to any of the tribes or towns of the Chocktaws, to trade with them, and they shall be protected in their persons and property, and kindly treated.

Art. 10th. The said Indians shall give notice to the citizens of the United States of America, of any designs which they may know or suspect to be formed in any neighbouring tribe, or by any person whosoever, against the peace, trade or Interest of the United States of America.

Art. 11th. The Hatchet shall be for ever buried, and the peace given by the United States of America, and friendship reestablished between the said States on the one part, and all the Chocktaw nation on the other part, shall be universal; And the contracting parties shall use their utmost endeavours to maintain the peace given as aforesaid, and friendship re-established.

In witness of all, and everything herein determined, between the United States of America and the Chocktaws. We their underwritten Commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed. Done at Hopewell, on the Keowee, this third day of January, in the year of our Lord one thousand seven hundred and eighty six.

(Signed:) Benjamin Hawkins, Andrew Pickens, Jos. Martin. Yockenahoa, Yockehoopoie, Mngohoopoie, Tobocoh, Pooschemastuby, Pooshahooma, Tuscoonoohoopie, Shinshoomastuny, Yoopahooa, Stoonokoohoopoie, Tehakuhbay, Pooshenastuby, Tuskkahoooch, Tushkahoomoch, Yoostenockha, Tootehooma, Toobenohoomoch, Cshecoopoohoomoch, Stonakoohoopoie, Tushkeheegohta, Teshuhenochloch, Pooshanaltla, Okanconnooba, Autoonachuba, Pangehooloch, Steabee, Tenctehinna, Tushkementahock, Tushtalla, Cshunangehabba, Cunnopoie.

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(Witness:) Wm. Blount, John Woods, Saml. Taylor, Robert Anderson, Benjn. Lawrence, John Pitchlynn, James Cole, *Interpreter*.

April 28, 1786 –

1) BOARD OF TREASURY

April 27th, 1786.

SIR: We do ourselves the Honor of laying before Congress, Copies if Sundry Letters which have past betwixt this Board and Abraham Yates Junior Esquire in Consequence of the Resolve of Congress of the 14th March last, relative to the Oath of Office, to be taken by persons Employed in the Service of the United States.

As Mr. Yates declines qualifying agreeably to the Resolve of Congress above mentioned, it becomes our Duty to inform that Honorable Body, that we cannot Consider him as Commissioners of the Loan Office of the State of New York, without their express Direction. We judge it unnecessary to enter into any Discussion of Mr. Yates Objections, and shall only beg leave to Refer to our former Correspondence on this subject of the 13th March last, in which were enclosed the Instructions of this Board to the Commissioners of the Respective Loan Offices, for their Government on the Issue, and Receipt of Indents of Interest on the Requisition of the 27th September last.

We have the honor, etc.

His Excellency, the

President of Congress.

[Motion – Mr. Dane]

Whereas, Ab Yates Jur. Heretofore appointed Com. Of the Continental loan office for the State of New York hath refused to take the oath of office in that behalf prescribed by the United States in Congress assembled.

Resolved, that Congress consider the said office as vacant and that Wednesday next be assigned for the election of a Commissioner to that office.

May 1, 1786-

1) A letter, of April 27th, 1786, from the Board of treasury, with several letters which passed between the said Board and Abraham Yates, Junior Esquire relative to the oath of Office to be taken by persons employed in the service of the United States, being under consideration.

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A motion was made by Mr. [Nathan] Dane, seconded by Mr. [Pierse] Long,

Whereas Abraham Yates Junior, heretofore appointed Commissioner of the Continental Loan Office for the State of New York, hath refused to take the oath of office, in that behalf, prescribed by the United States in Congress assembled, *Resolved*, That Congress consider the said office as vacant and that Wednesday next be assigned for the election of a Commissioner to that office.

A motion was then made by Mr. [Melancton] Smith, seconded by Mr. [John] Lawrance, to postpone that motion to take up the following:

Whereas Abraham Yates, Junior appointed to the Office of Commissioner of the Continental Loan Office of the State of New York, did, on the sixth of March, 1786, enter into bonds to the United States, with two sureties, himself in 26,000 dollars, and John Lansing and Peter Yates, Esquires, as his sureties, each in the sum of 13,000 dollars: And whereas the said Abraham Yates, Junior did, on the 3d day of March, 1786, take and subscribe before John Sloss Hobart, Esquire one of the Judges of the supreme Court of the State of New York, the oath of fidelity to the United States, and an oath for the due execution of his office, in the words following, that is to say, "I Abraham Yates, appointed to the Office of Commissioner of the Continental Loan Office of the State of New York, do acknowledge that I do owe faith and true allegiance to the United States of America, and I do swear that I will to the utmost of my power, support, maintain and defend the said United States in their freedom, sovereignty and Independence, against all opposition whatsoever. And I do swear, that I will faithfully, truly and impartially execute the office of Commission of the continental loan office of the State to which I am so appointed, according to the best of my skill and Judgment." And whereas a certificate of the said oath, together with the bonds aforesaid, were transmitted to the board of treasury on the 6th day of March, 1786; therefore, *Resolved*, That the said Abraham Yates, Junior was, on the 6th day of March, 1786, duly qualified to enter on the duties of his office, as Commissioner of the continental loan office for the State of New York, agreeably to the resolves of Congress of the 14th of March, 1786, declaring, "That in cases where an Oath of Office is required of any person holding an Office under the United States in Congress assembled, such oath be in the form of the Oath of office established in the ordinance for ascertaining the powers and duties of the Secretary at War, passed on the 27th day of January, 1785, *mutatis mutandis*," ought not to be construed to extend to his case.

On the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. [Melancton] Smith, So it passed in the negative.

On the Question to agree to the motion of Mr. Dane, the yeas and nays being required by Mr. [John] Lawrance, So it was resolved as follows:

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Whereas Abraham Yates, junior, heretofore appointed Commissioner of the continental loan Office for the State of New York, hath refused to take the oath of Office in that behalf, prescribed by the United States in Congress assembled,

Resolved, That Congress consider the said Office vacant, and that Wednesday next be assigned for the election of a Commissioner to that Office.

May 8, 1786 –

1) OFFICE FOR FOREIGN AFFAIRS

8th May, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter from the Honorable Mr. Adams of the 11th November last, Reports:

That the Facts and Observations contained in this Letter appear to your Secretary to be well founded.

That Congress for want of Power to regulate Trade by their own Acts, can make no other use of this Letter than to publish it, or to refer it to the States.

That in his Opinion it should not be published, lest it increase the Jealousy with which our late Adventures to the Indies, have already inspired the Nations trading thither.

That he also thinks it should not be referred to the States, because the partial, clashing and unsystematical Regulations which thirteen different Legislatures will naturally establish, must operate, against national Objects; and therefore that their interfering in national Concerns, except in subordination to the federal Government, should not be encouraged.

All of which is submitted to the Wisdom of Congress.

JOHN JAY.

2) OFFICE FOR FOREIGN AFFAIRS

8th May, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter from the Honorable Mr. Adams of ___ December last in Cyphers, Reports:

That the Contents of this Letter may be classed under three Heads.

(1) The Characters of the british King and his Ministers, which for the Reasons assigned by Mr. Adams should be kept secret.

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(2) The restrictive and unfriendly System of Trade with Respect to America, which the british Government, and the Nation in general appear to prefer and will probably adopt – of this System the United States have much Reason to be apprehensive, and their Inability to meet it by general and proper Regulations, will doubtless encourage and promote it.

Congress at present can do nothing on the Subject except in the way of Recommendations; which being a very ineffectual Way, had better not be tried; lest non Compliance should diminish their Respectability, and impair the little Authority they possess.

In the Opinion of your Secretary Recommendations should be avoided as much as possible, and every constitutional Requisition impartially enforced with uniform Punctuality and Decision.

(3) The Probability that the Posts will be detained on Pretence of the Treaty of Peace having been violated by American Acts relative to british Debts and the Tories.

On this Point your Secretary can only repeat what has been suggested in other Reports viz., that what wrong may have been done, should be undone; and that the United States should, if it were only to preserve Peace, be prepared for War.

Mr. Adams Advice in this and many of his other Letters is just, but until Congress shall be put, by further Powers, in Capacity to act upon it, there would be little Use in particular Reports on Subjects which to them are at present rather Matters of Speculation than Provision.

All which is submitted to the Wisdom of Congress.

JOHN JAY.

May 10, 1786 –

1) The Committee [consisting of Mr. James Monroe, Mr. William Samuel Johnson, Mr. Rufus King, Mr. John Kean and Mr. Charles Pinckney] to whom a motion of Mr. [Nathan] Dane was referred for considering and reporting the form of a temporary government for the western States beg leave to report.

It being stipulated by individual States in their Acts of Cession to the United States, that the Territory this ceded be laid into States of certain dimensions, and admitted into the Confederacy with the rights of the 13 original States, it becomes necessary that Congress should take such measures as shall be best calculated to carry the said condition into effect.

They are aware of the propriety of defining in the first instance the bounds of the States within which such government shall apply but as Congress did on the ___ day of ___ recommend it to the said States to revise their Acts of Cession, as to the said Condition which respects their dimensions so as to enable the United States to make such division of the same as thirteen

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described, it would in their Opinion be improper to make any further arrangements respecting it until the fate of the said recommendation shall be determined. It is, however, to be understood that if the reasons urged for the proposed alteration shall be satisfactory, and the States accede to it, the States as therein designated shall be perpetual. But if on the contrary, they should adhere to the said Condition, however unfortunate it may be in its consequences, the States must be contracted to an extent of territory conformable to the condition as it now stands. Leaving therefore this point to be determined by this event, the Committee beg leave to submit the following plan of temporary Government for such State or States.

THE PLAN OF A TEMPORARY GOVERNMENT FOR SUCH DISTRICTS AS SHALL BE LAID OUT BY THE UNITED STATES, UPON THE PRINCIPLES OF THE ACTS OF CESSION FROM INDIVIDUAL STATES, AND ADMITTED INTO THE CONFEDRACY.

The United in Congress Assembled will appoint a governor, whose Commission shall continue in force for the term of ___ years unless sooner revoked by Congress. It shall be the duty of the Council in all cases, when he shall require it, to attend and advise the Governor upon such subjects as he shall submit to their consideration, respecting the affairs of the district and which in his Opinion shall fall within his department.

There shall likewise be appointed a Secretary to the Governor and Council, whose business it shall be to Keep a Journal of all proceedings, carefully entering the advice of Council in all cases submitted to them, with those reasons which influenced the Governor, when he disagrees with them, and acts differently, for such disagreement; the advice of Council to be entered in all cases in presence of the Governor, and the reasons of the Governor in the other instance in presence of the Council and report a Copy of all such proceedings every ___ months to ___ .

There shall also be appointed a Court, to consist of five Members who shall have a common law and Chancery Jurisdiction, and who Commissioners shall continue in force during good behaviour.

The laws of ___ except in such cases as are herein provided for shall be established in such district, and continue in force, subject only to alteration by the General Assembly after it shall be organized, until its admission into the Congress of the United States. All writs shall issue, and legal process carried on in the name of the United States.

The Governor shall, in all cases of Consequence, take advice of Council; but shall be at liberty to pursue it, or act otherwise, as his own Judgment shall direct.

The Governor for the time being, shall be commander in Chief of the Militia, all Officers below the rank of Major shall be of his appointment; all Officers above that rank, shall be appointed by Congress; and all Officers of every rank and degree, shall be commissioned by Congress.

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The Governor shall form the inhabitants of such districts into a Company or Regiment, as their numbers will admit; build a fort or forts and make such other arrangements for their security and defence, as in his Opinion shall be Necessary; provided that he shall avoid commencing hostilities with the Indian tribes, to whom the United States have extended their protection, and with whom it is their desire to be at peace.

Upon petition from the people forming such settlement or settlements, to the Governor, he shall proceed to lay out their lands into Counties, townships, or otherwise, and make such other inferior and local arrangements consistent with the Ordinances and Resolutions of Congress as shall in his Opinion be best calculated to promote their interest and happiness.

So soon as their shall be ___ free male inhabitants of full age within the said district, upon giving due proof thereof to the Governor, who shall immediately transmit the same to Congress they shall receive from them authority, with time and place, to elect representatives from their Counties or Townships, as aforesaid, to represent them in general Assembly; provided that for every ___ free male inhabitants, there shall not be less than one Representative, and so on progressively with the number of free male inhabitants shall the right of representation encrease; provided, that no person shall be eligible, or qualified to act as a Representative, unless he shall be a Citizen of one of the United States, or have resided within such district__ years, and shall likewise hold in his own right in fee simple ___ Acres of land within the same; provided also, that a freehold or life estate, in 50 acres of land, if a Citizen of any of the U.S, and one year's residence, if a foreigner, in addition shall be necessary to qualify a man as elector for the said Representative.

The Representatives thus elected shall serve for the term of ___ years, and in cases of death, resignation, or renunciation of Office, the house of Representatives shall issue a writ to the County or Township for which he was a member, to elect another in his stead to serve for the residue of the time.

The General Assembly shall consist of the Governor and Council, and a House of Representatives, who shall have a Legislative authority complete in all cases for the good government of the district; provided however, it shall be confined solely in its Acts, to such lands as shall be disposed of by the United States, or have already vested in proprietors under the Articles of Capitulation entered into with the Inhabitants of Kashaskies, St. Vincents, and the Neighbouring Villages by the Officers of the Commonwealth of Virginia, and to the Officers and soldiers of the Virginia line, which rights have been secured to them by the Act of Cession from the said State to the United States; Provided also that the lands of non-resident proprietors whether Citizens of the United States or foreigners shall in no instance be taxed higher than those of Residents.

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All laws shall originate in the House of Representatives; and having passed there by a Majority of the Representatives of the district, shall be referred to the Governor for his assent; after obtaining which they shall be complete and valid; but no bill, resolution, Ordinance, or Legislative Act whatever, shall be valid or of any force without his assent.

The Governor shall have power to convene, prorogue or dissolve the general Assembly at their request, or when in his opinion it shall be expedient.

The said Inhabitants or settlers shall be subject to pay a part of the federal debts contracted or to be contracted, and to bear a proportional part of the burdens of government, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other States.

From the time the settlers in such district shall have formed a general Assembly until they shall be admitted by their Delegates into Congress, they shall have authority to Keep a member in Congress with the right of debating but not of voting.

The annual Salary of the governor, shall be ___ that of a member of Council __ of the Secretary ___ of a Judge of the Court ___.

The Board of Treasury shall devise and report the most equal and effectual means of assessing upon the said district annually such sums as shall be necessary to defray the expence of its government, until the organization of the general Assembly, after which such general Assembly shall have full authority for the purpose.

The object for which this temporary government is instituted being to protect the persons and rights of those who may settle within such districts in the infancy of their settlement, the United States look forward with equal anxiety to the period at which it shall cease and they be admitted, agreeably to the Condition of the Acts of Cession into the Confederacy.

This shall be the case so soon as they shall respectively obtain a common interest in its affairs, with such mature age and strength as to be able to act for themselves, the highest and most satisfactory evidence of which is, the number of inhabitants they will contain; It is therefore hereby declared by the United States in Congress Assembled that so soon as any of the said districts shall contain an equal number of free male inhabitants, with the least numerous of the 13 Original States for the time being, upon giving due proof thereof to Congress, the inhabitants of such district shall receive from them, authority to elect Representatives to meet in Convention, at the Metropolis or seat of government of said district, to form a free constitution of their own, appoint Delegates to the Congress of the United States, who shall be received in the same, upon an equal footing with the 13 Original States, having the same rights of freedom, sovereignty and Independence as the said States.

Produced by the Union States Assembly

Resolv'd that the resolutions of the 23d of April, 1784, in the following words, viz. (here insert the resolutions) be and they are hereby repeal'd.

May 11, 1786 –

1) The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter of the 11th October last from the Honorable Mr. Jefferson with the sundry Papers that were enclosed with it, Reports:

That as this Letter and these Papers respect Subjects unconnected with each other, your Secretary finds it necessary to arrange them under different Heads, and report on each in its proper Order.

NEGOCIATIONS WITH THE BARBARY POWERS

(1) The Commissioners of Merrrs Adams and Jefferson appointing Mr. Barclay to treat with Morocco, and Mr. Lamb with Algiers, and their general Instructions to each of them, and the Project of a Treaty – all of which appear to your Secretary to be proper; but he much doubts whether the Sums allotted for Presents and Peace Offerings will be sufficient.

(2) A Letter to Mr. Jefferson from Richard O'Bryan Master of the Ship *Dauphin* belonging to Messrs Mathew and Thomas Irwin & Co. of Philadelphia captured by the Algerines 30th July, 1785. This letter is similar to the one written by the same Person on the 28th August, last, to his Excellency the President of Congress, and on which your Secretary made Report the 2d January last.

This Letter, however, gave Occasion to the supplementary Instruction to Mr. Lamb, by which he is authorized to supply and redeem American Captives, in the Manner and on the Terms therein specified. Mr. Jefferson in mentioning this Instruction says "The supplementary Instruction to Mr. Lamb No. 5, must rest for Justification on the Emergency of the Case. The Motives which lead to it must be found in the Feelings of the human Heart, in a Partiality for these Sufferers who are of our own Country, and the obligations of every Government to yield Protection to their Citizens, as the Consideration for their Obedience. It will be a Comfort to know that Congress does not disapprove of this Step.

In cases of this kind your Secretary thinks the Sentiments and Pleasure of Congress should not remain doubtful, and that in his Opinion it should be –

Resolved, That the Secretary for the Department of foreign Affairs inform Mr. Adams and Mr. Jefferson that Congress approve of their supplementary Instruction to Mr. Lamb respecting American Captives at Algiers.

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TREATY WITH PORTUGAL

Mr. Jefferson says "that considering the Treaty with Portugal among the most interesting to the United States, he sometime ago took Occasion at Versailles to ask the Portuguese Ambassador, if he had yet received from his Court and Answer to the Letter, he told him he had not, but that he would make it the Subject of another Letter; two Days ago his Secretary of Legation called on him with a Letter from his Minister to the Ambassador in which was the following Paragraph as he translated it to him, and he committed it to writing from his . . . Mouth." This Paragraph being in french, the following is a translation of it, viz. With respect to what your Excellency mentions of a Conversation with the American Minister – that Power ought already to be persuaded by the manner in which their Vessels have been received here – that his Majesty would have much Satisfaction in maintaining perfect Harmony and good Correspondence with the United States. But it would be proper to begin by reciprocally appointing Persons who, at least in the Character of Agents would respectively inform their Constituents of what ever might conduce to a Knowledge of the Interests of the two Nations, without Prejudice to the one or the other. It is the first Step which appears convenient to take in order to the End proposed.

Mr. Jefferson says he considers that Answer "as definitive of all further Measures under his and Mr. Adams's Commission to Portugal."

Here it appears proper to your Secretary to remind Congress of a Letter of 5th November last from Mr. Adams on this Subject, and on which he thinks Instructions should be given to Mr. Adams.

It states the Substance of a Conference between him and the Chevalier Pinto, Envoy extraordinary and Minister Plenipotentiary from Portugal; to whom it seems that Court had thought proper to commit the Conduct of their Negociations with us, in Preference to their Ambassador at the Court of France.

The Overture made in that Conference together with the Importance of our Trade with Portugal, induces your Secretary to think that it would be adviseable to take Measures for concluding a Treaty of Commerce with that Kingdom, and the more so as the commercial Privileges we now enjoy in their Ports, are Matters of Favor, which may at any time be recalled, and which would probably be diminished, it apparent Inattention to their friendly Overtures should mortify and disgust that Court.

TREATIES WITH OTHER POWERS

A subsequent Letter from Mr. Jefferson viz 27th January, 1786, mentions that the Emperor is willing to proceed with us. There is Reason to believe that Denmark is also ready, and that Naples has intimated the same thing.

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Your Secretary has in former Reports expressed his Sentiments respecting Treaties of the kind proposed, but as the first Overtures for them were made by America, it seems difficult now to retract, merely because the Answers though favorable have been so long delayed. The delicate Situation of the United States requires Caution, and it might better to submit to some temporary Evils rather than digest those Powers, who may now be ready to enter into Treaties with us; and whose Ports in Case of War might be very convenient to us.

Your Secretary is therefore much inclined to think that it would be most prudent to renew the Commission, and by limiting the Duration of the proposed Treaties to a short Term, provide that the Inconveniences arising from them shall not be of longer Continuance. Circumstances will by that Time probably place the United States on more advantageous Ground, and enable them to make Treaties far more beneficial than any that can now be expected. In his Opinion, however, no further Overtures should be made, nor any Negociations for such Treaties commenced with any Nation except those that may have declared their Readiness and Inclination to enter into them.

All of which is Submitted to the Wisdom of Congress.

JOHN JAY.

May 12, 1786 –

1) The delegates for the State of New York, laid before Congress, two acts passed by the legislature of that state, which were read, one entitled "An act acceding to the acts of Congress of the 27th September, and the 12th October, 1785, passed 28 April, 1786."

The other, entitled "An act for giving and granting to the United States in Congress assembled, certain Imposts and duties on foreign goods imported into this State, for the special purpose of paying the principal and interest of the debt contracted in the prosecution of the late war with Great Britain, passed the 4th of May, 1786."

2) On motion of Mr. [William] Grayson, seconded by Mr. [Rufus] King,

Resolved, That the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same be, and are hereby declared to be common highways, and be for ever free, as well to the Inhabitants of the said territory, as to the citizens of the United States, and those of any other States, that may be admitted into the confederation without any tax, Impost or duty therefor.

May 17, 1786 –

Produced by Union States Assembly

1) Congress took into consideration A treaty of Amity and Commerce between his Majesty the King of Prussia and the United States of America, and adopted and ratified the same, nine states being present, in the manner following:

(See pages 269-285 for the Treaty).

2) Resolved That Congress are not authorised by their Constitution to suspend or check the Operation of any laws of any of the States in cases where the same are consistant with the confederation and with treaties made under it. That therefore Congress however desirous to attend to the wishes of their High Mightinesses cannot interpose to prevent the seizures in question in any of the States whose laws authorize the same.

3) The Committee consisting of [Mr. James Monroe, Mr. William Samuel Johnson, Mr. Rufus King, Mr. John Kean and Mr. Charles Pinckney] to whom were refer'd the treaties with the western and southern Indians and the dispatches accompanying them beg leave to report in part:

Whereas it is unnecessary to continue the commissions longer in force, granted for the purpose of treating with the Indians in Northern Middle and Southern departments as the future connection and intercourse with the several Indian nations may, at a less expence, be maintain'd by a proper organization of the Indian department therefore,

resolved, That the several commissions of the 17th May and 22 Sept., 1785 (granted for the purpose of treating with the Indians in the Northern, Middle and Southern Departments) be and they are hereby revoked.

May 18, 1786 –

1) On motion, and at the request of the States of South Carolina and Georgia,

Resolved, That further day be given, and that the first Monday in September next be assigned for the appearance of the said States by their lawful agents.

May 19, 1786 –

1) Congress took into consideration the report of a committee consisting of Mr. [Arthur] St. Clair, Mr. [Henry] Lee and Mr. [John] Lawrance, to whom was referred a report of the Secretary at War, on the Articles of War and courts Martial; and the following paragraph being under debate:

That all persons belonging to the forces of the United States, called to give evidence in any cause before a court martial, who shall refuse to give evidence, shall be punished for such refusal at the discretion of such court martial.

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A motion was made by Mr. [Charles] Pinckney, seconded by Mr. [John Bubenheim] Bayard, to strike out the words "belonging to the forces of the United States" And on the question, shall those words stand? The yeas and nays being required by Mr. [Rufus] King,

So the question was lost, and the words were struck out.

May 24, 1786 –

1) Congress resumed the consideration of the report of the committee, to whom was referred a motion of the delegates of the state of Connecticut, relative to a cession of part of that State's claim to western territory.

A motion was made by Mr. [James] Wilson, seconded by Mr. [Arthur] St. Clair, that the report be postponed, in Order to take up the following resolution:

That the United States cannot accept the cession of the claim of the State of Connecticut to western territory, tendered to Congress by the delegates of that State, because the acceptance of that cession, in its present form, might be construed to imply the approbation of Congress, of Claims not ceded, and it would be improper for Congress to express any Opinion, either directly or indirectly, on this subject. But since the great object of Congress, in recommending to the state of Connecticut, and to other states, to make cessions of their claims to western territory, has been to establish and secure the tranquillity of the United States, and of every state in the Union that might be affected by such claims or cessions; *Resolved*, in order to obtain that great object on the present occasion, that when the state of Connecticut shall cede and release to the United States, and to the States of New York and Pennsylvania, respectively, all the claim of the said State of Connecticut, to jurisdiction and property of territory westward of the Eastern boundary of the State of New York, the United States in Congress assembled, will thereupon grant, release and confirm to the State of Connecticut, the property, but not the jurisdiction of the territory and tract of land described as follows, that is to say, Beginning at the end of the first degree of North latitude, one hundred and twenty miles westward of the western boundary line of the Commonwealth of Pennsylvania, as now claimed by the said Commonwealth, thence North, to the end of the forty second degree of North latitude, thence east to the aforementioned boundary line of Pennsylvania, thence South, to the end of the forty first degree of North latitude, thence, West, to the place of beginning.

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [James] Wilson,

So the question was lost.

Produced by Union States Assembly

A motion was then made by Mr. [Charles] Pettit, seconded by Mr. [Josiah] Hornblower, to postpone the report of the committee, in order to take into consideration the following:

That the acceptance by the United States of any cession heretofore made, or which shall hereafter be made, by any State, of the claims of such state to western territory, ought not, nor shall be construed nor understood as confirming, or in any wise strengthening the claim of such state to any such territory not ceded.

And on the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [Charles] Pettit,

So the question was lost.

A motion was then made by Mr. [Charles] Pinckney, seconded by Mr. [Arthur] St. Clair, to amend the report by adding,

Provided that the Acceptance of the said cession shall in no degree be construed to affect the claims of any state or states to any territory which has or shall be ascertained by the degree of a federal court, to be within the territory or jurisdiction of any State or States, or to injure the claims of the United States, under acts of cession from any individual State.

A division of the amendment was called for; and on the question to agree to the first clause, as far as the words "jurisdiction of any State of States," inclusive the yeas and nays being required by Mr. [James] Wilson,

So it was resolved in the affirmative.

On the question to agree to the latter clause, the yeas and nays being required by Mr. [Melancton] Smith,

So the question was lost.

The report being further amended, adjourned to 11 o'clock tomorrow.

May 26, 1786 –

1) On a motion of Mr. [William Samuel] Johnson, seconded by Mr. [Stephen Mix] Mitchell,

Resolved, That Congress, in behalf of the United States, are ready to accept all the right, title, interest, jurisdiction and claim of the State of Connecticut to certain western lands, beginning at the completion of the forty-first degree of North latitude, one hundred and twenty miles West of the western boundary line of the Commonwealth of Pennsylvania, as now claimed by the said Commonwealth, and from thence by a line to be drawn North parallel to, and one

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hundred and twenty miles west of the said west line of Pennsylvania, and to continue North until it comes to forty two degrees and two minutes North latitude, whenever the delegates of Connecticut shall be furnished with full powers, and shall execute a deed for that purpose.

One the question to agree to the above resolution, the yeas and nays being required by Mr. [William Samuel] Johnson, so it was resolved in the affirmative.

May 30, 1786 –

1) Congress resumed the Consideration of the report of the Committee, to whom was referred a report of the Secretary at War, on the Articles of War and Courts-martial, and thereupon came to the following resolutions:

Whereas crimes may be committed by Officers and Soldiers, serving with small detachments of the forces of the United States, and where there may not be a sufficient number of Officers to hold a general Court-Martial, according to the rules and Articles of War, in consequence of which Criminals may escape punishment, to the great injury of the discipline of the troops and the public service:

Resolved, That the fourteenth section of the rules and Articles for the better government of the troops of the United States, and such other Articles as relate to the holding of Courts-Martial, and the confirmation of the sentences thereof, be, and they are hereby repealed.

Resolved, That the following rules and Articles for the Administration of justice, and the holding of Courts-Martial, and the confirmation of the sentences thereof, be duly observed, and exactly obeyed by all Officers and Soldiers, who are, or shall be in the Armies of the United States.

[Scribe's notes: See pages 316-322 for the new ADMINSTRATION OF JUSTICE].

June 5, 1786 –

1) The Secretary laid before Congress a letter of the 29th May, from Mr. Benjamin Hichborn, in behalf of Mr. Hancock, stating that, as Mr. Hancock is still confined to his bed, and unable to write himself, he has requested him to inform Congress, that he has long flattered himself with the prospect of better health, the want of which alone, has prevented his attending Congress; but his disorders at present wearing no appearance of leaving him soon, he is induced, from a consideration of the great inconvenience Congress is exposed to in such frequent temporary appointments to fill the chair, as well as from the total uncertain of is future health, to request their acceptance of his resignation of the Office of President; that Mr. Hancock is truly sensible of the singular marks of the favourable sentiments of Congress in his appointment, and most sincerely regrets that he has it not in his power personally to acknowledge them;" Whereupon,

Produced by Union States Assembly

Resolved, That Congress proceed to the election of a president.

June 6, 1786 –

1) Congress proceeded to the election of a president, and the ballots being taken, the honorable Nathaniel Gorham was elected.

June 12, 1786 –

1) Your Committee [consisting of Mr. Henry Lee, Mr. Rufus King and Mr. John Kean] beg leave to Report:

[1st] That they consider the Confederation a Compact between equals for Mutual good.

* * * * * *

[5th] That such appointments being made and being accepted by receipt of the Credentials said appointment constitutes the delegate, that is, a person authorised to took his seat in Congress that delegate failing to attend the duty's of his Office subjects himself to be represented to his Country as an unworthy Servant, and his Constituents become responsible to the Union for the delays and evils which may ensue from such Neglect.

[6th] That a delegate having taken his seat in Congress, has no right to withdraw himself from Congress without permission obtained, unless ordered so to do by the State he represents.

[7th] That Congress are the sole Judge of the privileges of their own Members.

June 15, 1786 –

1) The Committee consisting of [Mr. Nathan Dane, Mr. William Grayson and Mr. John Kean] to whom were referred the motions respecting the powers and duties of the Secretary at war, Report:

That by the ordinance for ascertaining the powers & duties of the Secretary at War, it is among other things provided, that the form estimates of all such Stores, equipments and supplies as may be necessary for military Service, and for keeping up Competent magazines and to report the same to the Commissioners of the Treasury, and that he shall twice a year, or oftener, if thereto required settle the accounts of his Department, but it is not provided that he report any estimate to Congress, or that he shall send any expresses. As to estimates, the Committee are of opinion that it is proper for the Secretary at war to report to said Commissioners as estimate of such Stores, equipments, and Supplies as may be necessary in his Department, in Consequence of any military establishment, previously made by Congress, but that it is expedient that he report to Congress as soon as may be and yearly, hereafter, the situation and

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extent of the such arsenals and magazines as may be in his opinion proper to be established, and such estimates of military Stores and supplies as may be necessary for keeping up and supplying the same and for preserving and enlarging the military preparations of the United States that he rendered an account in his Department quarterly and be empowered to send expresses in certain Cases.

Wherefore they submit the following Resolves:

Resolved, That the Secretary at war as soon as may, and on the first Monday of January hereafter report to Congress the Situation and extent of such arsenals and magazines as may in his opinion be proper to be established, and such estimates of military Stores and supplies as may be necessary for keeping up and supplying the same and such estimates as may be expedient for enlarging the military preparations of the United States.

Resolved, That the Secretary at war make a quarterly return commencing the 30th of June of the expenditures of all monies received by him from the Commissions of the Treasury for the use of his Department.

Resolved, That the Secretary at war be authorized and empowered to send such expresses at public expence as the service of his Department may in his opinion render necessary.

June 27, 1786 –

1) BOARD OF TREASURY

June 22d, 1786.

SIR: We do ourselves the honor of Submitting through your Excellency, to the consideration of Congress the Report of this Board on the Requisition of the present Year. From this Congress will observe, that the sum of 2,170,337 Dollars is necessary to be raised by this Requisition in actual Specie, out of which, no less a sum than 1,724,426 Dollars are due in the Foreign Debt.

If it be asked what expectations there are that the several States will raise by the ordinary mode of Requisition, the Sums required by the proposed Report, the Answer obviously is, That no reasonable hope of this nature can possibly exist. For exclusive of the Sum last mentioned, almost the whole of the Specie required by the Requisition of the 27th September last which amounted to One Million of Dollars, is still unpaid; though the period of payment was fixed for the First of May last; together with a Specie Balance due on the Requisition of the 27th April, 1784, of about One Million of Dollars; so that the actual Sum which ought to be paid by the several States, into the Public Treasury before the First of January next, is at least 3,700,000 Dollars. In examining the measures which have been adopted by the several States for carrying into execution the last Requisition, We find that

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New Hampshire, did on the 20th February last pass an Act for raising and paying into the General Treasury on or before the first day of May next, the Sum of 35,000 Dollars, being the Specie proportion of that State's Quota on the Requisition of the 27th September last; but no provision is made by ye said Law for furnishing her proportion of Indents of Interest.

That Massachusetts, did on the 23d March, 1786, pass an Act for complying with the Requisition of Congress of the 27th September last, excepting that the proportion to be paid in Specie is not required to be paid into the General Treasury before the first day of January, 1787.

That Rhode Island, did in the Month of October last, pass an Act in compliance with the Requisition of the 27th September last.

That Connecticut has not to the knowledge of this Board passed any Act in compliance with the said Resolution.

That New York has by their Act of the 20th April, 1786, directed their Treasurer to pay into the General Treasury on or before the first of May next, the sum of 85,495 Dollars, being their Specie proportion of the last Requisition, and the Balance of One hundred and seventy thousand nine hundred and ninety Dollars 60/90ths in Indents of interest, on or before the first of January next, but it does not appear by ye said Act, that any funds are specified or Tax laid for producing the Sums above-mentioned. That the State of New Jersey, has not passed any Act in pursuance of the Requisition of the 27th September last.

That the State of Pennsylvania, has by their Act of the 8th March, 1786, directed their Treasurer to pay to the order of the United States such a Sum in Specie, as together with the Sums paid on account of the Requisitions of the 27th and 28th April, 1784, and 27th September, 1785, would make the Sum of 557,091 Dollars in Specie, and the farther sum of 593,684 Dollars in Receipts or Certificates of Interest. But it is to be observed – That the Sum directed to be paid by Discounts in Interest is 86,657 Dollars more that the State has a right to avail itself of on the Requisitions of the 4th September, 1782, 27th April, 1784, and 27th September, 1785; and that the amount directed to be paid is short (by the abovementioned Overplus in Indents of Interest) of the actual sum in Specie required of that State, by the Requisitions of the 27th & 28th April, 1784, and 27th September, 1785.

That the State of Delaware has not to the knowledge of this Board, passed any Act in pursuance of the last Requisition.

That the State of Maryland, did at their last Sessions pass an Act providing for the payment of the Sum of 94,350 Dollars in Specie (being the proportion of the Specie required of that State by the Requisition of the 27th September last) but it does not appear that any provision has

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been made by the said State, for the payment of the Indents of Interest required by the said Requisition.

That the State of Virginia did on the 21st of January last, pass an Act in full compliance with the last Requisition.

That the State of North Carolina, has not to the knowledge of this Board, passed any Act in compliance with the Requisition of the 27th September last. By an extract of an Act of the Legislature of the said State, passed on the 29th December, last, and transmitted to this Board by His Excellency Governor Caswell it appears, that the said State has directed 1,400 Hogsheads of Tobacco to be purchased in the present Year; the proceeds of which are to be paid into the General Treasury on account of that State's Quota of the Debts of the United States; but it is not expressed by the said Act for what Requisition this provision is intended.

The Monies arising from the Sale of this Tobacco and paid into the General Treasury, will of course, be passed to the Credit of the State of North Carolina on the Requisition of the 27th and 28th April, 1784; on which no payment appears to have been made.

That the State of South Carolina, has credit in the Treasury Books for the Sum of 415,514 Dollars, which exceeds by 35,916 Dollars, the Sums required of that State to complete her Quota of the Requisitions of the 27th and 28th April, 1784, and 27th of September, 1785.

That the State of Georgia, did on the 13th February last pass an Act directing their Treasurer to pay into the General treasury, the Quota's assigned to that State by the Resolves of the 4th September, 1782, 27th and 28th April, 1784, and 27th September, 1785; but as the said Laws refer to a Revenue Act (of which a Copy has not been transmitted) the Board cannot determine how far the compliance of the said State will be operative.

From the above Statement it appears that seven States, namely New Hampshire, Massachusetts, Rhode Island, New York, Maryland, Virginia, and Georgia, have passed Acts directing the payment of the full Sums in Specie required by the Act of Congress of the 27th September, 1785; for although the State of Pennsylvania has by their Act above mentioned, directed a certain Sum in Specie to be paid into the General Treasury, on account of the Requisitions for the years 1784 and 1785, the Sum specified in the Act for this purpose, falls short by 86,657 Dollars (as has been before observed) of the Sum necessary to complete the Requisition of the 27th September last.

That six States, namely, Massachusetts, Rhode Island, New York, Virginia, and Georgia have directed the whole payment of the Sum called for by the last Requisition.

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That four States, namely, Connecticut, New Jersey, Delaware, and North Carolina have passed no Acts (so far as the information of this Board extends) in compliance with the same.

That for the State of South Carolina (though she is Quota'd in the last Requisition) from the Facts stated in the former part of this Letter, no payment can be expected.

As to the efficacy of the Funds which the different States rely on for enabling them to furnish their respective Quotas, it is impossible for this Board to form an adequate Judgement.

In the Act of the State of New Hampshire, the Specie directed to be raised is to be asserted and levied on the Polls and Rateable Estates within that State, agreeably to the last proportion of Taxes for the several Towns and places, but as this Board are not in possession of the Law referred to, so as to ascertain at what rate the Polls and real property are rated, and whether this Funds are burthened with any other engagements, it is impossible to determine, what can be expected from the provision made by the Act of that State. If the Fund are the same as have been relied on for the paying of that State's Quota of the Requisitions of the 27th and 28th April, 1784, experience demonstrates that no dependence can be placed on their efficacy: For by the Abstract No. 1, herewith transmitted, it appears that the State of New Hampshire owes on the Requisition of 1784 the sum of 179,119 82/90 Dollars.

By the Act of the State of Massachusetts, it appears that they have Assessed on the different Counties of that State the sum of £300,439 : 1 : 3 Lawful Money of that State, out of which the sum of £145,665 equal to 485,550 Dollars (the Specie Quota of that State) is to be paid into the General Treasury, on or before the 1st day of January next.

For the support of the Civil Government, is to be deducted from the whole sum, £25,784 : 1 : 3.

For the payment of the Interest on their State Debt, £29,000.

For Redeeming Army Notes payable 1784, 1785, and 1786, £100,000.

For replacing Sums drawn out of the Treasury for the Support of the Members of Assembly, £1,101 : 18.

It does not appear by this Act, that any preference in payment is to be given to the Requisition of Congress, and of course, as more than one Moiety of the whole Sum proposed to be raised is for State purposes, in which the Support of the Government and the particular Interest of their citizens is concerned, it may be inferred (from the general Conduct of the several States) that the first Monies Collected under the Act, will be appropriated for the Objects last mentioned. Of course the Specie payments of the Requisition of Congress will be procrastinated, and any deficiency in the General Tax, will fall on that Sum which is appropriated for Federal purposes.

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From the State of Rhode Island, no payment in Specie can be expected on the Requisition of the 27th September last. The whole amount of the Specie Quota on this Act, is 25,545 Dollars, Against which they are authorised by the Resolve of Congress of the 16th February, 1785, to set off the Balance due to the Contractors for Ox Teams in the Service of the United States for the year 1781; and (in common with other States) the amount of their liquidated payments to Invalids, in pursuance of the Ordinance of Congress of the 7th June, 1785, which payments will in all probability absorb the Specie Sum on the last Assessment.

Connecticut having past no Act in compliance with the last Requisition, nothing can be expected of her.

By the Act of the State of New York, though the Treasurer of the State is directed to pay in the full proportion of that State's Quota on the last Requisition, at the periods therein specified; no Funds appear by the said Law to be provided for effecting this Object. By a Law Enacted in the last Sessions of the Legislature of that State, a Paper Currency is made receivable in all Taxes whatsoever from the first of May last. From this circumstance and the Correspondence which as past on this subject, betwixt this Board and the Treasurer of the State (Copies of which are herewith transmitted) little dependence can be placed in receiving in the course of the present Year, the full Specie proportion of the Quota of that State.

Jersey being in the same situation with Connecticut, nothing can be expected from that State.

From Pennsylvania, no further payments in Specie can be expected on account of the last Requisition, 'till a difference betwixt a Statement made by the Comptroller of that State and the Treasury of the United States, of Payments made on former Requisitions is decided on the principles of the Statement last mentioned. A Copy of the Comptrollers Statement No. 2, and the Remarks on it of this Board No. 3 will explain the reason of difference in the two Statements.

From Delaware nothing is to be expected for the reasons which have applied to Connecticut, and New Jersey.

From Maryland as the Funds set apart for paying the Specie Quota of the last Requisition appear more definite and substantial, than the provision made by the Acts we have before observed on there is reason to suppose they will be more productive though from the difficulties suggested by the Commissioner of the Loan Office of that State in his Correspondence with this Board, on the payment of the Balance due on the Requisition for the Year 1784, there is no reason to presume, that she will Pay in the present Year the proportion of Specie required of her by the last Requisition.

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From Virginia, though the Act directs the payment of her full Specie proportion, yet the Revenue Laws referred to in the said Act do no shew what Monies may be relied on from them. But from the best information we can obtain of the productiveness of the Funds specified by their Acts, we have no reason to suppose that the Sum in Specie to be expected from Virginia on the present requisition will more than half her Specie proportion.

From North Carolina, nothing is to be expected on the present Requisition, no Act having been passed in pursuance of it.

From South Carolina, no payment will be made in to the General Treasury, for the reasons before stated.

From Georgia, the nature of their Funds not being known to this Board, no opinion can be formed of what may be expected from the operation of their Act. We have reason however to fear that no payment will be made by that State in the present Year; To the remarks naturally resulting from the above Statement we may venture to add one general reflection, which is applicable to the Union at large, "That the effect of the present Requisition is best to be judged of from an experience of the past."

With the requisition of 1784 every State in the Union complied, except North Carolina and Georgia. With the present, only eight States in the Union have complied, so far as it respects the Specie payment.

During the Collection of the Taxes under the requisition for the Year 1784, the revival of a Paper Currency, had few advocates in the several States. At present, the rage for another experiment in this fallacious Medium, has so far prevailed as to enter into the system of Revenue of the several States. Judging from the Facts we have stated, we do not conceive it probable that even the Sum of Three hundred thousand Dollars in Specie, will be paid into the General Treasury in the present Year, if no other resource is adopted, than what can be expected from the line of Requisition.

These circumstances it becomes our duty to state to Congress, that their Wisdom may adopt such measures as shall appear most likely to avert a total ruin of our Credit, and Character as a People with Foreign Nations.

The Sum in Specie which ought to be provided for in less than twelve months as has been observed, is at least Three Million and a half of Dollars (excluding altogether any provision for the Domestic Debt).

The extent of the Sum, which in all probability will arise from the Requisitions, will hardly reach Three hundred thousand Dollars. Such is the crisis to which the Affairs of the Union are now

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reduced for want of a General Revenue, established on such principles as might call forth in the most equitable and efficient manner the resources of the several States. This efficient Revenue can only be expected from an immediate Grant of the Five per Cent Impost, and from Taxes Commensurate to the Supplementary Fund, effectually Levied, and sacredly Appropriated to the Federal Treasury.

In considering what Expedients may probably be adopted for making up the deficiency of the Specie Sums which are essentially necessary to Support our Existence in a National Character. Nothing occurs as a probable mode of relief, but a Sale in Europe of part of the Western Territory, which has been ceded to the United States To attempt new Loans, whilst no Funds are Established for Paying the Interest and Principal of former ones, would in all probability be fruitless; even if it could be done consistently with those Maxims of prudence and Public Integrity, which ought to Characterise the proceedings of every Nation. What could be the Success of the expedient we have Suggested, cannot be ascertained; but when the disposition to Emigration in Germany, Geneva, and Ireland is taken into consideration, as well as the prospect of Advantage from the rise in Value of the Lands in question, to those who might purchase on Speculation, it appears not unlikely that if a proper plan should be adopted, and the Execution of it committed to a suitable Agent it might meet with Success.

Unless some Aid Can be derived from this Quarter, we see not the least prospect of our being able to make good the payment of Interest, which will become due on the Dutch Loans in the ensuing Year. All hope of our being able to succeed in making in season the Payments to France in the Year 1787, is now at an end: but the importance of making every Exertion to fulfil the Contracts we have entered into with the Money Lenders in Holland must be apparent. In this point of view only, we have taken the liberty to suggest to Congress, the object abovementioned. With respect to the Requisitions for the present Year, which we have Reported to Congress, it becomes necessary for us to Observe That we consider it merely as an expedient to evince the dispositions of Congress to do all the Justice in their power to their Foreign and Domestic Creditors, 'till the States feel absolute necessity there is of furnishing the United States with adequate means to Support their Rank and Character as a Nation.

The mode of Certifying the Interest on the Domestic Debt is undoubtedly liable to objection; though it is at present, by reducing the various Evidences of the Debt to one Form, and by calling in annually some part of the Principal. This latter object would we conceive, be compassed with great ease to the several States; and would have a powerful effect in Establishing our Credit with Foreign Nations,

But after all, what we have taken the liberty to suggest, are still Expedients, should they even be Successful.

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The more our Reflections are employed on this Subject, the more we are impressed with a Conviction, that nothing but an immediate and general Adoption of the Measures recommended by the Resolve of Congress of the 18th April, 1783, can rescue it from Bankruptcy, or preserve the Union of the several States from Dissolution.

With all due respect, etc.

His Excellency

The President of Congress.

June 28, 1786 –

1) The committee consisting of Mr. [Charles] Pinckney, Mr. [James] Monroe and Mr. [Rufus] King appointed to form and Ordinance for the compleat arrangement and government of the Indian Department submit the following to the consideration of Congress:

An Ordinance for regulating the Indian Department –

Whereas the safety and tranquility of the frontiers of the United States do in some measure depends on the maintaining a good correspondence between the Citizens and several Nations of Indians in amity with them:

Be it Ordained by the United States in Congress assembled that from and after the passing of this Ordinance the Indian department be divided into three districts Viz. the Northern which shall comprehend the Six Nations and all others residing South East of Lake Erie within the limits of the United States, from French Creek a branch of the Ohio on the west to the Susguehannah on the South.

The Western or middle department which shall comprehend the Nations within the limits of the United States, Northwest of the Ohio, west to the Mississippi.

The Southern which shall include all the Nations South of the Ohio within the limits of the United States to the Mississippi also.

That a Superintendant be appointed for each of the said districts who shall reside on the frontier, and as near the district for which he shall be so appointed as may be convenient to the management of its concerns.

That it be their duty to superintend the political conduct of the Nation over whom they are placed, to make themselves acquainted with their most secret Councils, to counteract & prevent as far as they can, all measures which they may attempt to the prejudice or annoyance of the inhabitants of the frontiers; to discourage all combinations of Indians, and pursued the

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several tribes to keep and act as much independent of each other as possible; to promote hunting and discourage war and if war should be Necessary at any time or unavoidable to give it such direction as to keep it at a distance from the Citizens of the United States, and employed against proper objects – to advise the tribes to the establishment of some kind of order or police, and to punish among themselves all such as disturb and injure the Citizens of the United States. To ingratiate themselves with the Chiefs, and people generally so as to obtain their confidence and respect.

They shall superintend such regulations as Congress shall from time to time establish respecting the Indian trade. They shall have Authority to place deputies among the several tribes and to remove all or either of them for misbehavior. To grant licenses to the traders, to regulate the advance on Articles of the first Necessity such as powder, lead, shrouds, blankets, coarse cloathing and tools for husbandry, and to prohibit in times of Scarcity of provision the sale or use of all spirituous liquors.

All communications respecting the said departments shall in the first instance be made to the said Superintendants and in case of murder, robbery or any Capital crime being committed by an Indian or Indians, and on a demand being made to the tribe to which he or they may belong they shall refuse to surrender him or them to justice, on such refusal the superintendant of the district, shall and he is hereby empowered to require the Officer in command at the nearest post of the United States to detach such troops under proper Officers from the nearest garrison or Garrisons as may be necessary to seize the person or persons of the agressors or to punish the offenders or offending tribe in the case of resistance.

There shall be regular communications of all matters relative to the business of the Indian departments kept up between the said superintendants, and from each to Congress, or such Officer as Congress may direct them to communicate to. All stores, provisions or other property which Congress may think necessary for the support of or for presents to the Indians, shall be in the custody and under the care of the said Superintendants who shall be obliged to render an annual account of the expenditures of the same, and the said superintendant shall once every ___ visit the Nations over who they may be respectively have charge;

And be it further ordained that none but Citizens of the United States shall be suffered to reside among the Indian Nations, or be allowed to trade with any nation of Indians within the territory of the United States.

That no person, Citizen or other shall reside among or trade with any Indian or Indian Nation within the Territory of the United States without a license for that purpose first obtained from the superintendant of the district under the penalty of ___ for which license he shall pay the sum of ___ dollars to the said Superintendant for the use of the United States.

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That no license to trade with the Indians shall be granted to any but Citizens of the United States or shall permits or passports be granted to any other persons than Citizens of the United States to travel through the Indian Nations, without their having previously made their business known to the superintendant of the district and received his special approbation.

That previous to any person or persons obtaining a license to trade as aforesaid he shall give bond and Security to the superintendant of the district for the use of the United States for his or their strict adherence to and observance of such rules and regulations as Congress may from time to time establish for the government of the Indian trade.

That no person or persons shall open goods for sale or dispose of goods to any Indian or in any Indian Village or hunting Camp or other place than the post or place the post or place mentioned in his or their license except to purchase provision, provender for horses, or to obtain such other Assistance as may be necessary in passing to or from the place or places assigned for him or them to trade at.

That no trader or other person for him shall give or sell Spirituous Liquor to any Indian or Indians at any Garrison or post of trade, in such quantity as to intoxicate them while there, nor shall any trader or person for him deliver liquor purchased by an Indian within ___ miles of a Garrison or post of trade.

Any trader or other person employed by a trader, treating an Indian in an unjust manner shall on due proof thereof being made before the superintendant be deprived of his license or fined by the judgement of the said Superintendant according to the nature of his Offence in any sum not exceeding ___ not dollars. All sums to be received by the said supertintendants either for licenses or fines, shall be annually accounted for by them and they shall each of them be entitles to receive ___ dollars per annum salary in full of their services and be obliged to give bond with security to the Commissioner of the Treasury in trust for the United States in the sum of ___ for the faithful discharge of the duties of their Office.

All traders, assistants and labourers by them employed shall give information to the Commanding Officer of the nearest post or to ___ of any appearance which may come to his or their knowledge, of war, or of any injury intended to the Citizens of the United States, also of any person trading or passing through the Indian Country with or without a pass or permit who may be found tampering with the Indians or advising them to any Act or measure prejudicial to the Interest of the United States, and in case of a rupture with the Indians, or intended attack on any of the Garrison or posts of trade, all traders, assistants, or their laborers shall be obliged to perform Military duty in defence of said Garrison or posts until relieved, for which service the United States shall furnish them with rations of provisions in the same proportion as the

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Troops of the United States, and pay in the grade or Character of service which they perform or the full time they may be necessarily engaged.

And be it further Ordained that all Officers civil and Military acting under the authority of the United States are hereby required to be aiding and assisting in the execution of this Ordinance which shall in all Courts instituted under the authority aforesaid be taken and allowed as a public Act, and all Judges and Justices shall take Notice of it without special pleading.

And it is hereby recommended to the several States of North Carolina, South Carolina and Georgia to pass Legislative Acts in conformity therewith and for the trial and punishment of any persons or persons who may be found Violating the same in the Southern district, the superintendant for which shall from time correspond with the executives of the said States touching the business of his Department.

July 7, 1786 –

1) Congress took into consideration a report of a Grand Committee, to whom among other things, was referred a motion of Mr. Monroe, respecting the cessions of Western Territory, and forming the same into states, and the committee having submitted that it be *Resolved*,

That it be recommended to the legislatures of the States of Massachusetts and Virginia, to take into consideration their Acts of cession, and revise the same, so far as to empower the United States in Congress assembled, to make such divisions into states of the ceded lands and territory, as the situation of the country and future circumstances may require; with this limitation and condition, however, that all the territory of the United States, lying north west of the river Ohio, shall be formed into a number of states, not less than two nor more than five, to be admitted into the Confederacy on the principles and forms heretofore established and provided.

A motion was made by Mr. [William] Grayson, seconded by Mr. [Henry] Lee, to postpone the consideration of the same, in order to take up the following:

That it be recommended to the States of Virginia and Massachusetts, so to alter their acts of cession, as that the states in the western territory may be bounded as follows: There shall be three states between the Ohio and a line running due East from the Mississippi to the eastern boundary of the United States, so as to touch the most southern part of lake Michigan. The state lying on the Mississippi shall be separated from the middle state by a line running due north from the western side of the Mouth of the Wabash river, till it intersects the said east line; the Middle state shall be separated from the others by the aforesaid line, and a line running also due North from the Western side of the mouth of the big Miami, till the intersection thereof with the said East line; and the other state shall be divided from the middle

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state by the said line, the said east line, lake Erie, the bounds of Pennsylvania, the other original States and Ohio: There shall be a state between the said east line, lake Michigan, lake Huron and the streights of Michilimakinak; and another between the said east line, the lakes Michigan and Superior and the boundary line of the United States and the river Mississippi, to be admitted into the confederacy on the principles and in the forms heretofore established and provided.

And on the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. [William] Grayson, so the question was lost.

A motion was then made by Mr. [Charles] Pinckney, seconded by Mr. [John Cleves] Symmes, to strike out the words "with this limitation and condition however, that all the territory of the United States lying north-west of the river Ohio, &c. to the end."

And on the question, shall those words stand? The yeas and nays being required by Mr. [William] Grayson, so the question was lost, and the words were struck [out].

The resolution being amended to read as follows:

That it be recommended to the legislature of Virginia, to take into consideration their act of cession, and revise the same, so far as to empower the United States in Congress assembled, to make such a division of the territory of the United States lying northerly and westerly of the river Ohio, into distinct republican states, not more than five nor less than three, as the situation of that country and future circumstances may require, which states shall hereafter become members of the federal Union, and have the same rights of sovereignty, freedom and independence as the Original states, in conformity with the resolution of Congress of the 10th October, 1780.

On the question to agree to the resolution as amended, the yeas and nays being required by Mr. [William] Grayson, so it was resolved in the Affirmative.

The report being further amended, the whole was agreed to as follows:

Whereas it appears, from the knowledge already obtained of the tract of Country lying Northwest of the river Ohio, that the laying it out and forming it into states of the Extent mentioned in the resolution of Congress of the 10th October, 1780, and in one of the conditions contained in the cession of Virginia, will be productive of many and great inconveniences: That by such a division of the country, some of the new states will be deprived of the advantages of Navigation, some will be improperly intersected by lakes, rivers and Mountains, and some will contain too great a proportion of barren unimprovable land, and of consequence will not for many years, if ever, have a sufficient number if inhabitants to form a respectable government,

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and entitle them to a seat and voice in the federal council: And whereas in fixing the limits and dimensions of the new states, due attention ought to be paid to natural boundaries, and a variety of Circumstances which will be pointed out by a more perfect knowledge of the country, so as to provide for the future growth and prosperity of each state, as well as for the accommodation and security of the first adventurers. In order therefore that the ends of government may be attained, and that the states which shall be formed, may become a speedy and sure accession of strength to the Confederacy.

Resolved, That it be, and it hereby is recommended to the legislature of Virginia, to take into consideration their Act of cession, and revise the same, so far as to empower the United States in Congress assembled, to make such a division of the territory of the United States lying Northerly and westerly of the river Ohio, into distinct republican states, not more than five nor less than three, as the situation of that country and future circumstances may require; which states shall hereafter become members of the federal Union, and have the same rights of sovereignty, freedom and independence as the original states, in conformity with the resolution of Congress of the 10th October, 1780.

July 12, 1786 –

1) On the report of a committee, consisting of Mr. [James] Monroe, Mr. [William Samuel] Johnson, Mr. [Rufus] King, Mr. [John] Kean and Mr. [Charles] Pinckney, to whom were referred the treaties made with the Indians:

Whereas it is unnecessary to continue the Commissions longer in force, which were granted for the purpose of treating with the Indians in the Northern, Middle, and Southern departments, as the future connexion and intercourse with the several Indian nations, may, at a less expence, be maintained by a proper organization of the Indian department; therefore.

Resolved, that the several Commissions of the 17 May and 22 September, 1785, be, and they are hereby revoked.

July 13, 1786 -

1) OFFICE FOR FOREIGN AFFAIRS

12th July, 1786.

The Secretary of the United States for the department of foreign Affairs to whom was referred a Note of the 30th Day of June last from the Encargado de Negocios of his Catholic Majesty, Reports:

That in his Opinion it should be –

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Resolved, That the United States are sincerely disposed to conduct their Negociations with his Catholic Majesty with the greatest Candor and good Humour, and if possible to terminate them by such a Treaty as may preserve and perpetuate the Peace and Friendship which happily subsists between him and them, and between his Subjects and their Citizens.

Resolved, Therefore that unless all Questions relative to the true Boundaries of Florida shall (as they hope will be the Case) be settled by mutual Agreement, the United States will cheerfully consent and be ready to refer the same to the Ultimate Decision of three or more impartial Commissioners. And as it is their earnest Wish and Desire that these Negociations and Proceedings may be carried on in the most friendly Manner, and may not be interrupted or impeded by any offencive or irritating Measures on either side. It is further

Resolved, That a Copy of the above mentioned Note be transmitted by the Secretary for foreign Affairs to the Governor of the State of Georgia; and that he be informed that Congress have received with Regret repeated Complaints of the Conduct of Some People in that State towards the Spaniards and that they desire and expect that such Measures will be immediately taken as may prevent the like in future.

Resolved, That the State of Georgia be further informed that the Liberality and Friendship of his Catholic Majesty, manifested in many recent Instances, towards the United States, leave no Room to apprehend that he wishes to adhere to any Claims of Territory which on Examination may appear ill founded, or to extend his Dominion at the Expence of that Justice and Magnanimity for which he is signalized. That as the United States, however tenacious of, and determined to assert their just Rights, have full confidence in the Integrity, and set a high Value on the Friendship of his Catholic Majesty, they are exceedingly anxious to evince the Reality of these Sentiments by a correspondent Conduct, and to restrain and punish all such Excesses of rash and inconsiderate Adventurers, as may give just Cause of Umbrage to the Spanish Government.

Ordered, That a Copy of the aforegoing Resolutions be given to the said Encargado de Negocios.

All of which is Submitted to the Wisdom of Congress.

JOHN JAY.

2) The Committee [consisting of Mr. James Monroe, Mr. William Samuel Johnson, Mr. Rufus King, Mr. John Kean and Mr. Charles Pinckney] to whom a Motion of Mr. Dane was referred for considering and reporting the FORM of a TEMPORARY GOVERNMENT for the WESTERN STATES, Beg leave to Report:

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It being stipulated by the State of Virginia in her act of cession to the United States, that the territory thus ceded be laid into states of certain dimensions, and admitted into the confederacy with the rights of the thirteen original states, it becomes necessary, that Congress should take such measures as shall be best calculated to carry the said condition into effect; this can be done only by promoting its settlement and securing to its settlers and others who may purchase the soil, the right of property, and of personal safety, with the conditions upon which they shall ultimately obtain that importance privilege. The committee therefore think it the duty of Congress to adopt and publish previous to the sale of any part of the said territory, the plan of a temporary government for said State or States, with the period at which it shall expire, and they assume their form and equal station in the confederacy.

They are aware of the propriety of defining in the first instance the bounds of the States within which such government shall apply; but as Congress did on the __day of __ recommend it to the said states to revise their acts of cession, as to the said condition which respects their dimensions, so as to enable the United States to make such division of the same as therein described, it would, in their opinion, be improper to make any further arrangements respecting it, until the fate of the said recommendation shall be determined, it is however to be understood, that if the reasons urged for the proposed alteration, shall be satisfactory, and the states accede to it, the states as therein designated, shall be perpetual, But if on the contrary, they should adhere to the said condition, however unfortunate it may be in its consequences, the states must be contracted to an extent of territory conformable to the condition as it now stands; leaving therefore this point to be determined by this event, the committee beg leave to submit the following plan of temporary government for such state or states:

The PLAN of a TEMPORARY GOVERNMENT for such Districts as shall be laid out by the United States, upon the principles of the acts of cession from individual states, and admitted into the confederacy.

The United States in Congress assembled will appoint a governor, whose commission shall continue in force for the term of three years unless sooner revoked by Congress.

There shall be appointed by Congress from time to time a Secretary whose Commission shall continue in force for 2 years unless sooner revoked by Congress. It shall be his duty to keep and preserve the Acts and laws passed by the general Assembly and public records of the district and of the proceedings of the governor in his executive department and transmit an Authentic copy thereof every 3 months to the Secretary of Congress.

There shall also be appointed a Court, to consist of five judges, who shall have a common law and chancery jurisdiction, and whose commissions shall continue in force during good behavior.

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The Governor for the time being, shall be commander in chief of the militia and appoint all officers in the same, below the rank of general Officers; all officers above that rank shall be appointed by Congress; and all officers of every rank and degree, shall be commissioned by Congress.

Previous to the organization of the general Assembly, the governor shall appoint such Magistrates and other civil officers in each county or township as he shall find necessary for the preservation of peace and good order in the same. After the general Assembly shall be organized the number of Magistrates and other civil Officers with their powers, duties and terms of service shall be regulated and defined by the said Assembly, But all magistrates and other civil Officers not herein otherwise directed shall during the continuance of this temporary government, be appointed by the governor.

The governor shall as soon as may be proceed to lay out the land into counties, townships, subject however to such alterations as may thereafter be made by the legislature.

So soon as there shall be 500 free male inhabitants of full age within the said district upon giving due proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, as aforesaid, to represent them in general assembly; provided that for every 50 free male inhabitants, there shall be one representative and so on progressively with the number of free male inhabitants shall be the right of representation increased; until the number of representatives amount to 20 after which the number and proportion of representatives shall be regulated by the legislature; provided, that no person shall be eligible, or qualified to act as a representative unless he shall be a citizen of one of the United States, or have resided within such district three years, and shall likewise hold in his own right in fee simple 200 acres of land within the same; provided also that a free hold or life estate, in fifty acres of land, if a citizen of any of the United States, and one year's residence if a foreigner, in addition shall be necessary to qualify a man as elector for the said representative.

The representatives thus elected shall serve for the term of one year, and in cases of death, resignation or renunciation of Office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the time.

The general assembly shall consist of the governor, a legislative council to consist of 5 members any three of whom to be a quorum, to be appointed by the United States in Congress assembled and to continue in Office during pleasure, and a house of representatives who shall have a legislative authority complete in all cases for the good government of the district.

All money bills, shall originate in the house of Representatives, and all other bills indifferently either in the Council or house of Representatives, and having passed by a majority in both

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houses, shall be referred to the governor for his assent; after obtaining which, they shall be complete and valid; but no bill, resolution, ordinance or legislative act whatever, shall be valid or of any force without his assent.

The Governor shall have power to convene or prorogue the general assembly at their request, or when in his opinion it shall be expedient.

The said inhabitants or settlers shall be subject to pay a part of the federal debts contracted or to be contracted, and to bear a proportional part of the burdens of the government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states.

The annual salary of the governor, shall be ___, that of a member of council ___, of the Secretary ___, of a judge of the court ___.

The board of treasury shall devise and report the most equal and effectual means of assessing upon the said district annually, such sums as shall be necessary to defray the expences of its government until the organization of the general assembly, after which such general assembly shall have full authority for the purpose.

The object for which this temporary government is instituted, being to protect the persons and rights of those who may settle within such districts in the infancy of their settlement, the United States look forward with equal anxiety to the period at which it shall cease and they be admitted, agreeably to the condition of the acts of cession, into the confederacy. This shall be the case so soon as they shall respectively obtain a common interest in its affairs, with such mature age and strength as to be able to act for themselves, the highest and most satisfactory evidence of which is, the number of inhabitants they will contain; it is therefore hereby declared by the United States in Congress assembled, that so soon as any of the said districts shall contain an equal number of free male inhabitants, with the least numerous of the thirteen original States for the time being, upon giving due proof thereof to Congress, the inhabitants of such district shall receive from them authority to elect representatives to meet in convention, at the metropolis or seat of government of said district, to form a free constitution of their own, appoint delegates to the Congress of the United States, who shall be received in the same, upon an equal footing with the thirteen original states, having the same rights of freedom, sovereignty and independence as the said states.

Resolved, That the resolutions of the 23rd of April, 1784, in the following words viz. [here insert the resolution] be and they are hereby repealed.

July 14, 1786 –

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1) On a report of a committee, consisting of Mr. [Henry] Lee, Mr. [Rufus] King and Mr. [John] Kean,

Resolved, That Congress consider the Confederation as a compact between the several States for mutual good:

That the Union, under the authority of that Compact, has a right to demand the duties stipulated to be performed by each state, expressed by the Articles of the said Compact:

That the first claim which the whole has on its parts, is to comply with the formation of the sovereignty, as a compliance therewith is essential to the execution of the purposes of the Confederation:

That the states have a right to appoint their delegates, subject to the qualifications of the 5th article of the Confederation, as they may please:

That such appointments being made conformable to the Confederation, it becomes the duty of the states, seasonably to send forward their delegates, and the state neglecting so to do, becomes responsible to the Union for the delays and evils which may ensue from such neglect.

On a question to agree to the following clause of the report, viz. "That a delegate having taken his seat in Congress, has no right to withdraw himself without permission obtained either from Congress or the state he represents," the yeas and nays being required by Mr. [Charles] Pinckney, so the question was lost.

July 24, 1786 –

1) Congress resumed the consideration of the Ordinance respecting Indian affairs; when a motion was made by Mr. [William] Few, seconded by Mr. [Timothy] Bloodworth, to amend the ordinance by adding these words:

Provided that this ordinance shall not be construed to operate so as that the legislative right of any state within its own limits be infringed or violated.

A motion was made by Mr. [Charles] Pinckney, seconded by Mr. [William] Grayson, to postpone the consideration of this amendment, on order to amend the preamble by adding thereto these words:

And whereas the United States in Congress assembled, under the 9th of the Articles of Confederation and perpetual Union, have the sole an exclusive right and power of regulating the trade, and managing all affairs with the Indians not members of any of the States, provided that the legislative right of any State, within its own limits, be not infringed or violated.

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On the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [Timothy] Bloodworth, so it was resolved in the affirmative.

The preamble being amended, the Ordinance was read a second time.

(See pages 425-428 for the proposed Ordinance)

Ordered, That Wednesday next be assigned for the third reading.

July 27, 1786 –

1) The committee consisting of Mr. [Rufus] King, Mr. [William Samuel] Johnson, Mr. [James] Monroe, Mr. [John] Lawrance and Mr. [Charles] Pettit, to whom was referred an Act of the State of New York, passed on the 4th day of May last, entitled "An Act for giving and granting to the United States in Congress assembled, certain impost and duties on foreign goods imported into that State, for the special purpose of paying the principal and interest of the debt contracted in the prosecution of the late war with Great Britain," having reported:

That by the act of Congress of the 18 April, 1783, it is recommended to the several states as indispensably necessary to the restoration of the public credit, and to the punctual and honourable discharge of the public debts, to invest the United States in Congress assembled, with a power to levy certain duties upon goods imported into the United States; provided that the collectors of the said duties should be appointed by the states within which their offices are to be respectively exercised, but when so appointed to be amenable to and removable by the United States in Congress assembled alone. The Committee conceive that the investing of the United States in Congress assembled with this power, which includes that of forming the necessary regulations or revenue laws, with suitable penalties, of declaring the money in which the said duties shall be received, of establishing the number of revenue officers, and ascertaining their duties has been, and must be, considered as an essential part of the plan submitted to the several States for their adoption: The exercise of this power by thirteen separate authorities would introduce different laws upon the same subject, ordain various penalties for the same offence, destroy the equality of the tax, and might in a great measure defeat the revenue. All the States, except New York, having in pursuance of the recommendations of the 18 April, 1783, granted the impost by acts vesting this power, with certain qualification, exclusively in the United States in Congress assembled; the long continued embarrassments of the public finances, and the indispensable demands on the federal government, dictate the necessity of an immediate and unanimous adoption of this measure. Impressed with these opinions, the Committee have carefully examined the Act of the state of New York to them referred, and submit the following remarks: 1st. That several of the States which have passed Acts investing the United States in Congress assembled, under certain restrictions, with power to levy the duties on goods imported into the United States, agreeably

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to the recommendation of the 18 April, 1783, have inserted in the Acts express conditions that the same shall not be in force, or begin to operate, until all the States in the Confederacy have passed Acts vesting the United States in Congress assembled, with power to levy in the several States, like duties. 2d. That the Act of the State of New York referred to the Committee, does not invest the United States in Congress assembled, with power to levy in that State the duties therein mentioned; but reserves to the State of New York, the sole power of levying and collecting the same in the manner directed in and by an Act of that State entitled "An act imposing duties on certain goods, wares and merchandise imported into the said State," passed the 18th day of November, 1784, and consequently prevents the operation of the impost in those States which have made the exercise of this power by the United States in Congress assembled, an indispensable and express condition of their grants. 3d. That the said Act does not make the Collectors of the said duties amenable to and removable by the united States in Congress assembled; but ordains that upon conviction before the supreme Court of judicature, or in the Court of exchequer of the State of New York, for any *default or neglect* in the execution of the duties required of them by the said Act, or by an Act of that State, entitled "An act imposing duties on certain goods, wares and merchandise imported into the said State," they shall be removed from Office, and others appointed instead of the persons so convicted; which is a material departure from the plan recommended by Congress. 4th. That by an Act of the State of New York, entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned," passed the 18 of April, 1786, it is among other things enacted, "that gold and silver, and the bills of credit emitted by virtue of the said act, shall be received by the Collector for duties arising on goods, wares and merchandize imported into the said State, after passing of the said act," in consequence whereof, admitting that the system of a general impost, could be put in operation, it would remain optional with the importer to pay the duty on goods imported into the State of New York, in specie or bills of credit emitted by virtue of the aforesaid Act. 5th. If bills of credit of the State of New York should be received from the importer of goods in such State, and thereby, instead of the system yielding a sum in actual money, nothing but paper would be brought into the federal treasury, which would be wholly inapplicable to the payment of any part of the interest or principal of the foreign debt of the United States. Whereupon the Committee submit the following resolution: *Resolved*, that the Act of the State of New York, entitled "An act for giving and granting to the United States in Congress assembled, certain impost and duties on foreign goods imported into that State, for the special purpose of paying the principal and interest of the debts contracted in the prosecution of the late war with Great Britain, so essentially varies from the system of impost recommended by the United States in Congress assembled on the 18th day of April, 1783, that the said Act is not, and cannot be considered as a compliance with the same."

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The foregoing report being under debate, a Motion was made by Mr. [James] Monroe, seconded by Mr. [Samuel] Livermore, that the consideration thereof be postponed, in order to take up the following proposition, viz.

That a committee be appointed to draft an Ordinance to carry into effect the system of impost recommended to the several states for their adoption, on the 18th of April, 1783, in conformity with the acts of the twelve States which have complied with the said recommendation, and to take effect so soon as the State of New York shall have fully acceded to it, and the states of Pennsylvania and Delaware so modified their compliance as to enable the United States to carry it into effect upon that event.

On the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [Timothy] Bloodworth.

So it was resolved in the affirmative.

The proposition being then debated and sundry amendments made, on the question to agree to the same as amended,, the yeas and nays being required by Mr. [Timothy] Bloodworth,

So it was *Resolved*, That a committee be appointed to draft an Ordinance, to carry into effect the system of impost recommended to the several states for their adoption, on the 18th of April, 1783, in conformity with the Acts of such states as have complied with the said recommendation, and to take effect so soon as the state of New York shall have passed an Act acceding to the said system, in like manner with the other states, and the states of Pennsylvania and Delaware shall have repealed the clauses in their respective Acts, restraining the operation of their grants of the impost, until all the states shall have granted to Congress the supplementary funds; and report such further measures as may be necessary to be taken thereon.

<u>July 31, 1786</u> –

1) The Secretary of the United States for the department at war having been ordered by Congress to report on the expediency of further retaining West Point as a military post accordingly, Reports:

That in case of an invasion of any of the middle or eastern states by a marine power the possession of Hudson's River would be an object of the highest important as well to the invaded as to the United States.

That the reciprocal communication of the resources of the eastern and middle states so essential to a well combined resistance depends entirely on the possession of the said river by the United States.

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That West Point is of the most decisive importance to the defence of the said river for the following reasons:

1. The distance across the River at that place is only about fourteen hundred feet; a less distance by far than at any other part.

2. The peculiar bend or turn of the river forming almost a reentering angle.

3. The high banks on both sides of the river favorable for the construction of formidable batteries.

4. The demonstrated practability of fixing across the river a chain or chains at a spot where vessels in turning the point unavoidably lose their rapidity and of course their force by which a chain at any other part of the river would be liable to be broken.

These circumstances combined render the passage of hostile vessels by West Point impracticable.

The fortifications of West Point and its dependencies are extremely difficult to be invested and besieged. This circumstance which greatly enhances the value of the place arise from the broken and mountainous grounds and narrow passes which surround the fortifications. A regular siege of West Point properly garrisoned and furnished would require a large army, vast war like apparatus and much time, The States therefore in its vicinity would have sufficient time to draw forth their utmost force for its relief.

That however West Point may be regarded by some persons as an interior place, yet the reverse is a fact, as may be proved by a slight consideration of the facility with which it can be approached by water. It is quite practicable for vessels coming in from Sea and arriving at Sandy hook at the close of the day to reach West Point before next morning. The navigation of the river is known to be so bold that the passage could be easily performed during the night.

If the statement here made is just, West Point may with propriety be denominated a vital part of the United States; and as such ought to be guarded at the common expence of the Union with at least one company of troops according to the existing establishment, This expence will be further justified by a consideration of the case with which the said post might, if in a defencelsss state be possessed by such a power as Great Britain and the humiliating and distressing consequences of such an event to the United States.

The commercial jealousies discovered by that nation since the peace, and the detention of the western posts under the idea of obliging the United States to comply with certain terms and the vicinity of the british force in Canada which is to be headed by a man of intelligence, and subtle policy ought to put us on our guard. The conduct of the Court of Great Britain in taking the

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ships of France previous to the declaration of war in 1755 may also be considered as a just ground of caution to the United States.

But independent of any apprehensions from Great Britain, the jealousy manifested by the marine powers of Europe, of the increasing greatness of the United States ought to excite a reasonable portion of attention to our own security.

It is the opinion of your Secretary that the same reasons which render West Point a proper military post render it an improper place for one of the magazines and arsenals of the United States, as he shall attempt the evince more fully in a report on the arsenals and magazines necessary to be established throughout the United States. But it being impracticable in the present state of the public finances to remove the surplus ordnance, and stores from said post, it will be necessary that the present guard should be continued for their protection.

Your Secretary being convinced of the importance of retaining West Point as a military post until the United States shall possess a navy, and the rent annually to be paid being held at the high rate of four hundred and thirty-seven dollars per annum he submits to Congress the propriety of purchasing from the proprietor on a fair appraisement the fee of the same together with so much of the land contiguous thereto as shall be necessary to be included within the limits and for the use of the garrison.

On this principle he submits the following resolve.

[Scribe's notes: See the Papers of the Continental Congress for the Resolve].

August 3, 1786 –

1) On a report of the Secretary at War, on the expediency of retaining West Point as a military post,

Resolved, That the board of treasury endeavor to negotiate with the legal proprietor of West Point, on Hudson's river, the purchase of the same for the United States, on an equitable appraisement, together with so much land contiguous thereto, as shall be deemed by the Secretary at War necessary to be included within the limits of the garrison; and that the board agree for the terms of payment in the manner most consistent with the state of the finances of the United States.

2) Aug. 3, 1786.

According to the Order the Secretary for foreign Affairs attended; and being called upon to state the difficulties mentioned in his letter of the 29, and explain himself on the subject of that letter.

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The Secretary for foreign Affairs informed Congress that he had some time since received from Mr. Gardoqui an unofficial and unsigned paper:

Spain being by far the greatest Consumer of all the European Kingdoms, and having besides extensive territories of Consume in her West Indies, it is of course of the greatest importance to any foreign nation in all Commercial interests.

England is very conscious of the advantages that may be got by a friendly Commercial treaty, and leaves no pains to bring it to a happy conclusion as soon as possible. She well knows that Spain's annual consume of Cod-fish, brings her in from 4 to 5 Millions of dollars, by which she employs 5 or 6000 Seamen.

That great quantities of pickled Salmon and Train Oil are besides pouring annually into the Spanish Markets from her ports.

To this must be added, her great woolen Manufactures, but as Spain is advancing fast in the latter, and will probably stop the importation of them, England wants to secure the fisheries which sees no prospect of Spain's having any at all.

Under the above principles, England exerts to the utmost to prevent that American States should come to a friendly good understanding with Spain, fully assur'd that no other Nation can outrival them in the valuable branches of fisheries.

She well knows that the local situation of the United States and other advantages render a much better fish than that of Newfoundland, and that the Spanish Markets afford 1 to 1-1/2 dollars per quintal more to the former. She is besides fully persuaded that the trade of the States with Spain must rise them accordingly, as their Flour, grain, rice, Tobacco and several other smaller articles, such as Lumber, Masts, Yards, Beeswax &c: are valuable. If it be added to this, the consideration that Spain and the States, are the almost only Masters of this vast Continent, who if well join'd may defy the other powers or at least keep them in eternal peace, there can be no doubt of its being a mutual interest.

And afterwards a letter, dated 25 May, 1786, which he laid before Congress:

NEW YORK, *25th May, 1786.*

SIR: The period is arrived that we have wished for many months when there would be a full meeting of Congress, that you might refer them the difficulty which you have manifested to me respecting the claim to navigate the river Mississippi, which is ill founded. I request the favour of you to do it as soon as possible, and that you will be persuaded of what I have always assured you, that the King will not permit any Nation to navigate between the two banks belonging to his Majesty from the extent of his conquests made by his royal arms over the

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English in East and West Florida, according to the dominion formerly held by the English, and the jurisdiction exercised by the Commandant of Pensacola on which if depended, as well as the Counties to the East of the Mississippi of which formal possession was taken by Captain Don Baltazar de Villers, Commandant of the post of Arkanzar, for his Majesty on the 22d November, 1780.

His Majesty does not consider the regulation made between the United States and Great Britain respecting the territories conquered by his arms but as a conditional agreement in which they tacitly leave safe the territorial rights which he possessed in those parts.

Those territories were in that same state of conquest and in the possession neither of England nor the United States, when they disposed of them. There can be no doubt, but that Treaty of November, 1782, when the War between Spain and England continued, could not fix the limits of Countries which were not in possession.

His Majesty therefore understands those stipulations as conditional, and dependent on the situation in which things might be left by a general peace.

The Honorable Congress cannot be ignorant of the good and generous disposition of his Majesty towards the United States, and the importance of his powerful friendship, his Majesty having been pleased to give so many strong proofs of favour to the Americans Captive in Barbary, and those he afterwards afforded for aiding their Commissions for negociating and obtaining peace with those Powers.

They should also be persuaded that the King enjoys so great consideration with those powers, that as being a Nation which possess the friendship of his Majesty, they may be sure of that of the Emperor of Morocco and in a great degree of that contracted with the Regency of Algiers. America has reason to fear the evil consequences which all their Commerce would experience if his royal Mediation should be withdrawn, for she would not only be deprived of that in the Mediterranean, but would also be much interrupted in that which she carries on through the Western Islands and Canaries, and even on their own Coasts.

It appears to me equally just to remind the Honorable Congress of the generosity with which his Majesty has delayed requesting 'till now the payment of the principal of the debts contracted by the United States both in Spain and America, being so delicate as not to apply even for the interest due thereon notwithstanding the difficulties with which he provides for his Treasury.

These facts appear sufficient to remove the difficulties you have manifested to me respecting limits and the navigation of the said River, but I contemplate in its greatest latitude the risk which the United States would run, by not yielding without delay to the just rights of the King

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losing favour, exposing themselves to the danger of enjoying it but illy, and of frustrating other Compacts, reciprocally useful, which time and experience may bring about.

The importance of this object is evident in all the States, for it is well known that all their productions meet with a ready sale in the Markets of Spain, where they are paid for in Gold and Silver, whereas all other Nations pay with Manufactures (in great part Articles of luxury) with which they impoverish this Country.

Spain in its present state is a Consumer both in Europe and America, There is not a Nation but what earnestly desires the friendship and favour of the King, and as he has no occasion for the Cod-fish, Oil, Salmon, Grain, Flour, Rice, nor other productions, he may, considering the right which obliges his Subjects to provide themselves by their own industry or other useful and important means, find it convenient to prohibit them, to remind this Nation at present, as a friend, that they have no Treaty. Whereas, in case they generously comply, the King will consider them, in Commerce, as being the most favored Nation, making reciprocal regulations, so that whenever one is made here favourable to Spain in regard to imports and exports, another equivalent to that of the United States shall there be made.

No one is ignorant of the great advantages which the United States derive from their trade with Spain, from whence they yearly extract Millions, as well by their productions as by their Navigation which so much promotes the growth and Maintenance of their Marine.

Spain has no occasion for foreign commodities to become very brilliant in its proper dominions, and to find an advantageous Consumption for its products and manufactures; so that the generosity and friendship which she manifests, proceed solely from the benevolent attentions which a liberal hand the King wishes to distinguish the United States.

In consideration that nothing be said of such difficulties, I believe that his Majesty will consent to guarranty to the United States their rights and dominions, as they shall be left by our Treaty.

I will do my best endeavours on this and other points, and will interpose my prayers that his Majesty will adopt the most favourable measures in order that the satisfaction of the debts due from the United States, to Spain may be made with such relaxations as may be convenient to them.

The Honorable Congress will well perceive the importance of the Guarantee and friendship of one of the first Sovereigns in Europe, which will give consistency to their Confederacy, and whose Magnanimity desires only to proceed by equity, justice, and sincere desires of a constant friendship, and good neighbourhood.

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I ought not, therefore, to doubt but that such an illustrious Confederacy will entertain correspondent dispositions, and I hope that you will not delay to promote it, and to advise me as soon as possible, that so salutary a work may not be deferred, to which for my part, I shall continue with the greatest good will for the benefit of both Nations.

I have the Honor to be, &c:

DIEGO DE GARDOQUI

Senior Dr. JOHN JAY,

Minister for the foreign affairs of the United States.

And the same being read, he then delivered himself as follows:

SIR: Every person to whom is committed the management of a negotiation, from which may good or ill consequences will probably result, must find himself placed in a very delicate and responsible Situation. In that point of light I consider our present Negotiations with Spain, and that my sentiments on the subject may be conveyed to Congress with precision, and authentick evidence of them preserved, I have reduced them to writing as concisely and accurately as I could find leisure to do since I received notice to attend this day.

It appears to me, that a proper Commercial treaty with Span would be of more importance to the United States than any they have formed, or can form, with any other Nation. I am led to entertain this opinion from the influence which Spain may and will have both on our politicks and Commerce.

France, whom we consider as our Ally, and to whom we shall naturally turn our eye for aid in case of war, &c. is strongly bound to Spain by the family compact; and the advantages she derives from it are so various and so great, that it is questionable whether she could ever remain neuter in case of a rupture between us and his Catholic Majesty. Besides, we are well apprized of the sentiments of France relative to our Western Claims; in which I include that freely navigating the river Mississippi. I take it for granted that, while the compact in question exists, France will invariably think it her interest to prefer the good will Spain to the good will of America; and altho' she would very reluctantly give umbrage to either, yet, if driven to take part with one or the other, I think it would not be in our favour. Unless we are friends with Spain, her influence, whether more or less, on the Counsels of Versailles, will always be against us.

The intermarriages between Spain and Portugal, which have taken place in this and the late Reigns, have given the former a degree of influence at the Court of the latter which she never before possessed; and leading men in both those Kingdoms seem disposed to bury former jealousies and apprehensions in mutual confidence and offices. How far this system may be

perfected, or how long continue, is uncertain; while it lasts, we must expect good or evil from it, according as we stand well or ill with Spain.

Britain would be rejoiced to find us at variance with Spain in any points. She remembers that we were once her Subjects, and loves us not. She receives that we are her most important rivals in the Spanish trade, and that her nursery of Seamen on the banks of Newfoundland will prosper or otherwise, as ours of the like kind shall increase or diminish; and it will increase or diminish in proportion as we may or may not undersell them at foreign Markets, among which that of Spain is the most advantageous.

If Spain be disposed to sink that scale in favour of Britain, there is little reason to doubt but that the latter will offer her powerful inducements to grant and perpetuate valuable preferences to her.

It is hard to say how far these inducements may extend, or how far they might *both* think it their interest to join in every measure tending to impair our strength, and thereby quiet those fears, with which uneasy Borderers and disconnected neighbours usually inspire each other.

Recent transactions tell us that the influence of Spain in Barbary is not contemptible, When time shall have cast a thicker veil over the memory of past and long continued hostilities; when the convenience of Spanish money and Spanish favors shall become better known, and more felt at Fez, Algiers, &c. it is more than probable that those powers will be little inclined to disoblige a notion, who arms have given them much trouble, and from whose gratuities they derive more wealth and advantages than they have ever been able to reap from depredations and from plunder often hardly gained.

The influence which the Catholic King will and must have, in greater or lesser degrees in Italy, with several of whose Sovereigns he is allied by blood, as well as by treaties, merits some consideration. The trade of the Mediterranean deserves our notice; and Spain has convenient ports in that Sea.

In various ways, therefore, may Spain promote or oppose our political interests with several other Countries; and we shall, I think, either find her in America a very convenient Neighbour, or a very troublesome one.

They who are acquainted with the Commerce of that Country, can be at no loss in perceiving or estimating its value.

It is well known that they consume more than they export, and consequently that the balance of trade is and must be against them. Hence it is that the Millions they yearly bring from the Mines of America, so soon disappear, flying out of Spain by every road and port in it.

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Details would be tedious, and considering where I am, unnecessary. It is sufficient to observe, that there is scarcely a single production of this Country but what may be advantageously exchanged in the Spanish European ports for Gold and Silver. These advantages, however, must depend on a Treaty; for Spain, like other Nations, may admit Foreigners to trade with her or not, and on such terms only as she may think proper.

The conclusion I draw from what has been said is, that on general principles of policy and Commerce, it is the interest of the United States to be on the best terms with Spain. This conclusion would be greatly strengthened by a review of our present local and other circumstance; but they are well known, and their language is strong and intelligible.

Sir, I do really believe that Spain is at present sincerely disposed to make friends of us. I believe this not because they have repeatedly *told* us so; for in my opinion little reliance is to be made in the professions of Courts or Courtiers; they will say what they may think their interest.

It appears to me that the Independence, situation, temper, resource and other circumstances of the United States, lead the Court of Spain to regard them with much attention, and I may add with jealousy and apprehension.

Their conduct induces me to think that their present policy and design is, to cultivate our friendship, and endure the continuance of it, by such advantages in a treaty as may prevent its becoming our interest to break with them.

To this cause I ascribe the Civilities shown to the United States, by the release of their Citizens at the Havanna, and by the interposition of his Catholic Majesty in their favour at Morocco, &c.

To the same cause I ascribe the very liberal and beneficial Articles which their plenipotentiary here is willing to have inserted in the treaty I am now negotiating with him, and which are specified in the following notes of them, viz.

1. That all Commercial regulations affecting each other shall be founded in perfect reciprocity. Spanish Merchants shall enjoy all the Commercial privileges of Native Merchants in the United States, and American Merchants in the Kingdom of Spain and in the Canaries and other Islands belonging and adjacent thereto. The same privileges shall extend to their respective Vessels, and Merchandize consisting of the Manufactures and productions of their respective Counties.

2. Each party may establish Consuls in the Countries of the other (excepting such provinces in Spain, into which none have heretofore been admitted, viz. Bilboa and Guipusca) with such powers and privileges as shall be ascertained by a particular Convention.

3. That bona fide Manufactures and productions of the United States (Tobacco only excepted, which shall continue under its present regulations) may be imported in America or Spanish

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Vessels, into any parts of his Majesty's European Dominions and Islands aforesaid, in like manner as if they were the productions of Spain. And on the other hand, that the bona fide Manufactures and productions of his Majesty's dominions may be imported into the United States, in Spanish or American Vessels, in like manner as if they were the Manufactures and productions of the said States. And further, that all such duties and imposts as may mutually be thought necessary to lay on them by either party, shall be ascertained and regulated on principles of exact reciprocity, by a tariff to be formed by a Convention for that purpose, to be negotiated and made within *one* year after the exchange of the ratification of this treaty; and in the mean time, that no other duties or imposts shall be exacted from each others Merchants and Ships than such as may be payable by Natives in like cases.

4. That inasmuch as the United States, from not having Mines of Gold or Silver, may often want supplies of Specie for a circulating medium, his Catholic Majesty, as a proof of his good will, agrees to order the Masts and timber which may from time to time be wanted for his royal navy, to be purchased, and paid for in Specie, in the United States; provided the said Masts and Timber shall be of equal quality, and, when brought to Spain, shall not cost more than the like may there be had from other Countries.

5. It is agreed that the Articles commonly inserted in other treaties of Commerce for mutual and reciprocal convenience, shall be inserted in this, and this treaty and every article and stipulation therein shall continue in full force for ___ years to be computed from the day of the date thereof.

These articles need no comment. It is easy to perceive that by them we gain much, and sacrifice or give up nothing. They will not indeed permit our Tobacco to be vended in the Country; but that prohibition now exist, and will probably continue, whether we do or not make a Treaty with Spain.

It is also certain that by means of the Canaries, our Flour and other Commodities will find the way to Spanish America; and the supply of that Market, even by a circuitous route, cannot fail of affording a very lucrative vent for those Articles.

Mr. Gardoqui is not personally averse to our visiting the Philippines, but his instructions do not reach that point. I have hopes that this may be carried; and in that case it is obvious we shall be the letter for the Acapulco trade.

I forbear to dwell minutely on these commercial subjects, because nothing I could say respecting them would be new.

My attention is chiefly fixed on two obstacles, which at present divide us, viz. the Navigation of the Mississippi, and the territorial limits between them and us.

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My Letters written from Spain, when our affairs were the least promising, evince my opinion respecting the Mississippi, and oppose every idea of our relinquishing our right to navigate it. I entertain the same sentiments of that right, and of the importance of retaining it, which I then did.

Mr. Gardoqui strongly insists on our relinquishing it. We have had many Conferences and much reasoning on the subject, not necessary now to detail. His concluding answer to all my Arguments has steadily been, that the King will never yield that point, nor consent to any compromise about it; for that it always has been, and continues to be, one of their Maxims of policy, to exclude all Mankind from their American shores.

I have often reminded him that the adjacent Country was filling fast with people; and that the time must and would come, when they would not submit to seeing a fine river flow before their doors without using it as a high way to the sea for the transportation of their productions; that it would therefore be wise to look forward to that event, and take care not to sow in the treaty any seeds of future discord. He said that the time alluded to was far distant; and that treaties were not to provide for contingencies so remote and future. For his part he considered the rapid settlement of that Country as injurious to the States, and that they would find it necessary to check it. Many fruitless Arguments passed between us; and tho' he would admit that the only way to make treaties and friendship permanent, was for neither party to leave the other any thing to complain of; yet he would still insist, that the Mississippi must be shut against us. The truth is, that Courts never admit the force of any reasoning of Arguments but such as apply in their favor; and it is equally true, that even if our right to that Navigation, or to any thing else, was expressly declared in Holy Writ, we should be able to provide for the enjoyment of it no otherwise than by being in capacity to repel force by force.

Circumstanced as we are, I think it would be expedient to agree that the treaty should be limited to twenty five or thirty years, and that one of the Articles should stipulate that the United States would forbear to use the Navigation of that River below their territories to the Ocean. Thus the duration of the treaty and of the forbearance in question would be limited to the same period.

Whether Mr. Gardoqui would be content with such an Article, I cannot determine, my instructions restraining me from even sounding him respecting it. I nevertheless think the experiment worth trying for several reasons:

1. Because unless that matter can in some way or other be settled, the treaty, however advantageous, will not be concluded.

2. As that Navigation is not *at present* important, nor will probably become much so in less than twenty five or thirty years, a forbearance to use it while we do not *want it*, is no great sacrifice.

3. Spain now excludes us from that Navigation, and with a strong hand holds it against us. She will not yield it peaceably, and therefore we can only acquire it by *War*. Now as we are not prepared for a War with any power; as many of the States would be little inclined to a War with Spain for that object at this day; and as such a War would for those and a variety of obvious reasons be inexpedient, it follows, that Spain will, for along space of time yet to come, exclude us from that Navigation. Why therefore should we not (for a valuable Consideration too) consent to forbear to use what we know is not in our power to use.

4. If Spain and the United States should part on this point, what are the latter to do? Will it after that be consistent with their dignity to permit Spain forcibly to exclude them from a right, which, at the expense of a beneficial treaty, they have asserted? They will find themselves obliged either to do this, and be humiliated, or they must attack Spain. Are they ripe and prepared for this? I wish I could say they are.

It is possible that such an Article, if agreed to, might lessen one of the arguments urged to enhance the value of Western lands; but would not the Spaniards continuing by force to exclude us from the navigation soon have the same effect? In either case that Argument must lose some of its force; but in the one case America would also lose some of its dignity. It can be no question therefore which of the two cases would be least desirable.

If such a compromise should be attempted, and not succeed, we shall lose nothing by it; for they who take a lease admit the right to the Lessor.

I have some hope that it would succeed, for I suspect Spain would agree, that as we are tempted to this forbearance now by other Articles in the Treaty, the like temptations will again induce us to prolong it; besides, I much doubt whether the Minister extends his views far beyond the limits of his own life or Administration; if he can render that easy and satisfactory, he may perhaps, without reluctance, leave future disputes to be settled by future Ministers. It is hard to say whether this will or will not be the case. I am for trying the experiment, because it can, in my opinion, do us no injury, and may produce much good.

With respect to territorial limits, it is clear to me that Spain can justly claim nothing East of the Mississippi but what may be comprehended within the bounds of the Floridas. How far those bounds extend, or ought to extend, may prove a question of more difficulty to negotiate than to decide. Pains I think should be taken to conciliate and settle all such matters amicably; and it would be better even to yield a few Acres, than to part in ill humour.

If their demands, when ascertained, should prove too extravagant, and too pertinaciously adhered to, one mode of avoiding a rupture will still be left, viz. referring that dispute to impartial Commissioners. I do not mean by this, that any third sovereign should be called in to mediate or arbitrate about the matter. They make troublesome Arbitrators, and not always the

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most impartial. I mean private men for Commissioners; and to me there appears little difficulty in finding proper ones; for not being prepared for War, I think it much our interest to avoid placing ourselves in such a situation, as that our forbearing hostilities may expose us to indignities.

It is much to be wished that all these matters has lain dormant for years yet come; but such wishes are vain; these disputes are agitating; they press themselves upon us, and must terminate in accommodation, or War, or disgrace. The last is the worst that can happen; the second we are unprepared for; and therefore our attention and endeavours should be bent to the first.

Permit me, sir, to make one or two observations more. If the system of Spain respecting us really is what I suppose it to be, then it follows that this is the best season for making a treaty with her that can be expected.

The late War has left her new commercial engagements to make, particularly with Britain, whose attention to Commerce leaves us no room to suppose her indifferent to that with Spain. She is now able and willing to grant us favors; other treaties and other dispositions and views may render her in future both unable and unwilling to do the like.

At a time when other Nations are shewing us no extraordinary marks of respect, the Court of Spain is even courting our friendship by strong marks not merely of polite and friendly attention, but by offering us favors not common for her to hold out or bestow; for I consider the terms she proposes as far more advantageous than any to be found in her Commercial treaties with other Nations.

If after all her endeavours to take us by the hand, we should hold it back, every disposition and passion opposite to kind and friendly ones will undoubtedly influence her future conduct. Disappointed in her views, and mortified by repulse, and that in the sight of Europe, we may easily judge what her feelings would be, nor is it difficult to forsee that those feelings stimulated by the jealousies and apprehensions beforementioned, will naturally precipitate and keep her in a system of politicks, from which the United States cannot expect derive advantage.

The Mississippi would continue shut; France would tell us our claim to it was ill founded; the Spanish posts on its banks, and even those out of Florida in our Country would be strengthened, and that Nation would there bid us definance, with impunity, at least until the American Nation shall become more really and truly a Nation than it at present is. For, unblessed with an efficient government, destitute of funds, and without public Credit, either at home or abroad, we should be obliged to wait in patience for better days, or plunge into an unpopular and dangerous War with very little prospect of terminating it by a peace, either advantageous or glorious.

Supposing the Spanish business out of question, yet the situation of the United States appears to me to be seriously delicate, and to call for great circumspection both at home and abroad, nor, in my opinion, will this cease to be the case, until a vigorous National government be formed, and public Credit and confidence established.

These, Sir, are my sentiments in these important subjects; and whether they accord with, or vary from, those which may prevail, yet I shall always remember that I am to be governed by the instructions, and that it is my duty faithfully to execute the orders of Congress.

August 4, 1786 –

1) Congress took up the Ordinance for Indians affairs, for a third reading, when a motion was made by Mr. [William] Houstoun, seconded by Mr. [William] Few, to postpone so much of the Ordinance as relates to the Southern Indians: And on the question to postpone, the yeas and nays being required by Mr. [William] Houstoun, so the question was lost.

August 7, 1786 –

1) Congress resumed the consideration of the Ordinance on Indian affairs, and a motion being made by Mr. [Edward] Carrington, seconded by Mr. [William] Few, to amend the said Ordinance by adding,

"And be it further Ordained, that in all cases where transactions with any nation or tribe of Indians, shall become necessary to the purposes of this Ordinance, which cannot be done without interfering with the legislative rights of a state, the Superintendant in whose district the same shall happen, shall act in conjunction with the Authority of such State."

On the question to agree to this amendment, the yeas and nays being required by Mr. [William] Few, so it was resolved in the affirmative.

The Ordinance being amended, and read a third time; on the question, shall this Ordinance pass? The yeas and nays being required by Mr. [Charles] Pinckney, so it passes as follows:

AN ORDINANCE FOR THE REGULATION OF INDIAN AFFAIRS

Whereas the safety and tranquility of the frontiers of the United States, do in some measure, depend on the maintaining a good correspondence between their citizens and the several nations of Indians in Amity with them: And whereas the United States in Congress assembled, under the 9th of the Articles of Confederation and perpetual Union, have the sole and exclusive right and power of regulating the trade, and managing all affairs with the Indians not members of any of the states; provided that the legislative right of any state within its own limits be not infringed or violated.

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Be it ordained, by the United States in Congress assembled, That from and after the passing of this Ordinance, the Indians department be divided into two districts, viz. The *Southern*, which shall comprehend within its limits, all the Nations in the territory of the United States, who reside southward of the river Ohio; and the *Northern*, which shall comprehend all the other Indians Nations within the said territory, and westward of Hudson river: Provided that all councils, treaties, communications and official transactions, between the Superintendant hereafter mentioned for the northern district, and the Indian Nations, be held, transacted and done, at the Outpost occupied by the troops of the United States, in the said district. That a Superintendant be appointed for each of the said districts, who shall continue in office for two Years, unless sooner removed by Congress, and shall reside within or as near the district for which he shall be so appointed, as may be convenient for the management of its concerns. The said superintendants shall attend to the execution of such regulations, as Congress shall, from time to time, establish respecting Indian Affairs. The superintendant for the northern district, shall have authority to appoint two deputies, to reside in such places as shall best facilitate the regulations of the Indian trade, and to remove them for misbehavior. There shall be communications of all matters relative to the business of the Indian department, kept up between the said superintendants, who shall regularly correspond with the Secretary at War, through whom all communications respecting the Indian department, shall be made to Congress; and the superintendants are hereby directed to obey all instructions, which they shall, from time to time, receive from the Secretary at War. And whenever they shall have reason to suspect any tribe or tribes of Indians, of hostile intentions, they shall communicate the same to the executive of the Stare or States, whose territories are subject to the effect of such hostilities. All stores, provisions or other property, which Congress may think necessary for presents to the Indians, shall be in the custody and under the care of the said superintendants, who shall render an annual account of the expenditures of the same, to the board of treasury.

And it be further ordained, That none but citizens of the United States, shall be suffered to reside among the Indian nations, or be allowed to trade with any nation of Indians, within the territory of the United States. That no person, citizen or other, under the penalty of five hundred dollars, shall reside among or trade with any Indian or Indian nation, within the territory of the United States, without a license for that purpose first obtained from the Superintendant of the district, or one of the deputies, who are hereby directed to give such license to every person, who shall produce from the supreme executive of any state, a certificate under the seal of the state, that he is of good character and suitably qualified, and provided for the employment, for which license he shall pay the sum of fifty dollars, to the said superintendant for the use of the United States. That no license to trade with the Indians shall be in force for a longer term than one year; nor shall permits or passports be granted to any other persons than citizens of the United States to travel through the Indian nations, without

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their having previously made their business known to the superintendant of the district, and received his special approbation. That previous to any person or persons obtaining a license to trade as aforesaid, he or they shall give bond in three thousand dollars to the spuerintendant of the district, for the use of the United States, for his of their strict adherence to, and observance of such rules and regulations as Congress may, from time to time, establish for the government of the Indian trade. All sums to be received by the said Superintendants, either for licenses or fines, shall be annually accounted for by them with the board of treasury.

And be it further ordained, That the said superintendants, and the deputies, shall no be engaged, either directly or indirectly, in trade with the Indians, on pain of forfeiting their Offices, and each of the superintendants shall take the following oath, previous to his entering on the duties of his appointment: "I, A.B. do swear, that I will well and faithfully serve the United States in the office of superintendant of Indian affairs, for the ___ district: That I will carefully attend to all such orders and instructions as I shall, from time to time, receive from the United States in Congress assembled, or the Secretary at War: That I will not be concerned, either directly or indirectly, in trade with the Indians, and that in all things belonging to my said office, during my continuance therein, I will faithfully, justly and truly, according to the best of my skill and Judgment, do equal and impartial Justice, without fraud, favor or affection." And the superintendant for the northern district, shall administer to his deputies, the following oath, before they proceed on the duties of their office: "I, A.B. do swear, that I will well and faithfully serve the United States in the office of deputy superintendant of Indian Affairs in the northern district, that I will carefully attend to all such orders and instructions as I shall, from time to time, receive from the United States in Congress assembled, or the Superintendant pf the district aforesaid, and that in all things belonging to my said office, during my continuance therein, I will faithfully, justly and truly, according to the best of my skill and Judgment, do equal and impartial Justice, without fraud, favor or affection." And the aid Superintendants and deputy superintendants, shall each of them give bond with surety to the board of treasury, in trust for the United States; the superintendants each in the sum of six thousand dollars, and the deputy superintendants each in the sum of three thousand dollars, for the faithful discharge of the duties of their office.

And be it further ordained, that all fines and forfeitures which may be incurred by contravening this ordinance, shall be used for and recovered before any court of record within the United States,, the one moiety thereof to the use of him or them who may prosecute therefor, and the other moiety to the use of the United States. And the said Superintendants shall have power, and hereby are authorized, by force to restrain therefrom, all persons who shall attempt an intercourse with the said Indians without a license thereof, obtained as aforesaid.

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And be it further ordained, That in all cases where transactions with any nation or tribe of Indians shall become necessary to the purposes of this ordinance, which cannot be done without interfering with the legislative rights of s State, the Superintendant in whose district the same shall happen, shall act in conjunction with the authority of such State.

Done by the United States in Congress assembled, this 7 day of August, A.D. 1786, &c.

2) The Grand Committee consisting of Mr. [William Samuel] Johnson, Mr. [Nathan] Dane, Mr. [James] Manning, Mr. [John Cleves] Symmes, Mr. [Charles] Pettit, Mr. [William] Henry, Mr. [Henry] Lee, Mr. [Timothy] Bloodworth, Mr. [Charles] Pinckney and Mr. [William] Houstoun appointed to report such amendments to the confederation, and such resolutions as it may be necessary to recommend to the several states for the purpose of obtaining from them such powers as will render the federal government adequate to the ends for which it was instituted.

Beg leave to submit the following Report to the consideration of Congress:

Resolved, That it be recommend to the Legislatures of the several States to adopt the following Articles as Articles of Confederation, and to authorize their Delegates to sign and ratify the same severally as they shall be adopted, to wit:

ART. 14. The United States in Congress Assembled shall have the sole and exclusive power of regulating the trade of the States as well with foreign Nations as with each other and of laying such prohibitions and such Imposts and duties upon imports and exports as may be Necessary for the purpose; provided the Citizens of the States shall in no instance by subjected to pay higher duties and Imposts that those imposed on the subjects of foreign powers, provided also, that all such duties as may be imposed shall be collected under such regulations as the united States in Congress Assembled shall establish consistent with the Constitutions of the States Respectively and to accrue to the use of the State in which the same shall be payable; provided also, that the Legislative power of the several States shall not be restrained from laying embargoes in time of Scarcity and provided lastly that every Act of Congress for the above purpose shall have the assent of Nine States in Congress Assembled, and in that proportion when there shall be more than thirteen in the Union.

ART. 15. That the respective States may be induced to perform the several duties mutually and solemnly agreed to be performed by their federal Compact, and to prevent unreasonable delays in any State in furnishing her just proportion of the common Charges of the Union when called upon, and those essential evils which have heretofore often arisen to the Confederacy from such delays, it is agreed that whenever a requisition shall be made by Congress upon the several States on the principles of the Confederation for their quotas of the common charges or land forces of the Union Congress shall fix the proper periods when the States shall pass Legislative Acts complying therewith and give full and compleat effect to the same and if any

State shall neglect, seasonably to pass such Acts such State shall be charged with an additional sum to her quota call for from time to time she may be required to pay or furnish the same, which additional sum or charge shall be at the rate of ten per Cent per annum on her said Quota, and if the requisition shall be for Land forces, and any State shall neglect to furnish her quota in time the average expence of such quota shall be ascertained by Congress, and such State shall be charged therewith, or with the average expence of what she may be deficient and in addition thereto from the time her forces were required to be ready to act in the field with a farther sum which sum shall be at the rate of twelve per Cent per Annum on the amount of such expences.

ART. 16. And that the resources of any State which may be negligent in furnishing her just proportion of the Common expence of the Union may in a reasonable time be applied, it is further agreed that if any State shall so Neglect as aforesaid to pass laws in compliance with the said Requisition and to adopt measures to give the same full effect for the space of Ten months, and it shall then or afterwards be found that a Majority of the States have passed such laws and adopted such measures the United States in Congress Assembled shall have full power and authority to levy, assess, and collect all sums and duties with which any such state so neglecting to comply with the requisition may stand charged on the same by the Laws and Rules by which the last State tax next proceeding such requisition in such State was levied, assessed and Collected, to apportion the sum so required on the Towns or Counties in such State to order the sums so apportioned to be assessed by the assessors of such last State tax and the said assessments to be committed to the Collector of the same last State tax to collect and make returns of such assessments and Commitments to the Treasurer of the United States who by himself or his deputy, when directed by Congress shall have power to recover the monies of such Collectors for the use of the United States in the same manner and under the same penalties as State taxes are recovered and collected by the Treasurers of the respective States and the several Towns or Counties respectively shall be responsible for the conduct of said Assessors and Collectors and in case there shall be any vacancy in any of the said Offices of Assessors or Collectors by death, removal, refusal to serve, resignation or otherwise, then other fit persons shall be chosen to fill such Vacancies in the usual manner in such Town of County within Twenty days after Notice of the assessment, and in case in Towns or Counties, any assessor Collectors or Sheriffs shall neglect or refuse to do their duty Congress shall have the same rights and powers to compel them that the State may have in assessing and collecting State Taxes.

And if any state by any Legislative Act shall prevent or delay the due Collection of said sums as aforesaid, Congress shall have full power and authority to appoint assessors and Collectors thereof and Sheriffs to enforce the Collections under the warrants of distress issued by the Treasurer of the United States, and if any further opposition shall be made to such Collections

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by the State of the Citizens thereof, and their conduct not disapproved of by the State, such conduct on the part of the State shall be considered as an open Violation of the federal compact.

ART. 17. And any State which from time to time shall be found in her payments on any Requisition in advance on an average of the payments made by the State shall be allowed an interest of ___ per Cent per annum on her said advanced sums or expences and the State which from time to time shall be found in arrear on the principles aforesaid shall be charged with an Interest of ___ per Cent per annum on the sums in which she may be so in arrear.

ART. 18. In case it shall hereafter be Necessary by Congress to establish any new Systems of Revenue and to make any new regulations in the finances of the U.S. for a limited term not exceeding fifteen years in their operation for supplying the common Treasury with monies for defraying all charges of war, and all their expences that shall be incurred for the common defence or general welfare, and such new Systems or regulations shall be agreed to and adopted by the United States in Congress Assembled and after wards be confirmed by the Legislatures of eleven States and in that proportion when there shall be more than thirteen States in the Union, the same shall become binding on all the States, as fully as if the Legislatures of all the States should confirm the same.

ART. 19. The United States in Congress Assembled shall have the sole and exclusive power of declaring what offences against the United States shall be deemed treason, and what Offences against the same Mis-prison of treason, and what Offences shall be deemed piracy or felon on the high Seas and to annex suitable punishments to all the Offences aforesaid respectively, and power to institute a federal Judicial Court for trying and punishing all officers appointed by Congress for all crimes, offences, and misbehavior in their Offices and to which Court an Appeal shall be allowed from the Judicial Courts of the several States in all Cases wherein questions shall arise on the meaning and construction of Treaties entered into by the United States with any foreign power, or on the Law of Nations, or wherein any question shall arise respecting any regulations that may hereafter be made by Congress relative to trade and Commerce, or the Collection of federal Revenues pursuant to powers that shall be vested in that body wherein questions of importance may arise and the United States shall be a party – provided that the trial of the fact by Jury shall ever be held sacred, and also the benefits of the writs of *Habeas Corpus*; provided also that no number of Congress or officer holding any other under the United States shall be a Judge of said Court, and the said Court shall consist of Seven Judges, to be appointed from the different parts of the Union to wit, one from New Hampshire, Rhode Island, and Connecticut, one from Massachusetts, one from New York and New Jersey, one from Pennsylvania, one from Delaware and Maryland, one from Virginia, and one from North Carolina, South Carolina and Georgia, and four of whom shall be a quorum to do business.

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ART. 20. The due attention may be given to the affairs of the Union early in the federal year, and the sessions of Congress made as short as conveniently may be each State elect her Delegates annually below the first of July and make it their duty to give an Answer before the first of September in every year, whether they accept their appointments or not, and make effectual provision for filling the places of those who may decline, before the first of October yearly, and to transmit to Congress by the tenth of the same month, the names of the Delegates who shall be appointed and accept their appointments, and it shall be the indispensable duty of Delegates to make a representation of the State in Congress on the first Monday in November annually, and if any Delegate or Delegates, when required by Congress to attend so far as may be Necessary to keep up a Representation of each State in Congress, or having taken his or their Seat, shall with-draw without leave of Congress, unless recalled by their State, he or they shall be proceeded against as Congress shall direct, provided no punishment shall be further extended than qualifications any longer to be members of Congress, or to hold any Office of trust or profit under the United States or any individual State, and the several States shall adopt regulations effectual to the attainment of the ends of this Article.

3) The Board of Treasury to whom was Referred the Petitions of William W. Morris and John Hayden relative to sundry Certificates, alledged to have been lost or destroyed, Beg leave to Report:

That in consequence of the various Applications which have been from time to time been made to Congress for the Renewal of the Securities of the United States made payable to Bearer, they have turned their attention to the General Question how far it is proper to direct the Renewal of such Securities.

They do not find on enquiry, that it is consistent with the practice of any Government or Public Establishment, who issue Certificates of Debts payable to Bearer, to renew the same in case of total loss, or destruction of the Paper so issued.

That this uniform practice, it must be presumed has arisen from the impracticability of Guarding against the numerous impositions which would inevitably ensue from a contrary line of conduct.

That although Congress by their Resolves of the 10th May, 1780, relative to the Renewal of Loan Office Certificates claimed to be renewed: Yet it is to be observed, that the Obligation on the part of the Public to pay the Principal and Interest of the Original Certificates (if ever produced) is certain: whilst the chance of Recovery may depend on the Issue of a Process at Law, and the ultimate sufficiency of the Parties or their legal Representatives, who have entered into the Bonds of Indemnification.

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That the exclusive of these Objections the precaution above-mentioned is not, in the Opinion of this Board a sufficient reason for deviating in this respect from a rule of conduct which has been so long and generally Established and acquiesced in.

In all Commercial Countries, Notes payable to Bearer, have been considered in the nature of Money: because they enter into the general Mass of Circulation. The possession of the Note is the only Evidence of Right; and when that is interrupted, the Right of the former possessor ceases. It is true that instances are not wanting where public, and private Notes, payable to Bearer, have been renewal where fragments of the Original have been produced sufficient to prove the Title to Payment. But we think we may with safety declare, that on the Alligation of total loss or destruction (without such material fragments of the Original being produced) no precedent of Renewal of such Evidences of a Public Debt existed previous to the Resolves of Congress of the 10th May, 1780.

The Board are sensible that as in the instances submitted to their consideration, so in may other cases, an injury will often arise to Individuals from the loss of Certificates, but it is by General Principles only that Public Bodies can with safety Act, in all matters where a deviation will not only expose the Government to the risqué of loss, but encourage in the Community a disposition to commit fraud; besides, these privates losses will be less frequent, if the custom established in other Countries with respect to Paper payable to Bearer, was adopted in this, and generally promulgated.

It may further not be improper to observe, that the various Evidences of Public Debt payable to Bearer, have not only opened a door to numerous frauds, by facilitating the means of Counterfeiting the same: but have rendered the operation of the payment of the Interest far more expensive and complicated than it, otherwise would be: Whatever therefore has a tendency to induce Individuals to Register the various Public Securities of which they are possest, agreeably to the established forms of the Treasury, ought in the Opinion of this Board to be considered and encouraged. The security of such Certificates in case of loss, when compared with those made payable to Bearer, would probably have no small effect in facilitating this object.

It is with great deference to the Judgement of Congress, who by their Resolve of the 10th May, 1780, have so far as it respects Loan Office Certificates, adopted a different mode of practice, that these opinions are Submitted. If they are well founded, it follows, that no distinction can with propriety be made betwixt the renewal of Loan Office Certificates, and that of other Notes, which are made payable to Bearer. From these considerations, they beg leave to submit the following Resolves:

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Resolved, That no Certificate issued under the Authority of the United States, and made payable to Bearer be hereafter Renewable, unless material Fragments of the same be produced descriptive of the Original Certificate: and that in all cases where the Claim to Renewal is admitted, a Certificate signed by the Register of the Treasury be issued in liew of the Original.

Resolved, That Certificates transferable only at the treasury of the United States, may in case of Loss or Destruction be renewed under such Limitations and Restrictions as the Commissioners of the Treasury of the United States may judge proper to Establish.

Resolved, That the Resolutions of Congress of the 10th May and July 18, 1780, relative to the Renewal of Loan Office Certificates be and they are hereby Repealed.

4) The Committee consisting &c. [of Mr. William Grayson, Mr. Rufus King and Mr. William Few, on forming a new *Contract* for carrying of the mail] report:

That the postmaster general be instructed under the direction of the board of treasury to enter into contracts with good and sufficient security for the conveyance of the different mails by the stage carriages from Portsmouth in N. Hampshire to the town of Savanah in the State of Georgia.

That the said Post Master General do make arrangements for yearly transportation of the Mail to and from the following places, at such stated periods as he shall judge necessary.

From Portsmouth in N. Hampshire to Pownalborough in the State of Massachusetts by the rout of Wells and Portland.

From Boston in the said State of Massachusetts to the town of Concord in N. Hampshire, and from thence through Exeter to Portsmouth from Springfield in the State of Massachusetts to Albany in the State of N. York.

From the City of N. York to the City of Albany in the State of N. York and from N. York to Danbury in the State of Connecticut and from thence to Hartford in said State by the most convenient rout.

From the town of Baltimore to the city of Annapolis in the State of Maryland and from the City of Philadelphia to the Town of Vienna in the State of Maryland.

From the town of Alexandria in the State of Virginia to the town of Pittsburgh in the State of Pennsylvania by the rout of Leesbuurgh and Winchester, Fort Cumberland, and Bedford.

From Philadelphia to Bedford.

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From the town of Wilmington to Fayetteville in the State of N. Carolina by the rout of Elizabeth Town.

From Fayetteville in North Carolina to Cambden in South Carolina and from thence to Charles Town in the same State and from Cambden by the rout of Columbia to Augusta in Georgia.

That the contracts commence on the first day of January and remain in force for twelve months thence next ensuing.

August 8, 1786 –

1) On a report of the Board Treasury,

Resolved, That the standard of the United States of America, for Gold and Silver, shall be eleven parts fine and one part alloy.

That the money Unit of the United States, being the resolve of Congress of the 6th July, 1785, a dollar shall contain of fine silver, three hundred and seventy-five grains and sixty-four hundredths of a grain.

That the Money of Account, to correspond with the division of coins, agreeably to the above resolve, proceed in a decimal ration, agreeably to the forms and manner following, viz.

Mills: The lowest money of accompt, of which one thousand shall be equal to the federal dollars, or money unit	0.001
Cents: The highest copper piece, of which one hundred shall be equal to the dollar	0.010
Dimes: The lowest silver coins, ten of which shall be equal to the dollar	0.100
Dollar: The highest silver coin	1.000

That betwixt the dollar and the lowest copper coin, as fixed by the resolve of Congress of the 6 July, 1785, there shall be three silver coins, and one copper coin.

That the silver coins shall be as follows: One coin containing one hundred and eighty-seven grains and eighty-two hundredths of a grain of fine silver, to be called *A half dollar*: One coin containing seventy-five grains and one hundred and twenty-eight thousandths of a grain of fine silver, to be called, *A double dime*: And one coin containing thirty-seven grains and five hundred and sixty thousandths of a grain of fine silver, to be called *A dime*.

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That the two copper coins shall be as follows: One equal to the one hundredth part of the federal dollar, to be called *a cent*: and one equal to the two-hundredth part of the federal dollar to be called *A Half cent*.

That two pounds and a quarter avoirdupois weight of copper, shall constitute one hundred cents.

That there shall be two gold coins: One containing two hundred and forty-six grains and two hundred and sixty-eight thousandths of a grain of fine gold, equal to ten dollars, to be stamped with the impression of the American Eagle, and to be called *An Eagle*: One containing one hundred and twenty-three grains and one hundred and thirty-four thousandths of a grain of fine gold, equal to five dollars, to be stamped in like manner, and to be called *A half Eagle*.

That the mint price of a pound troy weight of uncoined silver, eleven parts fine and one part alloy, shall be nine dollars, nine dimes and two cents.

That the mint price of a pound troy weight of uncoined gold, eleven parts fine and one part alloy, shall be two hundred and nine dollars, seven dimes and seven cents.

Ordered, That the board of a treasury report a draft of an Ordinance for the establishment of a mint.

August 9, 1786 –

1) On motion of Mr. [Charles] Pinckney, seconded by Mr. [Henry] Lee,

Whereas the states of Massachusetts, Connecticut, New York and Virginia, have, in consequence of the recommendation of Congress of the sixth day of September, 1780, made cessions of their claims to western territory, to the United States in Congress assembled, for the use of the United States,

Resolved, That the said subject be again presented to the view of the States of North Carolina, South Carolina and Georgia, who have not complied with so reasonable a proposition; and that they be once more solicited to consider with candor and liberality the expectations of their sister States, and the earnest and repeated applications made to them by Congress on this subject.

2) The Committee appointed under the resolution of 27 of July last submit the following report in part:

Resolv'd, * * *

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That a Committee be appointed to confer with the said Legislature as soon as it shall be conven'd. to state to them the exhausted and embarrassed state of the publick finances and in consequence thereof the eminent disadvantages which must result to the Union from her failure to comply with the said recommendation.

August 10, 1786 –

1) On Motion of Mr. [William] Grayson, seconded by Mr. [Timothy] Bloodworth, the Secretary of Congress, transmitted to Mr. Jay the following Order:

"That the Secretary for foreign Affairs without delay state to Congress any information he may have received respecting the sentiments of the court of France touching our right of Navigating the Mississippi. Also that he state to Congress the territorial claims of Spain on the east side of the Mississippi."

OFFICE FOR FOREIGN AFFAIRS,

10th August, 1786.

SIR: I have this moment received an Order of Congress in the following words, Viz –

"That the Secretary for foreign Affairs without delay state to Congress any information he may have received respecting the sentiments of the court of France touching our right of Navigating the Mississippi. Also that he state to Congress the territorial claims of Spain on the east side of the Mississippi."

Permit me sir, to observe that it is impossible to execute this Order instantly, because the Sentiments of the Court of France touching our Right to navigate the Mississippi are to be collected from Paragraphs and Documents so mixed with the Mass of Papers in this Office as to require time to select and Copy.

The Evidence we have of the territorial Claims of Spain on the east Side of the Mississippi is in the same Predicament, and some Time will be necessary to extract and arrange it.

It would be rash in me to attempt this Statement from Memory, especially as Omissions and Mistakes however accidental and unintentional might be give Occasion to unpleasant Doubts and Conjectures.

I shall immediately lay aside other Business, and diligently apply myself to preparing this Statement, here shall be on my part no avoidable Delay, and the Moment it is finished it shall be transmitted to your Excellency.

I have the honor to be, etc.

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His Excellency,

The President of Congress.

2) [Motion of Delegates of Massachusetts]

Resolved, That so much of the Resolution of Congress of the 25 day of Aug., 1785, being an instruction to the Secretary of the U.S. for the department of Foreign Affairs, as are contained in the following words, namely, ["And that the following be substituted in its place, that the Sec. to the U.S. for the department of foreign affairs be and hereby is instructed in his plan of a treaty with the Encargado de Negocios of his catholic Majesty particularly to stipulate the right of the U.S. to their territorial Bounds and the free navigation of the Mississippi, from the Source to the Ocean established in their treaties with Great Britain; and that he neither conclude or sign any Treaty, compact or convention with the said Encargado de Negicios until he hath previously communicated it to Congress and received their approbation"] be and the same is hereby repealed, and made void * * *

August 11, 1786 –

1) The Order of the day being postponed, Congress took into Consideration the report of a committee, consisting of Mr. [James] Monroe, Mr. [Charles] Pinckney, Mr. [Samuel] Livermore, Mr. [Charles] Pettit and Mr. [Theodore] Sedgwick, and the first paragraph being amended to read:

That an Application be made immediately to the legislature of Pennsylvania by a committee to attend and confer with the said legislature, to explain to them more fully the embarrassed state of the public finances, and to recommend it to the said state to repeal the clause in her Act granting the impost, which suspends its operation until all the states shall have granted the supplementary funds, so as to enable, on her part, the United States to carry the said system into effect as soon as possible.

A motion was made by Mr. [Henry] Lee, seconded by Mr. [Melancton] Smith, that the further consideration thereof be postponed: And on the question to postpone, the yeas and nays being required by Mr. [Melanction] Smith, so it passed in the negative.

On the question to agree to the paragraph; the yeas and nays being required by Mr. [Charles] Pettit,

So it was *Resolved*, That an application be made immediately to the legislature of Pennsylvania, by a committee to attend and confer with the said legislature, to explain to them more fully the

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embarrassed state of the public finances, and to recommend it to the said state to repeal the clause in her act granting the impost, which suspends its operation until all the states shall have granted the supplementary funds, so as to enable, on her part, the United State in Congress assembled, to carry the said system into effect as soon as possible.

Congress proceeded in the further consideration of the report: and thereupon,

Resolved, That it be earnestly recommended to the Executive of the State of New York, immediately to convene the legislature of the said state, to take into consideration the recommendation of the 18 of April, 1783, for the purpose of granting the System of impost to the United States, in such conformity with the Acts and grants of the other states, as, on her part, to enable the United States in Congress assembled, to carry the same into immediate effect.

On the question to agree to the above resolution, the yeas and nays having been required by Mr. [John] Haring, so it was resolved in the affirmative.

August 14, 1786 –

1) A motion was made by Mr. [William] Houstoun, seconded by Mr. [Edward] Carrington, to consider the resolution of the 11th "That an application be made immediately to the legislature of Pennsylvania, by a committee to attend and confer with the said Legislature:" And on the question to reconsider, the yeas and nays being required by Mr. [William] Houstoun, so it passed in the negative.

Resolved, That the committee to attend and confer with the legislature of Pennsylvania, consist of two members.

Mr. [Rufus] King and Mr. [James] Monroe were appointed.

2) A motion was made by Mr. [Melancton] Smith, seconded by Mr. [William] Houstoun,

That a committee be appointed to repair to the legislatures of Connecticut, New Jersey and North Carolina, who have not passed Acts in compliance with the requisition of Congress of the 27 September, 1785," to explain to them more fully the embarrassed state of the public finances, to urge upon them the necessity of a full and immediate compliance with the said requisition, and that a committee be appointed, to prepare an Address to the states of New Hampshire and Maryland, who have passed Acts complying with the said requisition only in part, enforcing the necessity of a full and immediate compliance therewith."

On this the previous question was moved by the State of Massachusetts, seconded by the State of North Carolina: And on the question to agree to the previous question, the yeas and nays

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being required by Mr. [Melancton] Smith, so it was resolved in the affirmative, and the main question was set aside.

3) [Motion of Mr. Pinckney]

Whereas the U.S. in Congress assembled on the 18th April, 1783, recommended to the several states as indispensably necessary to the restoration of public credit and to the honourable and punctual discharge of the public debts to invest the U.S. in Congress assembled with a power to levy for the use of the U.S. certain duties upon goods imported into the said states from any foreign port island or plantation; and farther recommended to the said states to establish for a term limited to twenty-five years and to appropriate to the discharge of the principal and interest of the debts contracted on the faith of the U.S. for supporting the war substantial and effectual revenues of such nature for supplying their respective proportions of 1,500,000 dollars annually, exclusive of the above duties, which proportion shall be fixed and equalized from time to time, according to the rule which is or may be prescribed by the articles of confederation; and in case the revenues established by a state shall be refunded to it; and in case the revenues of any state shall be found to be deficient, the immediate deficiency guarded against by an enlargement of the revenues established: provided that until the rule of confederation can be carried into practice, the proportions of the said 1,500,000 dollars be as follows:

N.H	52,708	De	22,455
M	223,427	M	141,517
R.I.	32,318	V	256,487
Co	132,091	N.C.	109,006
N.Y.	128,243	S.C.	96,183
Penn	205,189	G	16,050

The said last mentioned revenue to be collected by persons appointed under the authority of the several states and amenable to and removeable only by the U.S. in Congress assembled, but to be carried to the seperate credit of the several states in which they shall be collected.

And Whereas only the states of Massachusetts, Pennsylvania, Delaware, Maryland, and North Carolina have complied with that part of the system which proposes the establishment of funds supplementary to and in aid of the general impost, and it being indispensably necessary to the restoration of public credit and the honourable and punctual discharge of the debts of the U.S.

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that this recommendation should be complied with as soon as may be by all the members of the confederacy.

Resolved, That it be again earnestly recommended to the legislatures of the states of New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Virginia, South Carolina, and Georgia, which have not yet passed acts in compliance with the same completely to adopt it at their sessions next succeeding the date of these resolutions.

August 16, 1786 –

1) The Committee consisting of Mr. [William Samuel] Johnson, Mr. [Charles] Pinckney and Mr. [Charles] Pettit to whom was referred a motion of Mr. Pinckney, Report:

That in examining the several provisions which have been intended by Congress for the security and payment of the domestic debt, they find that such has been the inattention of the several states to the annual requisition of Congress and so few of them have passed acts in conformity with that part of the Revenue system of the 18 April, 1783, which proposes the establishment of funds supplementary to and in aid of the general impost, that no reasonable hope can be indulged provision being made by either of the means above mentioned.

That it appears to your committee expedient some mode should be established for the speedy extinguishment of the said domestic debt and which would tend to equalize its burden by drawing from the several members of the confederacy their full and just proportions of the same.

After the fullest investigation there appears no mode so reasonable or so probable of succeed as that of apportioning upon the several states their quota's of the domestic debt as far as the same is at present liquidated and requiring them to pay the same into the federal treasury at a stated period.

Whereupon the Committee submit to Congress the following resolutions:

Resolved, That the Board of Treasury be and they are hereby directed to report a requisition on the several states for their respective quotas of the domestic debt as far the same is at present liquidated and ascertained.

That the said states be required to pay respective quotas of the said debt into the federal treasury on or before the ___ day of ___ in continental loan office certificates and other certificates of debts due from the United States liquidated and ascertained according to the direction of the United States in Congress assembled, the Loan office certificates bearing date after the last day of february, 1778 to be liquidated by the scale of June, 1780.

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That if any state shall offer in payment Certificates, whereon interest has not been paid up to the 31st December, 1785, such state shall be credited on account of the facility part of the requisitions of 1785 and 1786 for the amount of such interest as may remain due on such certificates to the said 31 december 1785.

That any state which shall have paid its quota of such certificates shall at any time after the Expiration of the said ___ Day of ___ be permitted to pay in any farther sum in certificates of the like kind to be passed to the credit of such state and be allowed in the settlement of the general account of such state with the United States.

That the vacant territory of the U.S. to be sold in the respective state Pursuant to the Ordinance of the 20th May, 1785, may be paid for in the mode therein mentioned or in such certificates of debts due from the state in which the lands are as aforesaid to be sold as such state shall direct, - provided such state shall be paid into the treasury of the U.S. the quota of certificates demanded by the said requisition.

That the state shall respectively have Credit on account of the supplementary funds recommended by the system of 18 April, 1783, or account of such requisition as may hereafter be made for the purpose of paying the interests of the domestic debt, for the amount of the interests which shall from time to time become due from and after 31st December, 1785, on such certificates of liquidated debts as any state shall have paid in, pursuant to the said requisition.

The Committee consisting of Mr. [William Samuel] Johnson, Mr. [Charles] Pinckney and Mr. Pettit to whom was referred a motion of Mr. [Charles} Pinckney, Report in part:

That in pursuance of the above reference they have carefully examined the acts passed by the several states relative to the general system of revenue recommended by Congress on the 18 April, 1783, and find that only the states of Massachusetts, Pennsylvania, Delaware, Maryland, and North Carolina have passed acts in pursuance of that part of the recommendation which proposes the establishment of funds supplementary to, and in aid of the general impost.

That it appears to your committee indispensably necessary to the restoration of public credit – the honourable and punctual discharge of the debts of the United States and the equalizing the said system of revenue, that this part of the recommendation should be speedily and fully complied with by all members of the Confederacy.

Whereupon the committee submit to Congress the following resolution:

Resolved, That is be again earnestly recommended to the legislatures of the states of New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Virginia, South Carolina, and

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Georgia which have not yet complied with that part of the system of general revenue recommended by Congress on the 18 April, 1783, which proposes the establishment of funds supplementary to and in aid of the general impost to pass laws in full conformity with the same at their session next succeeding the date of these resolutions and not further delay the completion of a system so essential to the assertion of the public credit and the honourable and punctual discharge of the debts of the U.S.

August 21, 1786 –

1) GENERAL POST OFFICE,

April 31, 1786.

SIR: I have the honor to inform your Excellency that the Report of the Honourable Committee of the 16th and 17th Ins. "for Transportation of the Mail and Establishment of cross Posts," which was referred to the Postmaster General has been under Consideration, and I now beg leave to report:

That limiting the number of Contracts to *four*, will, probably, not fully answer the end proposed; because the Stages in each District fixed upon for the Extent of a Contract, are not all owned by the same Persons; and consequently there must still be a *joint Contract*, though, of less Extent than the present. This will be the Case between Portsmouth and New York, and between Philadelphia and Petersburg. In each of these Distances the Stages are owned by different Persons, some of whom have exclusive Privileges on particular Parts of the Road, and others have not; and the Experience of this Year has taught that by a Combination among the Proprietors of the Stages the Advantages arising from these Privileges may be transferred to Persons whom they were not originally given, and the Public made to pay for it. There is Reason also, to suppose that a Contract from Portsmouth to New York cannot be formed, as two of the three Proprietors have declared that if ever they contract again, it shall be separately, and independently of every other Person.

That, judging of the Expence of the Cross Posts by what is now paid upon Part of those Routes, and supposing that upon the other Parts it will not be less than the stated Price of Post-riding prior to the Revolution which was two Dollars and two-thirds of a Dollar per mile per Annum, the Cost of the Establishment now proposed will be nearly as follows, viz

[Scribe's notes: See page 530 for costs].

Admitting the above Calculation of Distances and Prices to be accurate, the former will, probably, be found to be nearly so; but the latter, being founded more upon Conjecture, cannot be so much depended upon. Two Dollars and two thirds per Mile was the Price of Post-riding

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upon the *main* Road: travelling Expences must be less, farther back in the Country; but being doubtless, greater now than before the Revolution, it is supposed that what was then paid upon the main Road may be about the Standard for the Cross Roads now.

As no Experiment has been made upon most of the proposed cross Roads, it is difficult if not impracticable to form even a tolerable Conjecture of their probable Productiveness; but as there is annually a considerable Loss upon those already established (except from Philadelphia to Talbot Court House) it seems reasonable to conclude that there will be a much greater upon Roads through Countries less populous, that do not possess equal commercial Advantages.

In considering this Subject an Idea occurred to me, which I beg leave to suggest: it is, that the Post Master general be authorized to contract for the Establishment of the Cross Posts now proposed (and as many others as he shall from time to time think proper) with any suitable Persons who will undertake the Business at their own Expence, and give sufficient Security for the Performance of the Contract; and to give such Persons an exclusive Privilege of posting upon such Roads for a Term of Years. It is highly probable that, upon this Plan many more establishments, than are now in Contemplation, may be made, without any Expence to the Union; which, at the Expiration of the Contract, will become Sources of Revenue. Should the Idea be a little extended, and a longer Term of years allowed to such Persons as would establish *Stage Carriages* for the Purpose of transporting the mail upon Cross Roads, perhaps the Public would derive greater Benefit from the Plan. All which is most respectfully submitted.

I have the Honor to be etc.

EBEN. HAZARD.

August 22, 1786 –

1) OFFICE FOR FOREIGN AFFAIRS

August 17, 1786.

The Secretary of the United States for the Department of Foreign Affairs, in obedience to the Order of Congress directing him to state to them without delay the territorial Claims of Spain on the East side of the Mississippi, and the sentiments of France touching our right to navigate that river, Reports,

That the time allotted for this report must necessarily render it concise and summary.

It is well known that Spain claims the two Floridas, and contends that West Florida extends higher up the river Mississippi than is admitted by our Treaty with Britain, but how much higher

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exactly your Secretary is uninformed, and has reason to think that Spain has not yet made up her own mind in that point.

Spain also claims certain posts and places on the Mississippi, of which she divested the English during the war, but how far they mean to stretch their Claims over the adjacent Country, the Negotiations between Mr. Gardoqui and your Secretary have not as yet extended so minutely to that point as to enable him to determine.

On the 26 day of April, 1782, your Secretary, who was then at Madrid, wrote a Letter to the Secretary for foreign Affairs, of which the following is an Extract:

"The Madrid Gazette of the 12th March contained a paragraph of which you ought not to be ignorant; I shall therefore copy it verbatim, and add a translation as literal as I can make it.

(Translation)

"' BY a Letter from the Commandant General of the Army of operations at the Havana and Governour of Louisiana, his Majesty has advices, that a detachment of 65 Militia men, and 60 Ondians of the nations Otagous, Sotu and Putuatami, under the command of Don Eugenio Purre, a Captain of Militia, accompanied by Don Carlos Tayon, a Sub-lieutenant of Militia, by Don Luis Chavalier, a man well versed in the language of the Indians, and by their great Chiefs Eleturno and Naquigen, which marched the 2d January, 1781, from the town of St. Luis of the Illinois, has possessed themselves of the post of St. Joseph, which the English occupied at 220 Leagues distance from that of the abovementioned St. Louis; having suffered in so extensive a march, and so rigorous a season, the greatest inconveniences from Cold and hunger, exposed to continued risks from the Country being possessed by Savage Nations, and having to pass over parts covered with snow, and each one being obliged to carry provision for his own subsistence, and various merchandises which were necessary to content, in case of need, the barbarous nations through whom they were obliged to cross. The Commander, by seasonable negotiations and precautions, prevented a considerable body of Indians, who were at the devotion of the English, from opposing this expedition; for it would otherwise have been difficult to have accomplished the taking of the said post. They made prisoners of the few English they found in it, the others having perhaps retired in consequence of some prior notice. Don Eugenio Purre took possession, in the name of the King, of that place and its dependencies, and of the said river of the Illinois; in consequence whereof the Standard of his Majesty was there displayed during the whole time. He took the English one, and delivered it on his arrival at St. Luis to don Francisco Cruyat the Commandant of the that post.

"' The destruction of the magazine of provisions and goods which the English had there (the greater part of which was divided among our Indians and those who lived at St. Joseph, as had been offered them in case they did not oppose our troops) was not the only advantage

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resulting from the success of this expedition, for thereby it became impossible for the English to execute their plan of attacking the fort of St. Luis of the Illinois, and it also served to intimidate these savage Nations, and oblige them to promise to remain neuter, which they do at present.'"

"When you consider the ostensible object of this expedition, the distance of it, the formalities with which the place, the Country and the river were taken possession of in the name of his Catholic Majesty, I am persuaded it will not be necessary for me to swell this Letter with remarks that would occur to a render of far less penetration than yourself."

This is the only circumstance or transaction which your Secretary recollects to have heard while in Spain, which induced him suppose that his Catholic Majesty wished to acquire any Lands East of the Mississippi, except the Floridas. Neither Count de Florida Blanca, nor Mr. Gardoqui, who was then employed, nor Mr. Del Campo, ever hinted to your Secretary that a Cession of any territory was expected or desired of the United States; all that was then insisted upon was our quitting all claim to the Navigation of the Mississippi below our Territories.

When your Secretary came to Paris, in the year 1782, Count Aranda, the Spanish Ambassador there, appeared to have far other ideas on the subject. Your Secretary's conferences with him being detailed in his Letter of the 17th November, 1782, it does not appear necessary to repeat them here, nor to extract more from that Letter than merely to observe, that the Count did mark a line on a map as, and for, a proper line of boundary between Spain and the United States in that Western Country. That same Map is now in the possession of the Secretary of Congress.

Altho' your Secretary has not yet obtained from Mr. Gardoqui an exact and explicit specification of the Spanish Claims, yet he has good reason to believe that they fall very short of those suggested by Count Aranda.

Your Secretary thinks he should not omit inserting in this report the following Extracts from a correspondence on these Subjects between the Marquis de la Fayette and Count de Florida Blanca, viz

[From the Marquis de la Fayette to the Count de Florida Blanca, dated Madrid, 19, February, 1783.]

SIR: Having had the honor to confer with your Excellency on the objects relative to the United States, and being soon to repair to the American Congress, I wish to be fully impressed with the result of our Conversations. Instead of the indifference, and even of the divisions which another Nation would be glad to foresee, I am happy to have it in my power to inform the United States of your good dispositions. It is to you, Sir, I am indebted for this advantage, and

Produced by Union States Assembly

in order to make it compleat, and to make myself certain that I forget nothing, give me leave to submit to your Excellency the report which I intend to lay before Congress.

His Catholic Majesty desires that lasting Confidence and harmony may subsist between him and the United States; and he is determined on his part to do every thing that will be necessary to keep it up. The American Charge des Affaires is at this moment received as such, and your Excellency is going to treat of the interests of the two Nations. As you wish to shew Mr. Jay every kind of regard, you wait only till the Count de Aranda shall have notified your dispositions to him, to present Mr. Carmichael to his Majesty.

With respect to the limits, his catholic Majesty has adopted those that are determined by the preliminaries of the 30th of November, between the United States and the Court of London. The fear of raising an object of dissention, is the only objection the King has to the free Navigation of the River Mississippi. The Virginia Tobacco, the Naval Stores, may furnish matter for reciprocal Conventions in the Treaty, and by means of the productions of America, arrangements might be made useful to her finances. When I had the honor to speak to you in favour of a diminution of the duties of Codfish, you have answered that it would be necessary to give to France a similar advantage; and that by virtue of former treaties, the English might set up pretensions to the same. But you will do in every respect all that will be in your power to satisfy America.

I would with very great pleasure enter into every detail in which I foresee a connection between Spain and the United States, but I am not to be concerned on this happy work. The Ministers of the United States, and one whom you are going to send thither, are to make it their business; and I content myself with reminding you of the general ideas you have given me. A word from you will satisfy me that I have not forgot any thing. The dispositions of his Catholic Majesty, and the candour of your Excellency, will leave no pretence for misrepresentations. The Alliance of the house of Bourbon with the United States is founded on reciprocal interest; it will still acquire greater strength from the confidence which your Excellency wishes to establish.

Such, Sir, are the conclusions which I have drawn from our conferences, and the account which I intend to give to Congress, without having any mission for that purpose. I am acquainted with the sentiments of Congress; and I am convinced they will set a just value upon your dispositions, In permitting me to acquaint them with what I have seen, you lay a claim to my personal gratitude; I join the assurance of it to that of the respect with which I have the honor to be, &c.

[From the Count e Florida Blanca to the Marquis de la Fayette, dated 22d February, 1783.]

SIR, I cannot comply better with your desire than by asking your leave to give you here my answer. You have perfectly well understood whatever I have had the honor to communicate to

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you with respect to our dispositions toward the United States. I shall only add, that although it in his Majesty's intentions to abide for the present by the limits established by the treaty of the 30th of November, 1782, between the English and Americans, the King intends to inform himself particularly whether it can be in any ways inconvenient or prejudicial to settle that affair amicably with the United States.

I have the honor to be, &c.

On receiving the answer of the Count de Florida Blanca, I desired an explanation respecting the addition that relates to the limits. I was answered, that it was a fixed principle to abide by the limits established by treaty between the English and Americans; that his remark related only to mere unimportant details, which he wished to receive from the Spanish Commandants, which would be amicably regulated, and would by no means oppose the general principle. I asked him before the ambassador of France, whether he would give his word of honor for it; he answered me he *would*, and that I might engage it to the United States.

(Signed) LA FAYETTE

Madrid, 22d February, 1783.

Your Secretary showed these Extracts to Mr. Gardoqui. He wrote to his Minister about them; and has since told your Secretary that the Marquis misunderstood the Count. From these and similar facts and circumstances, your Secretary is led to believe, that, all other matters being first settled, Spain may be prevailed upon to confine these improper claims within a small compass; for as she has not yet delineated them by metes and bounds, she may diminish them without hurting her pride.

As to the Sentiments of France, touching our right to navigate the Mississippi, your Secretary began at an early period to believe, and still thinks, that the Court of France will not admit it.

He well recollects that Mr. Gerard, while at Philadelphia, treated it as being ill founded, and promoted measures for a declaration of it.

He finds among the Communications made by the Chevalier de la Luzerne, one reported by a Committee of Congress, in January, 1780, which in his opinion merits consideration, viz

"The Committee appointed to receive the communications from the Minister plenipotentiary of France, report, that, on their second Conference with him, he communicated to them –

"'That His Most Christian Majesty being uninformed of the appointed of a Minister plenipotentiary to treat of an Alliance between the United States and his Catholic Majesty, signified to his Minister plenipotentiary to these United States, that he wishes most ardently for

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such an Alliance; and in order to make the way thereto more easy, commanded him communicate to Congress certain Articles which his Catholic Majesty deems of great importance to the interests of his Crown, and on which it is highly necessary that these United States explain themselves with precision, and with such moderation as may consist with their essential rights.

"'That the Articles are,

"'1. A precise and invariable Western Boundary to the United States.

"'2. The exclusive Navigation of the river Mississippi.

"'3. The possession of the Floridas.

"'4. The lands on the left or eastern side of the river Mississippi.

"'That on the first Article, it is the idea of the Cabinet of Madrid, that the United States extend to the westward no farther then settlements were permitted by the royal Proclamation bearing date the ___ day of ___ 1763.

"'On the second, that the United States do not consider themselves as having any right to navigate the river Mississippi, no territory belonging to them being situated thereon.

"'On the third, that it is probable the King of Spain will conquer the Floridas during the course of the present war; and in such event cause of dispute relative thereto between Spain and these United States ought to be removed.

"'On the fourth, that the lands lying on the east side of the Mississippi, whereon the settlements were prohibited by the aforesaid Proclamation, are possessions of the Crown of Great Britain, and proper objects against which the Arms of Spain may be employed for the purpose of making a permanent conquest for the Spanish Crown. That such Conquest may probably be made during the present war. That therefore it would be advisable to restrain the Southern States from making any settlements or Conquests in those territories.

"'That the Council of Madrid consider the United States as having no Claims to those territories, either as not having had possession of them before the present war, or not having any foundation for a claim in the right of the Sovereign of Great Britain, whose dominion they have abjured.

"'That his Most Christian Majesty, united to the Catholic King by blood and by the strictest Alliances, and united with these States in treaties of Alliance, and feeling towards them dispositions of the most perfect friendship, is exceedingly desirous of conciliating between his Catholic Majesty and these United States the most happy and lasting friendship. That the

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United States may repose the utmost confidence in his good will to their interests, and in the justice and liberality of his Catholic Majesty; and that he cannot deem the revolution which has set up the Independence of these United States as past all danger of unfavorable events, until his Catholic Majesty and the said States shall be established in those terms of Confidence and Amity, which are the objects of his Most Christian Majesty's very earnest wishes.'"

That in 1782, at Paris, your Secretary received and transmitted to Congress a Memoir of Monsieur de Rayneval, the first Secretary of Count de Vergennes, on the subject of our Western Claims. That Paper was not official. The following is a translation of it:

"IDEA

"On the manner of determining and fixing the limits between Spain and the United States on the Ohio and the Mississippi.

"The question between Spain and the United States of North America is, how to regulate the respective limits towards the Ohio and the Mississippi. The Americans pretend that their dominion extends as far as the Mississippi; and Spain maintains the contrary.

"It is evident that the Americans can only borrow from England the right they pretend to have to extend as far as the Mississippi: therefore, to determine this right, it is proper to examine what the Court of London has thought and done on this head.

"It is known that before the treaty of Paris, France possessed in Louisiana and Canada; and that she considered the savage people situated to the east of the Mississippi either as independent, or as under her protection.

"This pretention caused no dispute. England never thought of making any, except as to the lands situated towards the South of the Ohio, in that part where she had given the name of Allegany to that river.

"A discussion about limits at that time took place between the Court of Versailles and London; but it would be superfluous to follow the particulars. It will suffice to observe, that England proposed, in 1755, the following boundary: It set out from the point where the River des Boeufs falls into the Ohio, at the place called Venango; it went up this river towards Lake Erie as far as 20 leagues; and setting off again from the same place, Venango, a right line was drawn as far as the last mountains of Virginia, which descend towards the Ocean. As to the Savage tribes situated between the aforesaid line and the Mississippi, the English Minister considers them as independent; from whence it follows, that according to the very propositions of the Court of London, almost the whole course of the Ohio belonged to France; and that Countries situated

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to the Westward of the mountains were considered as having nothing in common with the Colonies.

“When peace was negotiated, in 1761, France offered to make a Cession of Canada to England. The regulation of the limits of this Colony and Louisiana was in question. France pretended that almost the whole course of the Ohio made a part a Louisiana; and the Court of London, to prove that this river belonged to Canada, produced several authentic papers, among others the Chart which Mr. Vaudreuil delivered to the English Commandant when he abandoned Canada. The Minister of London maintained, at the same time, that a part of the Savages situated to the eastward of the Mississippi were independent; another part under its protection; and that she had purchased a part from the 5 Iroquois Nations. The misfortunes of France cut these discussions short. The treaty of Paris assigned the Mississippi for the boundary between the possessions of France and Great Britain.

“Let us see the dispositions which the Court of London has made in consequence of the treaty of Paris.

“If she had considered the vast territories situated to the eastward of the Mississippi as forming part of her ancient Colonies, she would have declared so, and have made dispositions accordingly. So far from any such thing, the King of England, in a Proclamation of the month of October, 1763, declares in a precise and positive manner, that the lands in question are situated between the Mississippi and the *ancient english establishments*. It is therefore clearly evident that the Court of London itself, when it was not yet Sovereign of the thirteen colonies, did not consider the aforementioned lands as forming part of these same Colonies; and it results from this in the most demonstrative manner, that they have not at this time any right over these lands. To maintain the contrary, every principle of the laws of Nature and Nations must be subverted.

“The principles now established are as applicable to Spain as to the United States. This power cannot extend its claim beyond the bounds of its conquests; she cannot therefore pass beyond the Nations, situated towards the 31 degree of latitude: her rights are therefore confined to this degree; what is beyond is either independent, or belonging to England; neither Spain nor the Americans can have any pretensions thereto. The future treaty of peace can alone regulate the respective rights.

“The consequence of all that has been said is, that neither Spain nor United States have the least right of Sovereignty over the Savages in question; and that transactions they may carry on as to this Country would be to no purpose.

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"But the future may bring forth new circumstances; and this reflection leads me to suppose that it would be of use that the Court of Madrid and the United States should make an eventual arrangement.

"This arrangement may be made in the following manner: A right line should be drawn from the eastern angle of the gulf of Mexico, which makes the section between the two Floridas, to fort Toulouze, situated in the Country of the Alibaons; from thence the River Loueshatchi should be ascended, from the mouth of which a right line should be drawn to the fort or factory Quenassie; from this last place the course of the river Euphasee is to be followed till it joins the Cherokee; the course of this last river is to be pursued to the place where it received the Pelisippi; this last to be followed to its source; from whence a right line is to be drawn to Cumberland river, whose course is to be followed until it falls into the Ohio. The Savages to the west of the line described should be free, under the protection of Spain; those to the eastward should be free, and under the protection of the United States; or rather the Americans, may make such arrangements with them as is most convenient to themselves. The trade should be free to both parties.

"By looking over the Chart we will find that Spain would lose almost the whole course of the Ohio; and that the establishments which the Americans may have on this river would remain untouched; and that even a very extensive space remains to form new ones.

"As to the course of Navigation of the Mississippi, they follow with the property, and they will belong therefore to the Nation to which the two banks belong. If them by the fortune treaty of peace Spain preserves West Florida, she alone will be proprietor of the course of the Mississippi, from the 31 degree of latitude until [to] the mouth of this river. Whatever may be the case with that part which is beyond this point to the North, the United States of America can have no pretentions to it, not being Masters of either border of this river.

"As to what respects the lands situated to the Northward of the Ohio, there is reason to presume that Spain can form no pretensions thereto. Their fate must be regulated by the Court of London.

Your Secretary also thinks, that the sentiments of the Court of France on the subject in question may be gathered from a Conference between him and their Ambassador's Secretary, who called upon him by the Ambassador's direction, at Madrid, on the 11th day of September, 1780; the particulars of which are contained in his Letter of 6th November. The following is an Extract from it.

"On the 11th September, the French Ambassador's Secretary called upon me by the Ambassador's direction, to inform me that an Express was going to Paris, and to know whether any thing further had been done in our affairs since he had seen me. I told him things

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continued in the same situation. He again commenced a Conversation on the subject; and as he came directly from the Ambassador, I entered into it. He expressed some concern for the delays I met with. I told him such things must be expected. He said he hoped I was content with France. I replied that I apprehended France considered an interference in our Negociation as a delicate matter, for that as she had probably held up the exclusive Navigation of the Mississippi and Gulf of Mexico, among other objects, to induce Spain to take part in the war, she might hesitate about pressing Spain into a treaty with us on terms that would not comprehend this object. He said, Mr. Gerald had reasoned well about those matters, but that he did not believe France would be backward, nor indeed that she had promised this to Spain, to bring her into the war. I told him I should not be surprised to find that the delay arose from a desire of hearing further news from America, and probably from *Philadelphia*. He said that could not be the case, for since Mr. Miralle's death, Spain had no person there to give them intelligence. I told him that Spain might be waiting the issue of new Motions respecting the Mississippi, in Congress; and that I was sure Count de la Luzeren would readily be at the trouble of communicating to them any interesting information on *that*, or any other Subject. Whether he drew any conclusions from the manner in which this was said, I can't say, but, in a way that looked like exculpating that Minister, he told me that Count de la Luzerne had only mentioned to the French Ambassador, that two Members of Congress with whom he had talked over the affair of the Mississippi, thought it would be best not to bring on the question of the Navigation until Spain should become possessed of the adjacent Country, for that *then* it might be ceded with a better grace. He mentioned no names."

These facts and papers, in the opinion of your Secretary, afford much evidence of the sentiments entertained by the Court of France respecting our right to navigate the Mississippi prior to, and at the time of the peace.

Whether they have adopted new opinions in that point, your Secretary cannot decide. He has however no reason to believe that has been the case, for he can perceive no reason why such an alteration in their sentiments should have taken place. On the contrary, it seems from Mr. Jefferson's letter of the 23d May last, that the Minister is not ready to admit all our Claims as ascertained by the treaty of peace to be within their Guarantee. He intimated that all our limits were not fixed; and your Secretary thinks that the Minister could have meant to allude only to our western limits and Claims. Britain disputes no boundaries with us, unless perhaps part of our Eastern; and those disputes had not yet been brought before the French Court; but Spain still adheres to pretentions of which France has been long and well informed, and therefore your Secretary supposes the Minister then has those in view.

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Your Secretary sincerely wishes that the event may not confirm his opinion, and that the Court of France may clearly admit all our Claims, and particularly that to navigate the Mississippi, to be well founded, and to be within the terms, intent and meaning of the Guarantee.

August 23, 1786 –

1) On the report of a committee, consisting of Mr. [William] Henry, Mr. [Rufus] King and Mr. [Lambert] Cadwallader, to whom was referred a report of the board of treasury, relative to the issue of Indents to the State of Pennsylvania,

Resolved, That the acts of Congress of the 27 and 28 of April, 1784, do not authorize any State to pay certificates or discounts of interest, on the domestic debt, to an amount exceeding one quarter part of the sums or balances then due from the several States to complete a moiety of the requisition of the 30 of October, 1781, for eight Millions of dollars.

Resolved, that the board of treasury be, and hereby are authorised and directed to give orders for the continuation of the issue of indents of Interest in the State of Pennsylvania, agreeably to the requisition of the 27 September last; provided that such emission of Indents be not considered as warranting that construction of the requisition of the 27 and 28 of April, 1784, which the State has thought proper to make, and by which construction 86,658 dollars in specie, due to the United States upon that requisition, has not been provided for in the legislative Act of the said State of the 8 of March last.

2) According to order, Congress took into consideration the report of the committee, on the letter of the 16 from his Excellency the governor of New York, and the first resolution, reported by the committee, being amended and passed, and the second amended so as to read, "the United States in Congress assembled, did on the 11th day of the present month, and still do deem, &c." a Motion was made by the delegates of New York, to postpone the second and third resolutions, in Order to take up the following:

Whereas the governor of the State of New York, in answer to the recommendation of Congress of the 11th instant, hath signified to Congress, that he cannot, in his opinion, consistent with the constitution of the said state, convene the legislature thereof for the purpose specified in the said resolve, as appears by his letter to his excellency the President, dated the 16th, in the words following: "New York, 16 August, 1786. Sir, I take the liberty of addressing this to your excellency, to acknowledge the receipt of the resolution of the United States in Congress assembled, of the 11th instant, transmitted to me yesterday by their Secretary, recommending to the executive of this State immediately to convene the legislature, to take into consideration the recommendation of the 18 of April, 1783. I beg leave to assure your Excellency, that I entertain the highest deference and respect for the Authority of Congress, and that it will always afford me great pleasure to have it in my power to comply with their recommendations:

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But in the present case, permit me to observe, that I have not power to convene the legislature before the time fixed by law for their stated Meeting, except on extraordinary occasions; and as the present business proposed for their consideration has already been repeatedly laid before them, and so recently as at their last session received their determination, it cannot come within that description. A copy of their act passed on the occasion, I have had the honour of laying before Congress through the delegates of this State, and your Excellency will readily perceive it is not my province to determine how far it conforms to the Recommendation in question. I cannot conclude without adding, that I feel myself unhappy to be formally called on by Congress, in an instance in which I cannot yield on by Congress, in an instance in which I cannot yield a compliance without breaking through one of those checks which the wisdom of our Constitution has provided against the abuse of Office, and which, I am persuaded, Congress will approve the sentiment, when I declare, I find myself bound, as well by inclination as by duty, to preserve. I have the honor to be, with the highest respect, your Excellency's most obedient Servant, Geo. Clinton:" Therefore, Resolved, that to repeat the recommendation of Congress to the supreme executive of the State of New York, on this subject, would be inexpedient."

On the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [Melancton] Smith, so it passed in the negative.

On the question to agree to the second resolution as amended, the yeas and nays being required by Mr. [John] Haring, so it was resolved in the affirmative.

One the question to agree to the third resolution, the yeas and nays being required by Mr. [Melancton] Smith, so it was resolved in the affirmative, and the whole was agreed to as follows:

The committee, consisting of Mr. [William Samuel] Johnson, Mr. [Rufus] King, Mr. [Charles] Pinckney, Mr. [James] Monroe and Mr. [William] Grayson, to whom was referred a letter from his excellency the governor of New York, of the 16, having reported,

That they have examined an Act passed by the State of New York, on the 4 day of May last, entitled "An Act for giving and granting to the United States in Congress assembled, certain imposts and duties on foreign goods imported into that state, for the special purpose of paying the principal and interest of the debt contracted in the prosecution of the late war with Great Britain." That by the act of Congress of the 18th of April, 1783, it is recommended to the several States as indispensably necessary to the restoration of public credit, and to the punctual and honourable discharge of the public debts, to invest the United States in Congress assembled, with a power to levy certain duties upon goods imported into the United States; provided that the collectors of the said duties should be appointed by the states within which their offices are

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to be respectively exercised, but when so appointed, to be amenable to and removable by the United States in Congress assembled alone. The committee conceive that the investing the United States in Congress assembled with this power, which includes that of forming the necessary regulations, or revenue laws, with suitable penalties, of declaring the money in which the said duties shall be received, of establishing the number of revenue Officers, and ascertaining their duties, has been, and must be considered as an essential part of the plan submitted to the several states for their adoption: The exercise of this power by thirteen separate Authorities would introduce different laws upon the same subject, ordain various penalties for the same offence, destroy the equality of the tax, and might, in a great measure, defeat the revenue. All the states, except New York, having in pursuance of the Recommendation of the 18 of April, 1783, granted the impost by acts vesting this power, with certain qualifications, exclusively in the United States in Congress assembled; the long continued embarrassments of the public finances, and the indispensable demands of the federal government, dictate the necessity of an immediate and unanimous adoption of this measure. Impressed with these options, the Committee have carefully examined the act of the state of New York, and submit the following remarks: 1st. That several of the states which have passed acts investing the United States in Congress assembled, under certain restrictions, with power to levy the duties on goods imported into the United States, agreeably to the recommendation of the 18 of April, 1783, have inserted in their acts express conditions that the same shall not be in force, or begin to operate until all the states in the Confederacy have passed acts vesting the United States in Congress assembled, with the power to levy in the several states, like duties. 2d. That the act of the state of New York, does not invest the United States in Congress assembled, with power to levy in that state the duties therein mentioned; but reserves to the state of New York, the sole power of levying and collecting the same in the manner directed in and by an act of that state, entitled "An act imposing duties on certain goods, wares and merchandize imported into the said state, passed on the 18 day of November, 1784, and consequently prevents the operation of the impost in those states which have made the exercise of this power by the United States in Congress assembled, an indispensable and express condition of their grants. 3d. That the said act does not make the collectors of the said duties amenable to, and removable by the United States in Congress assembled; but ordains, that upon conviction before the supreme court of Judicature, or in the court of exchequer of the state of New York, for any default or neglect in the execution of the duties required of them by the said act, or by an Act of that state, entitled "An act imposing duties on certain goods, wares and merchandize imported into the said state," they shall be removed from office, and others appointed instead of the persons so convicted; which is a material departure from the plan recommended by Congress. 4th. That by an Act of the state of New York, entitled "An act for emitted the sum of two hundred thousand pounds, in bills of credit, for the purposes therein mentioned," passed the 18th April, 1786, it is among other

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things enacted, "That gold and silver, and the bills of credit emitted by virtue of the said act, shall be received by the collector for duties arising on goods, wares and merchandise imported into the State, after the passing of the said act," in consequence whereof, admitting that the System of a general Impost, could be put in operation, it would remain optional with the importer to pay the duties on goods imported into the State of New York, in specie, or bills of credit, emitted by virtue of the aforesaid act. 5th. If bills of credit of the State of New York should be received from the importer in that State, upon the principles of equal Justice, bills of credit emitted by any other State, and thereby instead of the system yielding a sum in actual money, nothing but paper would be brought into the federal treasury, which would be wholly inapplicable to the payment of any part of the Interest or principal of the foreign debt of the United States; thereupon

Resolved, That the Act of the state of New York, entitled "An Act for giving and granted to the United States in Congress assembled, certain imposts and duties on foreign goods imported into that state, for the special purpose of paying the principal and interest of the debts contracted in the prosecution of the late war with Great Britain," so essentially varies from the system of impost recommended by the United States in Congress assembled, on the 18th day of April, 1783, that the said act is not, and cannot be considered as a compliance with the same, so as to enable Congress, consistently with the acts of the other states, to bring the system into operation.

Resolved, That the present critical and embarrassed situation of the finances of the United States in such, as to require, that the system of impost should be carried into immediate effect. That New York being the only State which has not yet adopted the same, the United States in Congress assembled, did on the 11 day of the present month, and still do, deem this an occasion sufficiently important and extraordinary, to request that the legislature of the said state should be convened, for the purpose of taking the said system into their immediate and serious consideration, and granting the same, on the same manner recommended by the resolution of the 18 April, 1783.

Resolved, That it be again earnestly recommended to the executive of the State of New York, immediately to convene the legislature of the said state, to take into their consideration, the recommendation of the 18 April, 1783, for the purpose of granting the system of impost in such conformity with the acts and grants of the other states, as on their part to enable the United States in Congress assembled, to carry the same into effect.

<u>August 24, 1786</u> –

1) On a report of a committee, consisting of Mr. [James] Monroe, Mr. [William Samuel] Johnson, Mr. [Rufus] King, Mr. [Charles] Pinckney and Mr. [Melancton] Smith, to whom was

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referred a petition from the inhabitants of Kaskaskies, for the organization of a government over the said district,

Ordered, That the secretary of Congress inform the Inhabitants of Kaskaskies, that Congress have under their consideration the plan of a temporary government for the said district, and that its adoption will no longer protracted than the importance of the subject and a due regard to their Interest may require.

August 28, 1786 –

1) Congress took into consideration the report of a committee of the whole, to whom were referred the letter of the 29 of May, and the speech of the Secretary for foreign Affairs; which report being as follows:

"August 23, 1786. In committee of the whole. Agreed to report to Congress the following resolutions.

"*Resolved*, That so much of the resolution of Congress of the 25 day of August, 1785, being an instruction to the Secretary of the United States for the department of foreign affairs, as are contained in the following words, namely, And that the following be substituted in its place, 'that the Secretary to the U.S. for the department of foreign affairs be and hereby is instructed, in his plan of a treaty with the encargardo de Negocios of his catholic Majesty, particularly to stipulate the right of the U.S. to their territorial bounds, and the free navigation of the Mississippi from the source to the Ocean, established in their treaties with Great Britain; and that he neither conclude nor sign any treaty, compact or convention with the said encargado de Negocios until he hath previously communicated it to Congress and received their approbation,'" be, and the same is hereby repealed and made void.

"*Resolved*, That the secretary of the U.S. for the department of foreign affairs be and hereby is instructed, if in the course of his negotiation with the encargado de Negocios of his catholic Majesty, it shall be found indispensable for the conclusion of the same, that the U.S. and their citizens, for a limited time, should forbear to use so much of the river Mississippi as is south of the southern boundary of the U.S., that he be and hereby is authorized and directed, on behalf of the United States, to consent to an article or articles stipulating on their part and that of their citizens a forbearance of the use of the said river Mississippi, for a period not to exceeding ___ years, from the point where the southern boundary of the U.S. intersects the said river, to its mouth or the Ocean; provided that such stipulation of a forbearance of the use of the said river for a limited time as aforesaid, shall not be construed to extinguish the right of the U.S., independent of such stipulation, to use and navigate the said river from its source to the Ocean; provided farther, that the Secretary of foreign Affairs shall not stipulation on behalf of the U.S., in favour of the exclusive navigation and use of the said river Mississippi by his Catholic Majesty

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and his subjects, below its intersection of the southern boundary of the U.S., unless it shall be agreed and stipulated in the same treaty, that the navigation and use of the said river from the intersection aforesaid to its head or source be and continue common to the U.S. and his Catholic Majesty and to their respective citizens and subjects. And the said secretary of foreign Affairs is hereby farther instructed, firmly to insist on the territorial boundaries of the United States southwardly and westwardly, as fixed by the definitive treaty of peace and friendship between the U.S. of America and his Britannic Majesty; and on no condition to consent to a treaty, unless the same shall contain a quit claim of all pretended rights and claims of his catholic Majesty to territory within the U.S. eastwardly of the Mississippi and northerly of the Floridas; whether the said rights or claims are pretended in virtue of conquest or otherwise. And if in the course of the negotiation a question should arise relative to the precise boundary line between the U.S. and the Floridas, the said Secretary of foreign Affairs is hereby instructed that the Floridas do not, and ought not of right to extend to the Northward of the boundary line between them and the U.S. as fixed by the definitive treaty aforesaid, and that he shall not in any event by treaty or otherwise consent to the extent of the Floridas northerly of a line or boundary of the U.S. adjacent to the Floridas, specified in a separate Article of the provisional Articles between the U.S. and Great Britain, at Paris, on the 30 day of November, 1782. And provided that a disagreement shall take place between the said Secretary of foreign Affairs and the Encardo de Negicios of his C. Majesty, by the latter's insisting on the boundary line as specified by the aforesaid separate article, and the former's insisting on the boundary line as fixed in the aforesaid definitive treaty, the said Secretary of foreign Affairs is hereby authorised to agree to the settlement and final decision of such disagreement by Commissaries mutually appointed for that purpose; for the appointment of whom and for all other purposes incident to the final determination of the said disagreement by Commissaries, conformable to the laws of Nations, the said Secretary of foreign Affairs is hereby invested with full powers on behalf of the U.S. of America."

A motion was made by Mr. [Rufus] King, seconded by Mr. [Melancton] Smith, to amend the report by striking out the last clause in the second resolution, beginning with the words "And the said Secretary of foreign Affairs is hereby further instructed firmly," &c. to the end, and in lieu thereof to insert "Provided farther, "that the said Secretary of foreign Affairs do and hereby is directed, to insist on the territorial limits or boundaries of the U.S. as fixed in the definitive treaty of peace and friendship between the U.S. of America and his Britannic Majesty; and he is further instructed not to form any treaty with the said Encargado de Negocios, unless the said limits or boundaries are thereby acknowledged and secured." And on the question to agree to this Amendment, the yeas and nays being required by Mr. [Rufus] King – so the question was lost.

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A division of the report and a decision on the first resolution being called for, a motion was made by Mr. [Charles] Pinckney, seconded by Mr. [Edward] Carrington, to postpone the first resolution in order to take up following:

That the commission and instructions issued to J. Jay, secretary for foreign Affairs, to Negotiate on the part of the U.S., with Don Diego de Gardoqui, Encargado de Negocios of his Catholic Majesty, be and the same are hereby revoked and repealed.

And on the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [Timothy] Bloodworth – so it passed in the negative.

August 29, 1786 –

1) Congress resumed the consideration of the report of the committee of the whole, when a motion was made by the delegates of Virginia, That the further consideration of the report be postponed in order to take up the following:

. . . On the question to postpone for the purpose abovementioned, the yeas and nays being required by the delegates of Virginia – so it passed in the negative.

On the question to agree to the first resolution reported by the committee of the whole, the yeas and nays being required by the delegates of Virginia – so it was

Resolved, That so much of the resolution of Congress of the 25 day of August, 1785, being an instruction to the Secretary of the United States for the department of foreign Affairs, as is contained in the following words, namely, "And that the following be substituted in its place; that the Secretary of the United States for the department of foreign Affairs be and hereby is instructed, in his plan of a treaty with the Encargado de Negocios of his Catholic Majesty, particularly to stipulate the right of the United States to their territorial boundaries and the free navigation of the Mississippi, from the source to the Ocean, established in their treaties with Great Britain; and that he nether conclude or sign any treaty, compact or convention, until he hath previously communicated it to Congress, and received their approbation," be and the same is hereby repealed and made void.

August 30, 1786 –

1) Congress proceeded in the consideration of the report of the Committee of the whole; and the Second resolution reported by the Committee being read, a motion was made by Mr. [Rufus] King, seconded by Mr. [Melancton] Smith, to amend the resolution by striking out the last clause from "Provided farther that the said Secretary for foreign affairs do and hereby is directed," inclusive, to the end, and in lieu thereof to insert "provided farther, that the Secretary for foreign Affairs do and hereby is directed, to insist in the definitive treaty of peace

Produced by Union States Assembly

and friendship between the U.S. of America and his Britannic Majesty; and he is farther instructed, not to form any treaty with the said Encardago de Negocios unless the said limits or boundaries are thereby acknowledged and secured."

A motion was made by Mr. [Charles] Pinckney, seconded by Mr. [James] Monroe, to postpone the further consideration of the Resolution and amendment, in order to take up the following resolution:

. . . On the Question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [Timothy] Bloodworth – so it passed in the negative.

On the question to agree to amendment, the yeas and nays being required to Mr. [Melancton] Smith – so it was resolved in the affirmative.

A motion was then made by Mr. [Arthur] St. Clair, seconded by Mr. [Rufus] King, further to amend the resolution reported by the committee of the whole, and after the word "instructed," in the second line, to insert, "to propose, and if possible obtain the following stipulations, viz. That the Citizens of the United States shall not be interrupted in transporting the bona fide production of the U.S. upon the Mississippi river 31° N.L. to the city of New Orleans, where they shall be allowed to land the same, and permission be granted to occupy storehouses and other necessary buildings for the reception thereof. That the boats of other vessels, on board of which the said productions shall have been transported to N. Orleans, shall have free leave to return up the Mississippi river to any place within the territory of the United States; provided that so far as they navigate below 31° N.L. they shall not load any species of goods, wares or merchandize whatsoever, but by permission of the Spanish government in florida. That American merchants or factors shall have free leave to reside at N. Orleans, for the purpose of receiving such American productions as may be brought down the said river Mississippi, and for exporting the same from thence in American or Spanish bottoms, under the regulations of the respective countries. That a duty of ___ per cent. as valorem shall be paid to the Crown of Spain upon all American produce shipped from the said city of N.O. in American bottoms within 6 months after such exportation, for which good and sufficient bonds shall be given previous to the departure of any vessel on board of which freely navigate up the said river M., from the mouth to the said city of N.O.; but shall not carry any species of goods, wares or merchandize whatever contrary to the regulations of the crown of Sp. under pain of seizure and confiscation.

A motion was made by Mr. [James] Monroe, seconded by Mr. [William] Grayson, to amend the amendment by striking out the words "if possible obtain," and inserting "that he enter into no treaty, compact or convention, which shall not include;" and on the question to agree to the Amendment to the Amendment, the yeas and nays being required by Mr. [James] Monroe – so it passed in the negative.

Produced by Union States Assembly

On the question to agree to the amendment, the yeas and nays being required by Mr. [Charles] Pinckney – so it passed in the affirmative.

August 31, 1786 –

1) A motion was made by Mr. [Charles] Pinckney, seconded by Mr. [Henry] Lee, in the words following:

Whereas under the 9th of the Articles of Confederation it is declared, "The United States in Congress assembled shall not enter into treaties or alliances unless nine States assent to the same:" – and whereas by the honorable John Jay, Secretary of Foreign Affairs, was authorised, with the assent of nine States, to negotiate with Don Diego de Gardoqui under certain instructions, the last clause of which was in the words following, viz. "And that the following be substituted – that the Secretary to the United States for the department of foreign affairs be and hereby is instructed, in his plan of a treaty with the Encardago de Negocios of his Catholic Majesty, particularly to stipulate the right of the United States to their territorial bounds, and the free navigation of the Mississippi from the source to the Ocean, established in their treaties with Great Britain, and that he neither conclude or sign any treaty, compact or convention with the said Encardago de Negocios, until he hath previously communicated it to Congress and received their approbation"; from which qualifications and restrictions the said John Jay could not depart without a violation of his instructions. And as the repeal by seven States of the said recited last clause, has the effect of enlarging him an Authority he did not possess under the former instructions to which the assent of nine States is alone constitutionally competent under the Confederation; as the removal of a delegate to another a greater power than he himself possesses, it follows, that the right of entering into treaties being delegated by the confederation to the concurrent assent of nine states in Congress assembled, this power cannot be delegated to others, or any alterations made in instructions upon this subject, but by a similar concurrence of nine States. The right of entering into treaties comprehends an absolute and exclusive right of admitted or rejecting every article of such treaty, as well as the whole collectively. This right cannot be exercised by seven states; consequently it cannot be delegated by them to any other person, or description of persons, without an absolute violation of the principles of the Confederation. If a treaty entered into in pursuance of instructions be not ratified, by the law of nations it is *causa belli*. If only seven States repeal the said last recited clause of Mr. Jay's instructions, and he thereupon proceeds to enter into a treaty upon different principles than those under which he was formerly authorised by nine States, the said treaty cannot be considered as formed under instructions constitutionally sanctioned by the authority required under the confederation; nor are the United States, under the laws or usage of nations, bound to ratify and confirm the same: Therefore,

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Resolved, That the Secretary for foreign Affairs be informed, that the said recited clause of his instructions, restraining him from entering into any treaty or compact with the encardago de Negocious of his Catholic Majesty, which did not fix the territorial limits of the United States agreeable to the definitive treaty with G. Britain and the right of the United States to the free navigation of the Mississippi, from its source to the ocean, was repealed by the assent of seven states, when nine were alone competent to such alteration and enlargement of his powers, the United States in Congress assembled do not consider him as authorised to negotiate upon different principles than those under which he was formerly instructed by the said resolutions of the 20th July and 25 August, 1785; nor, should he proceed to enter into a treaty upon other principles, do they conceive the United States bound under the law of Nations to ratify and confirm a compact formed under powers thus unconstitutional and incompetent."

On this, the previous question was moved by the State of New Hampshire, and seconded by the State of Pennsylvania; and on the question to agree to the previous question, the yeas and nays being required by the State of Virginia – so it was resolved in the affirmative, and the main question was set aside.

2) An Address from the United States in Congress Assembled, to the Legislatures of the several States:

When the Interests of a People are endangered, either through the defect of the Government they have established, or the want of timely and vigorous Exertions to give efficacy to its Operations, it becomes the duty of those to whom the sacred Trust of watching over the Welfare of the Nation is delegated, to awaken it to a sense of its danger, and to urge the adoption of such measures as may avert the Calamities with which it is threatened.

Impressed with a sense of this high Obligation, and an anxious and affectionate concern for the Interest, Honor, and Safety of their Constituents, the United States in Congress assembled, have at various periods, and on various occasions, exercised this important trust; but on none more solemn and interesting than on the 18th February last, when after a mature and serious consideration of the State of the Nation, they were constrained to declare – "There a reliance on the Requisitions to discharge the Engagements of the Confederacy would be dangerous to the Welfare and Peace of the Union. That for want of a timely exertion in Establishing a General Revenue, not only the Existence of the Confederacy was hazarded, but those great and invaluable privileges for which they had contended; And therefore that whilst Congress were denied the means of satisfying these Engagements, which they had constitutionally entered into for the Common Benefit of the Union, it was their duty to warn their Constituents, that the most fatal Evils would inevitably flow from a breach of Public Faith, pledged by solemn Contract, and a violation of those principles of Justice which are the only solid Basis of Honor and Prosperity of Nations."

Produced by the Union States Assembly

It would be unnecessary on this occasion to recapitulate the reasons which induced the Recommendation of the Revenue System of the 18th April, 1783. The necessity of a compliance, with a General Impost (which constituted a principal part of this System) and the benefits or Evils which would inevitably flow, from a neglect or adoption of the measure, are so forcibly pointed out in the Act of Congress of the 16th December, 1782 (which accompanied their Address of the 18th April, 1783), and by their subsequent Resolves of the 18th of February last, that nothing can be added to enforce the policy, and Necessity of the Measure; unless it be this solemn and lamentable truth, That the experience of the last Year had added further proof of the utter inefficacy of relying upon Requisitions for Supporting the Expense and Credit of the Union.

By this Requisition the States were called upon to Pay into the General Treasury, on or before the First day of May last the Sum of Three Million Dollars, of which one Million of Dollars was to be discharged by Specie, and Two Million of Dollars by Discounts of Interest on the Domestic Debt. The objects, for which the Monies proposed to be raised were to be appropriated, are distinctly pointed out: By this it appears that the Sum of Eight hundred and forty thousand Dollars, were absolutely and indispensably necessary to be paid some Months since in Specie, to defray the Charges of the Civil Government, and the Interest of the Foreign Debt. What have been the Effects of this Requisition? Notwithstanding the serious and Interesting Appeal of Congress, to the Justice and Wisdom of the several States, which soon followed it; and in which, after Stating the Public Receipts and Expenditures for the four proceeding Years, it is proved that the Receipts of the last Fourteen Months, were not adequate to the bare maintenance of the Federal Government on the most economical Establishment, and in time of profound Peace: Only Eight States out of thirteen have passed Acts apparently complying with the Requisitions; and by such as have complied, not more than the Sum of 100,000 Dollars has been paid into the General Treasury, to the present Date, in actual Specie. In examining the Acts of the several Legislatures, part in consequence of the Resolves of the 27th September last, it is found that in most States, the Monies intended for the purposes of the Union and those of the State are blended in the same Collection; that scarcely in any, State Funds are pointed out, by the Law for providing its Quota; and that in several, a Paper Currency is made receivable as Specie in all Payments whatsoever. To these, amongst other circumstances, may be imputed, in a great degree, the inefficacy of the Revenue Laws, in the several States, and an almost total stagnation in the payment of the general Quota's. If it is be asked, to what end then, is another Requisition made whilst such heavy Balances remain still unsatisfied? The Answer is: That the United States in Congress are bound by every principle of Good Faith and Justice, and a regard to National Character to Exercise that Authority (However inadequate) which is vested in them, for obliging the different Members of the Union to Contribute their respective Quota's for the support of the general Government; and to manifest to the World, that they are not Unworthy the high, and honorable trust of watching over the Welfare of a free People.

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The States will observe that in the present Requisition no less than 1,723,626 Dollars 47/99ths ought to be forthwith raised in Specie, for the express purpose of paying the Interest, and certain Installments of Principal of the Foreign Debt, which will become due in the present, and in the course of the next Year. So vast is the Accumulation of the Debt, which has been brought on the People for want of an early and general adoption of the Resolves of Congress of the 18th April, 1783. The general Impost (therein recommended) was expressly appropriated, for the purpose of discharging the Principal and Interest of the National debt; the probable amount of it was at that time calculated at near a Million of Dollars annually: Supposing this Sum greater than this Revenue is likely to produce in a regular state of Commerce; when the extraordinary Importations which were poured into the States for the first two Years after the Peace are taken into consideration it may be safely be averred, that by the end of the Year 1787, a net Revenue would have accrued from the execution of that Plan of near Four Million of Dollars; If it had commenced its operation in the early part of the Year 1784.

It may in this place be proper to state what have been the Sums necessary to be raised in Specie for the Interest and Principal of the Foreign Debt, to the end of the Year 1787, and to compare the Aggregate, with the probable amount of that Revenue to the same period. By the Schedule of the Principal and Interest due on the Foreign Loans, which was transmitted to the several States with the Act of Congress of 15th February last; it appears that the Aggregate of Principal and Interest, due

On the French and Dutch Loans to the end of the Year 1787 in dolls		1,710,044
On the Spanish Loan of 174,000 Dolls. 7 years Int.	do	60,900
Due to Foreign Officers and Individuals in France, say	do	44,000
Due to Foreign Individuals for Principal and Interest of Debts contracted		
Abroad, about	dolls	100,000
		1,914,944

Deduct this Sum from the probable amount of the Impost to the year 1787 and it appears that Two Millions of Dollars of surplus Revenue might, under a proper arrangement have been applied toward the reduction of the Capital of the Domestic Debt. When to these circumstances, are added the influx of Specie from the revival of credit, and the happy effects it would have had on the present unfavorable balance of Commerce, and consequently on the Collection of Taxes throughout all the States; it is scarcely possible to foresee the extent, and number of the advantage, which would have flowed from the operation of this System.

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It is a painful Task either in Nations or Individuals to call to mind circumstances of Advantage, which have escaped their Controul, and to compare a situation of present Distress, with what (under the Auspices of Heaven) would have been the direct reverse, had they availed themselves of advantages, one within their power to command,

But it is by an honest and serious examination of past Errors that Experience only is gained, and better Systems adopted in the management of Public or Private Affairs. It becomes therefore the Duty of the Guardians of a free and enlightened People (however painful the task) to execute this high Trust, and to conceal nothing that may induce the Nation to investigate, and pursue in future their Essential Interests. It is not to be expected, that in a Government composed of thirteen independent deliberative powers, and owing its origin to an extreme Jealousy of Public Liberty, that the Judgment of the several Members of the Confederacy should at the same time embrace the Wisdom and Necessity of every Measure, which may be recommended by the General Government; particularly in the case of an untried System of Revenue, the most difficult of all objects (even in long established Governments) to carry into Execution.

The firm and enlightened Patriots throughout the States, appear imprest with the necessity of Rescuing the Union from the danger and disgrace with which it is threatened. The several Legislatures have at length passed Acts for granting to the United States in Congress the power of Levying a General Impost, to be appropriated agreeably to their Recommendations of the 18th April, 1783; and though in two States of the Union, the Laws which have been Enacted for this purpose, require some alteration, to give a general Operation to the Collection of this Revenue; from the Wisdom, and Patriotism, for which these States have been long distinguished, the United States in Congress, cannot entertain the Idea, that they will refuse to give Efficacy to a measure, whose immediate Operation is the Corner Stone of the Public Weal; or that they will take inevitably devolve on the Union, by leaving the National Safety to the Mercy of Events.

Much may still be effected towards the Relief of Public Burthens, if an immediate operation is given to the Collection of the General Impost throughout the States; for though its product to the end of the ensuing Year, cannot be in any degree adequate to the Foreign Demands during that period, the Establishment of a productive System of Revenue, expressly appropriated for the discharge of the National Debt would, we trust, give success to Negotiations, for making the future Annual Payments more adequate to the resources of the Union, than they are at present. Under the heavy accumulation of the Foreign Debt, it becomes however peculiarly incumbent on the different States to exert themselves to fulfil that duty, which they owe to their own Character and the Welfare of the Confederacy; by Enacting Laws more efficacious for

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bringing into the General Treasury their respective Quota's of the present Requisition, than has hitherto been the case.

To effect this great and desirable object, the Wisdom of the respective Legislatures will undoubtedly discover, that the following general principles are essentially necessary.

1st. That the Taxes intended for the purposes of the Union, should be distinct from those which are Appropriated to the service of the State.

2nd. That they should (as far as practicable) be simple in their nature, and depend more for their Execution, on the mode of the Tax, than on the diligence of the Officers entrusted with the Collection.

3rd. That the Sums raised by the Individuals should be paid in like manner, as the Quota's are receivable from the several States; that is to say, That the proportion of Specie pointed out by the Requisition should keep pace with the payment of the Discounts of Interest.

An attention to these principles would be undoubtedly promote in a great degree the Collection of the Revenue.

But a far more powerful cause is still remaining, to which the Public Embarrassments as to the object of Finance, are principally to be imputed. The general Balance of our Trade is daily growing more unfavorable. In all Commercial Countries the easy and successful Collection of the Revenue must be in a principle degree depend on the favorable state of Trade; and the latter cannot flourish, unless a power is somewhat vested, to cherish those Branches of Commercial Intercourse which are favorable to the Nation, and to check those of a contrary tendency. Both reason and experience demonstrate that this power (however Essential to the Welfare of the Nation) cannot be exercised by the Government of any State.

Hence it is that our Navigation (be surest of our Wealth and Security) is nearly Annihilated; our Commerce in every part of the Globe obstructed; The Flag of our Nation insulted, and the few days Mariners, who venture on the Ocean, exposed to linger out their days in all the bitterness of Captivity, from a barbarous and hostile Power.

That a brave and enlightened People, who encountered every hardship and distress, in opposing a System of Government, which they deemed adverse to their Welfare and Liberty, before they had even experienced the Mischiefs, which they foresaw from its establishment, should (whilst the memory of their former Principles and Heroism, is still fresh on the Recollection,) become the Voluntary Suicides of their own Interest, their own happiness, and their own honor, is a circumstance too disgraceful to human nature to admit of Beleif.

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By the Union of the several States, they have rescued themselves from the Tyranny of a powerful Nation, and Established Constitutions on the free consent of the People, which are the Admiration of the Intelligent and Virtuous part of Mankind; and the firm support of the Civil and Religious Rights of all, who live under the shadow of their influence. But these Constitutions cannot outlive the Fate of the General Union; and this Union cannot exist without adequate Funds to defray the Expences of the Government, and to discharge those Engagements which have been entered into with the Concurrence of the Citizens of all the States, for their common Benefit.

An Appeal, (and too probably a last one) is now made to the Reason, the Justice, and the Interest of the several States. Whatever may be the fate of the Measures submitted to their Consideration for giving Strength and reputation to the Union, The United States in Congress, by Virtue of the Powers of the Confederation, call upon the different Members, to pay into the General treasury, at the time stipulated, the Quota's laid on them respectively by the present Requisition for the Support of the General Government.

The purposes for which the Monies are to be Appropriated are fairly stated, and the Evils pointed out which will attend a non-compliance.

The delinquent States (if such there can possibly be) must take upon themselves the Responsibility for all those Calamities, which will most assuredly flow from a disregard to the Political Ties which Unite them with the other Members of the Confederacy, and to those Principles of Justice and Good Faith, which can alone Support the Existence of a Free Government.

SAMUEL OSGOOD,

ARTHUR LEE.

<u>September 1, 1786</u> –

1) A motion was made by Mr. [Charles] Pinckney, seconded by Mr. [William] Few, further to postpone the determination of the question which was yesterday postponed by the State of South Carolina: And on the question further to postpone the determination of the question, the yeas and nays being required by Mr. [Charles] Pinckney, so it passed in the negative.

On the question to agree to the motion, the yeas and nays being required by Mr. [William] Few,

So it was *Ordered*, That when a question is set aside by the previous question, it shall not be in order afterwards, formally or substantially to move the same, unless there shall be the same, or as many states represented in Congress.

Produced by United States Assembly

September 4, 1786 -

1) According to order, the Agents for the States of South Carolina and Georgia, attended , in pursuance to the act of Congress, and the notification given the 1 June, 1785, and produced their Credentials, declaring at the same time, that they had respectively examined each others credentials, and were satisfied with the powers therein contained. The Credentials were then read, and are in the words following, viz.

STATE OF SOUTH CAROLINA

By His Excellency William Moultrie, Esq. Governor and Commander in Chief in and over the State aforesaid: To all whom these presents shall come, be seen or made known, Greeting: Know ye, that John Vanderhorst, Esq. who certifies the annexed to be a true copy from the original Ordinance of record, in the Secretary's Office of the said State, is Secretary of the said State, therefore all due faith, credit and authority is and ought to be had and given to his proceedings and certificate as such. In faith and testimony whereof, I have hereunto set my hand, and caused to be affixed the Great Seal of the State, in the city of Charleston, this 1st day of August, in the Year of our Lord one thousand seven hundred and eighty six, and of the sovereignty and Independence of the United States of America, the eleventh.

WILLIAM MOULTRIE

By His Excellency's command, PETER FRENEAU, *D Sec'y*.

With the great Seal of the state Appendant.

State of South Carolina:

At a General Assembly begun and holden at Charleston, on the third day of January, one thousand seven hundred and eighty-five, and in the ninth year of the Sovereignty and Independence of the United States of America, and from thence continued by divers adjournments, to the twenty-second day of March, in the Year of our Lord one thousand seven hundred and eighty-six.

An Ordinance to appoint Commissioners to ascertain and settle the boundaries of this State with the States of Georgia and North Carolina; and to authorize His Excellency the Governor to appoint Agents to act in behalf of this State and the State of Georgia, relative to boundary. Be it Ordained by the honorable the Senate and house of representatives, now met and sitting in General Assembly, and by the authority of the same, that three commissioners be chosen by joint ballot to the legislature, which commissioners, or a majority of them, when chosen, shall

Produced by Union States Assembly

be, and they are hereby invested with full and absolute power and authority, in behalf of this State, to settle and compromise all and singular the differences, controversies, disputes and claims, which subsist between this State and the State of Georgia, relative to boundary, and to establish and permanently fix a boundary between the two States; and this state shall and will at all times hereafter, ratify and confirm all and whatsoever the said commissioners, or a majority of them, shall do in and touching the premises, and the same shall be forever binding on this State: Provided always, that the Commissioners to be appointed by the state of Georgia, shall have as extensive powers vested in them by the State of Georgia, as are above vested in the commissioners may not be able to settle and compromise the above differences, but it may be necessary to have the same decided by a federal court: Be it Ordained by the Authority aforesaid, that his Excellency the Governor, or Commander in Chief for the time being, be, and he is hereby empowered to appoint proper persons to prosecute the claim, and to manage the affairs of this State in the federal court, with full power and authority to do, transact, perform and execute all and every such matters and things touching the same, as shall be requisite and necessary; And this State shall and will at all times hereafter, ratify and confirm what shall be so done, transacted, performed or executed: And be it further ordained by the Authority aforesaid, that three commissioners be chosen by joint ballot of the legislature; which commissioners, or a majority of them, when chosen, shall be, and they are hereby invested with full and absolute power and authority, in behalf of this State, to settle and compromise all and singular the differences, controversies, disputes and claims which subsist between this State and the State of North Carolina, relative to boundary, and to establish and permanently fix a boundary between the two last mentioned States: And this State shall and will at all times hereafter, ratify and confirm all and whatsoever the said commissioners, or a Majority of them, shall do in and touching the premises; And the same shall be forever binding on this State: Provided always, that the commissioners to be appointed by the State of North Carolina, shall have as extensive powers vested in them by that State, as are hereby vested in the Commissioners of this State: And be it further ordained by the Authority aforesaid, that His Excellency the Governor, or Commander in Chief for the time being, shall be, and he is hereby empowered to draw upon the treasury for any sum or sums, not exceeding ten thousand dollars, for reasonable expenses of the said commissioners, and for carrying this ordinance into full execution.

In Senate house, the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-six, and in the tenth Year of the Independence of the United States of America.

JOHN LLOYD,

President of the Senate.

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JOHN FAUCHEREAUD GRIMKE,

Speaker of the House of Representatives.

STATE OF SOUTH CAROLINA,

Secretary's Office.

I hereby certify the foregoing to be a true copy from the original Ordinance of record in this office.

Examined by JOHN VANDERHORST, *Secretary*.

State of South Carolina, By His Excellency William Moultrie, Esquire

Governor and Commander in Chief in and over the State aforesaid:

To the honorable John Kean, Charles Pinckney and John Bull, Esqrs.

Whereas disputes and differences have risen and now subsist between the States of South Carolina and Georgia, concerning the boundaries of the said States, and in consequence thereof a Petition of the legislature of this State, praying that a federal court may be appointed conformably to the Articles of the Confederation to decide the same, has been presented to Congress: Whereupon Congress have resolved, that the second Monday of May next, be assigned for the appearance of the said States by their lawful Agents to proceed in the premises as by the said Articles of Confederation is directed. Now know ye, that I, reposing special trust and confidence in the abilities and integrity of you the said John Kean, Charles Pinckney and John Bull, do hereby nominate and empower you, or any two of you, as lawful Agents for and in behalf of the State of South Carolina aforesaid, to appoint Commissioners of Judges, to constitute a Court for hearing and determining the said matter in question between the said States of South Carolina and Georgia, conformably to the Articles of confederation aforesaid" And I do hereby further direct and require, that after such Commissioners or Judges are appointed, and they shall have fixed on a time and place for holding the said court, that you do give sufficient notice thereof to me, in order that the proper persons appointed to prosecute the claim and to manage the affairs of this State in the said federal court, may attend the same. Given under my hand and the Great Seal of the State, in the city of Charleston, this eighteenth day of April, in the Year of our Lord one thousand seven hundred and eighty-six, and of the Sovereignty and Independence of the United States of America, the Tenth.

WILLIAM MOULTRIE.

By his Excellency's command, PETER FRENEUA, *Dep'y Sec'y*.

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Georgia, By the hon. Edward Telfair, Esquire Captain General, Governor and Commander in Chief in and over the State aforesaid:

To all whom these presents shall come, Greeting:

Know ye, that John Milton, Esquire who hath certified and annexed copy of an Act, entitled "An Act to appoint Agents to defend the rights of the State of Georgia, to certain territories claimed by the State of South Carolina," is Secretary of the State of Georgia aforesaid, in whose Office the Archives of the same are deposited; therefore all due faith, credit and authority are and ought to be had and given the said copy by him certified: In testimony whereof, I have hereunto set my hand, and caused the great Seal of the said State to be put and affixed at Augusta, this first day of April, in the year of our Lord one thousand seven hundred and eighty-six, and of our sovereignty and Independence the 10th.

EDWARD TELFAIR.

By his Honor's command, J. MILTON, *Sec'y*.

With the great Seal of the state Appendant.

An Act to appoint Agents to defend the rights of the State of Georgia to certain territories claimed by the State of South Carolina,

Whereas the Legislature of the State of South Carolina did present a petition dated the 24th day of March, one thousand seven hundred and eighty-five, to the United States of America in Congress Assembled, stating, that they did claim "the lands lying between the North Carolina line, and a line to be drawn due west from the mouth of the Tugaloo river to the Mississippi, because, as they contend, the river Savannah loses that name at the confluence of Tugaloo and Keowee rivers, consequently that post is the head of Savannah river," also, the lands lying between a line to be drawn from the head of St. Mary's, to the head of the Altamaha rivers, the Mississippi river and Florida, as being within the limits of its charter, and not annexed to the State of Georgia, and praying that a federal court might be appointed to hear and determine the dispute and difference between the said two States, relative to the said territory, agreeable to the Articles of confederation and perpetual union between the United States. And whereas the said United States in Congress Assembled, by an act of Congress dated at New-York, the first day of June, one thousand seven hundred and eighty-five, did notify to the Legislature of the State of Georgia, that they had assigned the second Monday in May next for the appearance of the said States of Georgia and South Carolina, by their lawful Agents, to proceed in the premises: Now, that the just rights and jurisdiction of this State to the territories claimed by the State of South Carolina, in their petition above recited, may be properly verified, and such proceedings be had in the premises as the said Articles of Confederation and perpetual

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Union direct: Be it enacted by the representatives of the freemen of the State of Georgia in General Assembly met, and by the Authority of the same, that the honorable William Houstoun, George Walton and William Few, be, and they are hereby appointed Agents for this State in the dispute and difference aforesaid, on behalf of this State, and they the said William Houstoun, George Walton and William Few, or any two of them, are hereby fully authorized and empowered to appear and represent this State, before the United States in Congress assembled, on the second Monday in May next, and at all such other times and places, as they may hereafter direct and appoint, and by joint consent with the Agents or Commissioners for the State of South Carolina in this behalf appointed, to nominate and agree upon such persons as they may think proper to be Commissioners or Judges, to constitute a federal court, finally to determine the dispute and difference aforesaid, between the said States. And if it should so happen, that the said Agents herein before mentioned, or any one or more of them, and the Agents of Commissioners on this behalf, appointed by the State of South Carolina, cannot agree in the choice of persons so the appointed Commissioners or Judges, to form a federal court, as aforesaid, then the said Agents herein before appointed, or any one or more of them, shall, and they are hereby declared to have full power to name proper persons for that purpose, to be struck and commissioned by the United States in Congress assembled, according to the form pointed out by the Confederation and perpetual Union of the said United States, and to appear before the said court when legally appointed and convened; there to defend and vindicate the rights and Jurisdiction of this State, taking all due and lawful ways and means in their power, that the final issue of the said dispute and difference may be successful for this State, for which purpose they are hereby authorised and empowered to employ and engage all such counsel learned in the law, and all such solicitors as they may think proper and necessary on the trial, and in prosecution of the claim and right of Jurisdiction of this State to the territories in question, hereby confirming and establishing, whatever they the said agents, or any one or more of them, shall, or may lawfully do, on behalf of this State in the premises. And be it further enacted by the Authority aforesaid, that the said Agents herein appointed, or any one or more of them, shall, and they are hereby declared to have full power, and are hereby required to examine the records of this State, and take and carry away, so that they may be produced at the trial, all such original papers and records as they may think proper, authenticated under the great seal of this State, or such sufficient authenticated copies of the same, exemplified as aforesaid, as them deem proper, to be given in evidence on the said trial; and the Officers keep in such Offices, are hereby required to furnish the said Agents or any of them with the same, when called for, without fee or reward.

By the order of the House:

WILLIAM GIBBONS, *Speaker*.

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Augusta, 13th February, 1786.

Georgia, Secretary's Office:

I do hereby certify that the foregoing is a true copy, taken from the Original Act deposited in my office.

J.MILTON, *Secretary, State of Georgia*.

On motion of the Delegates of the said States,

Resolved, That the Agents for the States of South Carolina and Georgia, be, and they are hereby directed to appoint, by joint consent, commissioners or Judges to constitute a court for hearing and determining the matter in question, agreeable to the ninth of the Articles of confederation and perpetual Union.

2) On a report of a committee, consisting of Mr. [Rufus] King, Mr. [Charles] Pinckney and Mr. [John] Bull, to who was referred the Subject of the transportation of the mail for the year 1787,

Resolved, That the Post Master General be, and hereby is authorsed and instructed to enter into contracts with sufficient security, for the conveyance of the mails by stage carriages, if practicable, for one year, commencing on the 1st day of January next, from Portland, in Massachusetts, to Savannah, in Georgia; and that the same be done by four or more separate contracts; and in case of only four contracts, the first to extend from Portland to New York; the second from New York to Philadelphia; and the third from Philadelphia to Petersburg; and the fourth from Petersburg to Savannah, by such route as the Post Master General may find most convenient.

Resolved, That the said Post Master General be further authorised and instructed to make arrangements for the transportation of the mail for one year from the 1st day of January, 1787, on the following cross roads, at such stated periods as he shall judge necessary, viz.

From Portland to Pownalborough, in the State of Massachusetts; from Boston, in the State of Massachusetts, to the town of Concord, in New Hampshire; and from thence, through Exeter, to Portsmouth; from Springfield, in the State of Massachusetts, to the city of Albany, in the State of New York; from the city of New York, to the city of Albany, in the State of New York, and from the said city of New York to Danbury, in the State of Connecticut, and from thence to Hartford, in the said State, by the most convenient route. From the town of Baltimore to the city of Annapolis, in the State of Maryland, and from the city of Philadelphia to the town of Vienna, in the State of Maryland; from the city of Annapolis, in Maryland, to Leonardtown, in St. Mary's county, by the route of Upper Marlborough, Piscataway and Port Tobacco. From the town of Alexandria, in the State of Virginia, to the town of Pittsburgh in the State of

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Pennsylvania, by the route of Leesburgh, Winchester, Fort Cumberland and Bedford; and from the city of Philadelphia to Bedford; from the town of Wilmington to Fayetteville, in the State of North Carolina, to Camden, in South Carolina, and thence to Charleston, in the same State' and from Camden, by route of Columbia, to Augusta, in Georgia. Provided always, that nothing in this act contained shall be construe to affect the cross posts heretofore established, which are hereby confirmed. And the Post Master General is hereby farther authorised to farm the exclusive right of conveying the mail on the cross roads above enumerated, or on any of them, to any person or persons giving sufficient security for the faithful transportation of the same, for a term of not exceeding seven years. Provided that the postage of letters or packets upon such cross roads shall not exceed the rates established for the conveyance of such letters, a like distance on the main post road.

September 7, 1786 –

1) OFFICE FOR FOREIGN AFFAIRS

6th September, 1786.

The Secretary of the United States for the Department of foreign Affairs to whom was referred a Letter of the 31st July from the Honorable the Commissioners of the Treasury to his Excellency the President of Congress, with Papers therein mentioned, reports;

That from the said Letter and papers it appears, that John Phelon a confidential Clerk in the Office of John Pierce, Esquire, Commissioners of Army Accounts, has absconded; and that there is Reason to believe he was gone to Canada. That there is also Reason to suppose, that he had taken some of the certificate paper of that Office, and counterfeited thereon the Securities of the United States.

On this Case the first Question seems to be, whether it would be proper to apply to the Governor of Canada to permit and facilitate the Apprehension of Phelon, within his Province; and secondly whether it should be on the Ground of Right or of Favor.

In the Opinion of your Secretary the Laws of Nations do not impose a perfect Obligation on the Sovereign into whose Dominion *such an Offender* may fly, to deliver him to the one against whom he had Committed the Offence. He therefore thinks no such application should be made on the Ground of Right.

If Nations were by general Consent to refuse an Asylum to each others fugitive Offenders, and on Requisition deliver them up to Justice, it would doubtless much discourage the Commission of Crimes. If such a Practice would be beneficial to Society in general, it could not be improper for any particular Nation to set the Example and begin it, and as the United States border on

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extensive Dominions of the King of Great Britain, a proper Agreement on this Subject might be convenient and useful to both. On these and singular Considerations, a Request in the present Case to the Governor of Canada might be founded and be adviseable, were it not for some Objections of considerable Weight.

It is probable that without particular Instructions from his Court, the Governor would not conceive himself authorized to comply with such a Request, and Prudence restrains Sovereigns from making Requests while they have Reason to doubt the Success of them

But admitting that his Britannic Majesty, or any other Sovereign, or their Governors, would on such a Request comply with it, yet, as it would be improper for one Nation to ask that of another, which under similar Circumstances they could not grant, it may be well to look forward and enquire what Congress would do with a Request of the same kind. Have they Power to cause any such Offender to be apprehended and delivered to the offended Sovereign? If they have not, can they rely on the invariable Compliance of the individual States, with their Recommendations for that Purpose? Your Secretary thinks that neither is the Case, and that no Request should be made to the Governor of Canada respecting the Fugitive in Question.

With respect to such other Measures as it may be expedient to take on the Occasion, your Secretary is of Opinion that the same should be referred wholly to the Discretion of the Honorable the Commissioners of the Treasury, and that they be authorized to offer a Reward of ___ Dollars for the Apprehension of the John Phelon.

All which is Submitted to the Wisdom of Congress.

JOHN JAY.

<u>September 11, 1786</u> –

1) The Agents of the state of South Carolina, report:

That the agents of the States of South Carolina and Georgia, have not been able to agree upon the appointment of Judges, and the fixing the time and place for holding the Court for hearing and determining the matter in question between the said states, thereupon

The Agents of South Carolina pray, That Congress will proceed on Wednesday next, to strike a court agreeable to the confederation, for the trial of certain territorial claims between the states of South Carolina and Georgia, to be held at such time and place as Congress shall determine, immediately after the appointment of the judges to constitute the said court.

Ordered, That the Agents for Georgia be furnished with a copy of the said report and prayer.

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2) The Committee consisting of Mr. [Rufus] King, Mr. [William] Grayson and Mr. [Charles] Pinckney to whom was referred a report of the Secretary for foreign affairs a note from the Encargado de negotios of his catholic majesty of the 30th June, Report that in their opinion it should be:

Resolved, That the United States are sincerely disposed to conduct their negotiations with his catholic majesty with the greatest candor and good humour and if possible to terminate them by a treaty founded in such principles of equality and perfect reciprocity as may perpetuate the peace and friendship which happily subsists between them and his subjects and their citizens.

Resolved therefore, That unless all question relative to the boundaries of Florida shall (as they hope will be the case) be settled by mutual agreement, the United States will cheerfully consent and be ready to appoint commissioners who together with others to be appointed by the Court of Spain shall proceed with all convenient dispatch to precisely fix and determine the boundaries of respective powers agreeable to those mentioned in the definitive treaty of peace between his Britannic Majesty and the United States.

And as it is the earnest wish and desire of the U.S. that these proceedings may be carried on in the most friendly manner and may not be interrupted or impeded any offensive or irritating measures on either side, it is farther

Resolved, That a copy of the above mentioned note be transmitted by the Secretary for foreign Affairs to the Government of Georgia and that he be informed That Congress have received with regret repeated complaints of the conduct of some people in that state towards the Spaniards and that they hope and expect such measures will be taken as may prevent the line in future.

Resolved, That the State of Georgia be farther informed, that the liberality and friendship of his catholic majesty manifested in many recent instances towards the U.S. leave no room to apprehend that he wishes to adhere to any claims of territory other than those fixed and determined by the definitive treaty with G. Britain as the boundaries between the U.S. and the Floridas, or to extend his dominion at the expence of that justice and magnanimity for which he is signalized.

That the U.S. (however tenacious of and determined to assert their just rights) have still confidence in the integrity and set a high value on the friendship of his catholic majesty, they are exceedingly anxious to evince the reality of these sentiments by a correspondent conduct and to restrain and punish all such excesses of rash and inconsiderate adventurers as may give just cause of umbrage to the Spanish government,

Ordered, That a copy of the above resolutions be given to the said Encargado de negocios.

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September 12, 1786 –

1) OFFICE FOR FOREIGN AFFAIRS

18 August, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred back his report of 4 July, 1785, on the Consular Convention between France and the United States, Reports:

That in his opinion a Copy of that report should be transmitted to the Minister plenipotentiary of the United States at Paris, in order that he may thereby become fully informed of the objections to which the Convention is liable.

That a certified Copy of the Act of Congress of the 25 day of January, 1782, authorizing and directing the Honble: Dr. Franklin to conclude a Consular Convention be also sent to him.

That a certified Copy of the Scheme of such Convention, referred to in the above Act of Congress, be also sent to him.

That he is instructed to communicate the said Act of Congress, and the said Scheme, to his most Christian Majesty and to point out to him the instances in which the Convention deviates from the said Scheme.

That he be also instructed to propose to his Majesty that the said Convention be so amended, as perfectly to correspond with the Scheme in every part where a deviation from the same is not permitted by the said Act, and further that he represent to his Majesty, the desire of Congress to make the said Convention probationary, by adding a Clause for limiting its duration to eight or ten years.

That he assure his Majesty of the determination of Congress to observe on all occasions the highest respect for Candor and good faith in all their proceedings, and that on receiving the Convention so amended, and with such a Clause, they will immediately ratify it.

Your Secretary thinks it should also be resolved. That the Honbl. Thomas Jefferson Esq., the Minister plenipotentiary of the United States at the Court of Versailles be, and he hereby is authorised and directed, to conclude and sign on the part of the United States, with the Minister of his Most Christian Majesty having equal powers, a Convention for the regulation of their respective Consuls, conformably to the Scheme abovementioned, in every respect except where deviations from it are permitted by the said Act of Congress of the 25 day of January, 1782, and with a Clause limiting the duration of the said Convention to any term of years not exceeding ten.

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Your Secretary thinks he should be directed to write the following Letter to Mr. Jefferson.

"SIR: I have the honor of transmitting to you herewith enclosed the following papers to wit:

No. 1. A copy of the Consular Convention signed by the French and American plenipotentiaries.

No. 2. A Copy of the Act of Congress under which the American plenipotentiary signed the same.

No. 3. A Copy of the Scheme of a Convention mentioned and referred to in the said Act.

No. 4. A Copy of a Report on the said Convention.

No. 5. A copy of an Act of Congress, containing instructions and giving authorities to you on the subject of the said Convention."

These papers will possess you fully of the whole business. I am persuaded that it will appear to you as it does to Congress, to be a delicate one, and to require delicate management.

The original Scheme of the Convention is far from being unexceptionable, but a former Congress having agreed to it, it would be improper now to recede; and therefore Congress are content to ratify a Convention made Conformable to that Scheme, and to their Act of the 25 day of January, 1782, provided a Clause limiting its duration be added.

It will be proper therefore to press on the Court, only such objections to the Convention, as arise from its departure from the Scheme. On making an accurate comparison, such departure will appear manifest to his Majesty, and there is reason to expect from his candour, that he will readily consent to remove the objections occasioned by it.

As it certainly is wise to try the merits of Institutions entirely new, by actual experience, before nations adopt them forever, the propriety of rendering this Convention probationary in the first instance, is unquestionable. Congress cannot therefore presume that his Most Christian Majesty will object to a Clause for limiting its duration. The design of this Convention being for mutual and reciprocal benefit and convenience, it would be doing injustice to his Majesty, to suppose that he would wish to provide for its existing longer than it should prove useful and satisfactory.

It after the experience of a few years it should be found to answer the purposes intended by it, both parties will have sufficient inducements to renew it. Either in its present form, or with such alterations and amendments as time, experience, and other circumstances may indicate.

I have the honor &c., &c. &c.

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September 13, 1786 –

1) On a report of a committee, consisting of Mr. [Edward] Carrington, Mr. [Timothy] Bloodworth, and Mr. [William] Harrison, to whom was referred a motion of Mr. [Timothy] Bloodworth,

Resolved, That the Secretary of Congress take order for having printed and bound in the usual manner, five hundred volumes of the Journals of Congress for each of the years 1777, 1778, 1780, 1781, and 1782.

2) The Agents for South Carolina and Georgia attending:

The Agents for the State of Georgia, for answer to the Notice given them of the report and prayer of the Agents of South Carolina, say that they have attended agreeable to the order of Congress, but have not been able finally to agree with the agents of South Carolina upon the proper time for holding the said federal Court; that they are desirous to proceed in such manner as that a legal and righteous decision may be had in this cause, and that by the act of the legislature of the State of South Carolina, passed on the 22d day of March, 1786, three Commissioners are to be chosen and invested with full and absolute power and authority in behalf of the said state, to settle and compromise all and singular the differences, controversies, disputes and claims which subsist between that state and the state of Georgia relative to boundary, and to establish and permanently fix the boundaries between the said states, provided the state of Georgia will appoint and vest commissioners with equal powers; and if it should so happen that the said Commissioners may not be able to settle and compromise the said differences, then and in that case only, the governor of South Carolina is authorised to appoint and direct agents in behalf of that state, to proceed agreeably to the 9th of the Articles of Confederation, finally to determine the dispute subsisting between the said states of South Carolina and Georgia, respecting their territorial claims: That the Legislature of the State of South Carolina did, on the ___ day of ___ appoint three commissioners, vested with the powers and for the purpose aforesaid, and transmit information thereof to the State of Georgia, requesting that the state to appoint and vest commissioners with sufficient power, mutually to settle and compromise all differences between the said states respecting their territory and boundary: That the State of Georgia has not yet has reasonable time to decide on the proposition made by South Carolina and to transmit the result. Under these circumstances, the Agents of the State of Georgia suggest, that the Agents of the State of South Carolina, are not legally authorised to press that Congress should immediately proceed, agreeably to the 9th of the Articles of Confederation, for a speedy and final decision in this cause; that they, notwithstanding, relying on the wisdom, equity and Justice of Congress, are content to act in such manner as they may direct.

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A motion was then made by the delegates of Georgia, That Congress proceed to strike a court in the manner pointed out by the Confederation, for the trial of certain territorial claims between the States of South Carolina and Georgia, to be held at the city of New York, on the first Monday in May next:

The latter part of the motion being postponed.

On the question, *Resolved*, That Congress proceed to strike a court in the manner pointed out by the Confederation, for the trial of certain territorial claims between the States of South Carolina and Georgia.

Accordingly Congress proceeded, and named three persons out of each of the United States, and from the list of such persons, each party alternately strike out one, the petitioners beginning, until the number was reduced to thirteen:

This done, On motion of the delegates of South Carolina,

Resolved, That from the thirteen names left, nine names be drawn out by lot;

The names being then put into a box, the following were in the presence of Congress drawn out by lot, namely, ALEXANDER CONTEE HANSON, JAMES MADISON, ROBERT GOLDSBOROUGH, JAMES DUANE, PHILEMON DICKINSON, JOHN DICKINSON, THOMAS MCKEAN, EGBERT BENSON, WM. PYNCHON.

September 14, 1786 –

1) A motion being made by the delegates of Georgia, That the court for hearing and determining the matter in question between the States of South Carolina and Georgia, be held at the city of New York, on the first Monday in May next.

A motion was made by the delegates of South Carolina, to postpone the motion of the delegates of Georgia, in order to take up the following:

That the federal court appointed to decide the territorial dispute between the States of South Carolina and Georgia, be summoned to meet on the third Monday in November next:

And on the question to postpone for the purpose above mentioned, the yeas and nays being required by the delegates of South Carolina, so the question was lost.

After debate,

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Resolved, That the court appointed to hear and determine the matter in question between the States of South Carolina and Georgia, be summoned to meet at the city of New York, on the third Monday in June next.

2) The committee, consisting of Mr. [John] Kean, Mr. [Arthur] St. Clair, and Mr. [Charles] Pinckney, to whom was referred the draught of a deed offered by the delegates of Connecticut, grounded on an Act of the legislature of the said state, having reported, "That the deed offered, is in conformity with the Act of Congress of the 26th day of May last," and the Delegates for Connecticut having thereupon proceeded and execute a deed of cession, agreeable to the resolution of the 26 May last, in the words following:

To all who shall these presents, We, William Samuel Johnson and Jonathon Sturges, the underwritten delegates for the State of Connecticut, in the Congress of the United States, send Greeting. Whereas the general Assembly of the State of Connecticut, on the second Thursday of May, in the year of our Lord one thousand seven hundred and eighty six, passed an Act in the words of following, viz.

"Be it enacted by the governor, council and representatives in general court assembled, and by the authority of the same, that the Delegates of this State, or any two of them who shall be attending the Congress of the United States, be, and they are hereby directed, authorized and fully empowered in the name and behalf of this State, to make, execute and deliver, under their hands and seals, an ample deed of release and cession of all the right, title, interest, jurisdiction and claim of the state of Connecticut to certain Western Lands, beginning at the completion of the forty-first degree of North latitude, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said Commonwealth, and from thence by a line to be drawn north, parralel to, and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue North until it comes to forty-two degrees and two minutes North latitude. Whereby all the right, title, interest, jurisdiction and claim of the state of Connecticut, to the lands lying west of said line to be drawn as afore-mentioned, one hundred and twenty miles west of the western boundary line of the Commonwealth of Pennsylvania, as now claimed by said Commonwealth, shall be included, released and ceded to the United States in Congress assembled, for the common use and benefit of the said states, Connecticut, inclusive.

"And whereas the said William Samuel Johnson and Jonathan Sturges, were, on the second thursday of May, A.D. one thousand seven hundred and eighty-five, elected delegates to represent the state of Connecticut, according to the law of said state, in the Congress of the United States, for the term of one year from the first Monday of November, in the said year one thousand seven hundred and eighty-five, which election remains in force, and the said William Samuel Johnson and Jonathan Sturges, are the lawful delegates of said State in the

Congress of the United States. Now therefore Know ye, that we the said William Samuel Johnson and Jonathan Sturges, by virtue of the power and authority to us committed by the said Act of the general assembly of Connecticut, before recited, in the name, and for and on behalf of the said State of Connecticut, do by these presents assign, transfer, quit-claim, cede and convey to the United States of America, for their benefit, Connecticut inclusive, all the right, title, interest, jurisdiction and claim which the said State of Connecticut hath in and to the before-mentioned and described territory or tract of Country, as the same is bounded and described in the said act of assembly, for the uses in the said recited act of Assembly declared. In witness whereof, we have hereunto set our hands and seals, this thirteenth day of September, in the year of our Lord one thousand seven hundred and eighty-six, and of the Sovereignty and Independence of the United States of America, the eleventh. Wm. Sam. Johnson, (L.S.) Jona. Sturges, (L.S.) Signed, sealed and delivered in presence of Cha. Thomson, Roger Alden, James, Mathers."

On motion,

Resolved, that Congress accept the said deed of Cession, and the same be recorded and enrolled among the act of the United States in Congress assembled.

3) [Motion of Mr. St. Clair]

Whereas the united States have given Peace to the several Tribes or Nations of Indians following viz. (insert the Nations) and have since received Assurances of their friendly Disposition, and their Resolution to adhere inviolably to the Treaties entered into by them with the said united States, And where as the united States in Congress assembled have received no authentic Account of the Infraction of the Treaties of Peace entered into by the said Indian Tribes or nations by all or any of the said Nations and it is inconsistent with the Safety, honor, and Dignity of the united States as well as contrary to the Articles of Confederation and perpetual Union entered into between the said united States, and subversive of every Idea of national Justice that, upon any accidental Rencounter between Individuals of the said Indian Tribes or Nations and Individuals of any of the united States, in their separate and individual Capacity, should be at liberty to levy War against or make Reprisals upon the Tribes or Nations of Indians to which the Individuals having had accidental Rencounters or having committed Injury as aforesaid respectively belong but complaint of the Injury ought to be made to the united States in Congress assembled, to the End that the same be enquired into and Redress obtained, if due, conformably to the practice of civilized Nations, and to the true intent and meaning of the Treaties entered into with and subsisting between the united States and the said Indian Nations.

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And whereas by Accounts transmitted by Col. Harmar commanding the Force of the united States in the Country bordering upon the Ohio River, it appears that a considerable Force has been raised within the State of Virginia with intent to levy War and commit Hostilities upon some of the Nations of Indians bordering upon the united States with which Nations the united States are in peace or have formally entered into Treaties with the same, which if permitted by the united States in Congress assembled would not only infer a want of due regard in them to preserve inviolate the Articles of Confederation and perpetual union between the united States, and prevent every infraction and contravention of all and every of the Articles, but would be countenancing a violation of the national Faith, solemnly plighted to the said Indians which would probably involve the united States in a general and unjust War to the great Dishonor as well as Detriment of the united States, therefore:

Resolved, That the State of Virginia do abstain from committing Hostilities against, making Reprisals upon, or entering into War with all or any of the Tribes or Nations of Indians with which the united States are in Peace or any other; and that if any Troops have been levied or Men embodied for the purpose of committing Hostilities against, making reprisals upon or entering into War with the said Indian Nations or any other the Executive of the said State of Virginia do cause the same forthwith to be disbanded.

Resolved, That the Secretary of Congress take order for preparing a Proclamation, to be issued as soon as may be and transmitted to the Executive Powers of the different States enumerating the several Tribes of Nations of Indians with which the united States have entered into Treaties prohibiting every State and all and every Citizen or Citizens of all and any of the united States respectively, to levy War or commit Hostilities against all and every of the said Nations of Indians or any other, and all or any Individuals of the said Nations respectively, and strictly charging and commanding all and every of the said States and all and every of their Citizens to behave towards the said Indian Nations and every individual of them in such manner as civilized Nations do, and of right ought to do, towards Nations and individuals of Nations with which they are at Peace, that the national Character may not be injured and the good of the Union maintained.

Resolved, That it be recommended to the State of Virginia, and every other State respectively which may be in like Circumstances, to lay before the united States in Congress assembled, any Cause of Complaint there may subsist against all or any of their neighbouring Indian Nations, together with the Evidence to support such Complaint to the end the same may be enquired into, and redress obtained conformably to good Faith and the treaties entered into with the said Nations.

<u>September 18, 1786</u> –

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1) The committee, consisting of Mr. [Charles] Pinckney, Mr. [Arthur] St. Clair, and Mr. [William] Harrison, to whom was referred a letter of the 12 from the board of treasury, together with a letter from the commissioner of the loan Office in the state of Rhode Island, and an Act of the legislature of that State; having reported,

That is appears from these communications the legislature of the state of Rhode Island, by an Act passed at their last Session, have made the paper currency of that state receivable on all arrears of taxes due to the United States; that as this explanation of the law of the State relative to the late requisition of Congress, entirely defeats the intentions of those acts, the commissioner of the loan-office has suspended the issue of indents in that state on the requisition of the 27 September, 1785, until he should receive the directions of the board of treasury on that subject. The Board farther remarks, that the legislature of the state of New Jersey have also made their paper currency receivable on the arrears of taxes due on the requisition of the 27 and 28 April, 1784. On this statement the committee observe, that as the requisitions of Congress are calculated for the purpose of requiring from the States, a sufficient sum for the payment of the interest due on the foreign and domestic debt, and the maintenance of the civil department, no deviation can be admitted from the mode of payment therein established, without exposing the funds of the United States to great loss and inconvenience, particularly as the discharge of the interest due on the foreign debt and the maintenance of the civil government, must altogether depend upon the payments that are made into the federal treasury on Specie. That to admit the receipt of bills of credit issued under the Authority of an individual state, in discharge of their specie proportion of a requisition, would defeat its object, as the said bills do not circulate out of the limits of the state, however well funded, cannot, either in the extensiveness of its circulation, or in the course of its exchange, be equally valuable with gold or silver. That if the bills of credit of the States of Rhode Island and New Jersey were to be received from those States in discharge of federal taxes, upon the principles of equal Justice, bills emitted by any other states must be received from them also in payment of their proportions, and thereby, instead of the requisitions yielding a sum in actual Money, nothing but paper would be brought into the federal treasury, which would be wholly inapplicable to the payment of any part of the interest or principal of the foreign debt, or the maintenance of the government of the United States. That as the consequences of the precedents which have been established by the States above mentioned, are dangerous to the interests of the Union, the committee conceive it necessary for Congress to express their sense upon the subject: Whereupon,

Resolved, That as the annual requisitions of the United States in Congress assembled, are made by them in virtue of the powers of the Confederation, and for the necessary purposes of government, the same by obligatory on the States as such, and ought to be discharged by them in the manner by the said requisitions directed, and in no other.

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Resolved, That as the payment of the interest and such parts of the principal of the foreign debt of the United States as are included in any of the requisitions of Congress, and the maintenance of the federal government, cannot be provided for, but by payments in specie into the federal treasury of the sums respectively required of the states therein, no payments, either in bills of credit or in any other mode than those pointed out by the said requisitions, can or ought to be admitted in discharge of the same.

Ordered, That the board of treasury transmit a copy of the above resolutions to each states, and issue instructions to the respective loan Officers conformable thereto.

2) *Resolved*, That the following precedence be established at the Court of the United States:

His Excellency the President of Congress.

The Honorable the Delegates in Congress.

The Honorable the Secretary of Congress.

The Honorable the Secretary for foreign Affairs.

The Honorable the Secretary at War.

The Honorable the Commissioners of the Treasury.

Resolved, That all foreign Ministers be received at the Court of the United States in conformity to their rank and that to the usage of Europe.

That it be the duty of ___ to communicate to the United States printer for the publication of the arrival and departure of his Excellency the President of Congress, the Honorable a Delegate in Congress and the first Officers of State.

That it be the duty of ___ to communicate to the high Officers of the federal government, and the Ministers resident at this Court from foreign Nations the arrival of his Excellency the President, and the honorable the delegate in Congress, together with the No. of the Hotel in which he or they may fix his or their residence.

Resolved, That a master of Ceremonies be appointed, and that the Office of private Secretary and Stewart to the household of the President be abolished.

(NOTE: one de jure office created and two removed.)

Resolved, That robes of State be prepared, and that the president when in Chair of Congress set robed.

Produced by Union States Assembly

3) The Committee, consisting of Mr. [Melancton] Smith, Mr. [Pierse] Long, Mr. [William Samuel] Johnson, Mr. [John] Bull, Mr. [Edward] Carrington, Mr. [William] Henry, and Mr. [John] Kean, to whom was committed a motion of Mr. [Rufus] King, together with a motion of the Delegates of Virginia, on the subject of settlement of the Accounting of the individual States, with the United States Submit the following Resolves:

Resolved, That the authority of the Commissioners appointed to settle the accounts between the United States and individual States shall from and after the ___ Day of ___ terminate and cease.

Resolved, That a Board, to consist of ___ members, be appointed, who shall and hereby are invested with all the powers and authorities of the aforesaid Commissioners, and shall sit where Congress may direct.

Resolved, That in cases where no written Vouchers are or can be produced, and the said Board shall receive satisfactory evidence that such Vouchers have been destroyed or unavoidably lost, or that from the Circumstances of the case, they have never been obtained, they may receive such other evidence as shall be satisfactory to them, but the best that the nature and circumstances of the case will admit of; and at their discretion, may examine on Oath, any person or persons they may think fit, respecting the claims which shall be exhibited for settlement, whether accompanied with written Vouchers or not, when the other evidence is not sufficient to satisfy them of the truth or justice thereof.

Resolved, That where supplies have been furnished by individuals for the use of the Army, and have been assumed by any State, the said Board are hereby authorized and instructed to liquidate and settle such claims and admit them as a charge against the United States.

Resolved, That where any State has claims against the United States not authorized or sanctioned by existing Resolutions of Congress, the same shall be laid before the aforesaid Board within __ years, who shall examine the same and report such decision thereon to Congress as shall accord with Justice and equity.

Resolved, That the said Commissioners be allowed.

Resolved, That the Commission of the said Board shall continue in force for ___ years and no longer.

<u>September 20, 1786</u> –

1) The Committee consisting of Mr. [William Samuel] Johnson, Mr. [Charles] Pinckney, Mr. [Melancton] Smith, Mr. [Nathan] Dane and Mr. [William] Henry appointed to prepare a plan of a temporary government for such districts of new States as shall be laid out by the United

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States upon the principles of the acts of cession from individual States and admitted into the confederacy, submit the following report to the consideration of Congress:

The United States in Congress assembled will appoint a governor, whose Commission shall continue in force for the term of three years unless sooner revoked by Congress.

There shall be appointed by Congress from time to time a Secretary whose Commission shall continue in force for two years unless sooner revoked by Congress. It shall be his duty to keep and preserve the Acts and laws passed by the general Assembly and public records of the district, and of the proceedings of the governor in his executive department and transmit an Authentic copy thereof every three months to the Secretary of Congress.

There shall also be appointed a Court to consist of five Judges who shall have a common law and a Chancery Jurisdiction and whose Commissions shall continue in force during good behavior.

And to secure the rights of personal liberty and property to the inhabitants and other purchasers in the said district it is hereby

Resolved, That the inhabitants of such districts shall always be entitled to the benefits of the Acts of habeas Corpus and of the trial by Jury.

That the Judges shall agree on the Criminal Laws of some one State, in their Opinion the most perfect, which shall prevail in said district, until the Organization of the general Assembly, but afterwards the general Assembly shall have authority to alter them as they shall think fit.

That the real estates of resident proprietors dying intestate previous to the Organization of the general Assembly shall descend to the heirs of such proprietors Male and female in equal parts, that is to say, if a father dies intestate leaving a Son and two daughters the real estate shall be divided into three equal parts, and descend to each in such equal proportions; provided however, that such proprietors shall be at liberty to dispose of such lands by alienation by bargain and sale testamentary devise or otherwise as he shall think proper; but after the Organization of the of the general Assembly the estates of resident proprietors shall be subject to such disposition by alienation bargain and sale descent or otherwise as the said assembly shall direct.

The real estate of no resident proprietors shall be subject to such alienation while living and disposal by testamentary devise as they shall think fit; but the real estates of non resident proprietors dying intestate shall descend in the same manner as those of resident proprietors, previous to the organization of the general assembly until such district shall be admitted into the Confederacy.

Produced by Union States Assembly

The Governor for the time being shall be commander in chief of the Militia; and appoint and Commission all officers in the same below the rank of General Officers; all officers of that rank shall be appointed and Commissioned by Congress.

Previous to the Organization of the general Assembly the governor shall appoint such Magistrates and other Civil Officers in each County or township, as he shall find Necessary for the preservation of peace and good order in the same.

After the general Assembly shall be Organized, the number of Magistrates and other Civil Officers with their powers and duties and term if services shall be regulated and defined by the said Assembly. But all Magistrates and other Civil Officers not herein otherwise directed shall during the continuance of this temporary Government, be appointed by the Governor.

The Governor shall as soon as may be, proceed to lay out the land into Counties and Townships, subject however to such Alterations as may hereafter be made by the Legislature.

So soon as there shall be ___ free male Inhabitants of full age within the said district, upon giving due proof thereof to the Governor they shall receive authority, with time and place to elect representatives from their Counties or Townships as aforesaid to represent them in general assembly; provided that for every ___ free male Inhabitants there shall be one representative, and so on progressively with the number of free male Inhabitants shall the right of representation increase until the number of representatives amount to ___ after which the number and proportion of representatives shall be regulated by the Legislature; Provided that no person shall be eligible or qualified to act as a representative unless he shall be a Citizen of one of the United States, or have resided within such district three years and shall likewise hold in his own right in fee simple 200 acres of land within the same; provided also that a freehold or life estate in fifty acres of land of a Citizen of any of the United States and one years residence if a foreigner in addition shall necessary to qualify a man as elector for the said representative.

The representatives such elected shall serve for the term of one year; and in case of death of representative of his resignation or renunciation of Office the governor shall issue a writ to the County or Township for which he was a member to elect another in his stead to serve for the residue of the time.

The General Assembly shall consist of the Governor, a Legislative Council to consist of five members, any three of whom to be a quorum, to be appointed by the United States in Congress Assembled and to continue in office during pleasure; and a house of representatives who shall have a Legislative authority complete in all cases for the good government of the district, provided that no act of the said general Assembly shall be construed to affect any lands the property of the United States; and provided further that the lands of the non-resident proprietors shall in no instance be taxed higher than the lands of residents.

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All money bills shall Originate in the house of representatives, and all other bills indifferently either in the Council or house of representatives, and having been passed by a Majority in both houses shall be referred to the governor for his assent, after obtaining which they shall be complete and valid; but no bill, resolution, Ordinance or Legislative Act whatever shall be valid or of any force without his assent.

The Governor shall have power to convene or prorogue the general Assembly at their request, or when in his Opinion it shall be expedient.

The said Inhabitants or settlers shall be subject to pay a part of the federal debts contracted or to be contracted, and to bear a proportional part of the burthens of the Government to be appropriated on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other States.

The annual salary of the Governor shall be ___, of the Legislative Council ___, of the Judges ___, and of the Secretary ___ per annum.

The Governor, Judges, Legislative Council, Secretary and such other Officers as Congress shall at any time think proper to appoint in such district shall take an Oath of Office before ___ presented on the ___ day of ___ to the Secretary at War *Mutatis Mutandis*.

Whensoever any of the said States shall have of free inhabitants as many as are equal in number to the one thirteenth part of the Citizens of the Original States, to be computed from the last enumeration, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the said original States; provided the consent of so many States in Congress is first obtained as may at that time be competent to such admission.

Resolved, That the resolutions of the 23rd of April, 1784, be, and the same are hereby annulled and repealed.

<u>September 20, 1786</u> –

1) On the Report of a committee, consisting of Mr. [Charles] Pinckney, Mr. [Nathan] Dane, and Mr. [Edward] Carrington, to whom was referred a letter of the 19, from the post master general:

Whereas the United States in Congress assembled, are, by the Articles of Confederation, invested with the sole and exclusive right of establishing and regulating the Post Offices, from one State to another throughout the United States, and exacting such postage on the Papers passing through the same as may be requisite to defray the expences of the said offices: and whereas the present situation and demands of the post office will on no account admit the

Produced by Union States Assembly

receipt of any other money than specie; the paper currencies of the several States, from their limited circulation and probable depreciation, being totally inadequate to the purpose.

Resolved therefore, That the post master general be, and he is hereby directed to issue instructions to the postmasters in the several states, to receive no other money in payment for postage than specie.

Resolved, That the post-master-general-be, and he is hereby empowered, in all cases where he may conceive it necessary, to demand, or authorise the demanding the postage at the time the letters are put into the post Offices.

On the question to agree to the last resolution, the yeas and nays being required by Mr. [Edward] Carrington, so it was resolved in the affirmative.

2) To His Excellency,

The President of Congress

ANNAPOLIS, *September 14th, 1786*.

SIR: Agreeably to the request of the Commissioners assembled at this place, I do myself the Honor to transmit to your Excellency, a Copy of their Report to the Legislatures of those States by who they were appointed.

I remain etc.

JOHN DICKINSON,

Chairman.

His Excellency,

The President of Congress.

To the Honorable the Legislatures of Virginia, Delaware, Pennsylvania, New Jersey, and New York:

The Commissioners from the said states respectively assembled at the City of Annapolis, humbly beg leave to report:

That, pursuant to their several appointments, they met at Annapolis, in the State of Maryland, on the eleventh day of September Instant, and, having proceeded to a communication of their powers, they found that the States of New York, Pennsylvania, and Virginia, had in substance, and nearly in the same terms, authorised their respective Commissioners “to meet such

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Commissioners as were or might be appointed by the other States in the Union, at such time and place as should be agreed upon by the said Commissioners, to take into consideration the trade and commerce in the commercial intercourse and regulations might be necessary to their Common interest and permanent harmony, and to report, to the several States, such an Act relative to this great object, as when unanimously ratified by them would enable the United States in Congress Assembled effectually to provide for the same."

That the State of Delaware has given similar powers to their Commissioners, with this difference only, that the Act to be framed in virtue of these powers is required to be reported "to the United States in Congress assembled to be agreed to by them and Confirmed by the Legislatures of every State."

That the State of New Jersey had enlarged the object of their appointment, empowering their Commissioners "to consider how far an uniform system in their Commercial regulations and other important matters might be necessary to the common interest and permanent harmony of the several States and to report such an Act on the subject, as when ratified by them would enable the United States in Congress assembled effectually to provide for the exigencies of the Union."

That appointments of Commissioners have also been made by the States of New Hampshire, Massachusetts, Rhode Island, and North Carolina, none of whom have however attended, but that no information has been received by your Commissioners of any appointment having been made by the States of Connecticut, Maryland, South Carolina, or Georgia.

That the express terms of the powers to your Commissioners supposing a deputation from all the States, and having for object the trade and Commerce of the United States, Your Commissioners did not conceive it advisable to proceed on the business of their mission under the Circumstance of so partial and defective a representation.

Deeply impressed, however, with the magnitude and importance of the object confided to them on this occasion, Your Commissioners cannot forbear to indulge an expression of their earnest and unanimous wish that speedy measures may be taken to effect a general meeting of the States in a future Convention, for the same, and such other purposes, as the situation of public affairs may be found to require.

If in expressing this wish, or in intimating any other Sentiment your Commissioners should seem to exceed the strict bounds of their Appointment, they entertain a full confidence, that a conduct dictated by an anxiety for the welfare of the United States, will not fail to receive an indulgent Construct.

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In this persuasion, your Commissioners submit an opinion, that the Idea of extending the powers of their deputies to other objects than those of Commerce, which has been adopted by the State of New Jersey, was an improvement on the original plan, and will deserve to be incorporated into that of a future Convention. They are the more naturally led to this conclusion, as in the course of their reflections on the subject, they have been induced to think, that the power of regulating Trade, is of such comprehensive extent, and will enter so far into the general system of the Federal Government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, may require a correspondent adjustment of other parts of the Federal system.

That there are important defects in the system of the Federal Government, is acknowledged by the Acts of all those states which have concurred in the present Meeting. That the defects upon a closer examination may be found greater and more numerous than even these acts imply, is at least so far probably from the embarrassments which characterize the present State of our national affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion, in some mode, which will unite the sentiments and Councils of all the States.

In the choice of the mode your Commissioners are of opinion that a Convention of deputies from the different States, for the special and sole purpose of entering into this investigation and digesting a plan for supplying such defects as may be discovered to exist will be entitled to a preference, from consideration which will occur without being particularized.

Your Commissioners decline an enumeration of those national circumstances on which their opinion respecting the propriety of a future Convention with more enlarged powers is founded; as it would be an useless intrusion of facts and observations, most of which have been frequently the subject of public discussion, and none of which can have escaped the penetration of those to whom they would in this instance be addressed. They are however of a nature so serious as, in the view of your Commissioners, to render the situation of the United States delicate and critical, calling for an exertion of the United virtue and wisdom of all the Members of the Confederacy.

Under this Impression your Commissioners with the most respectful deference, beg leave to suggest their unanimous conviction that it may essentially tend to advance the interests of the Union, of the States by whom they have been respectively delegated would themselves concur, and use their endeavours to procure the concurrence of the other States, in the appointment of Commissioners to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union; and to report such an Act for that purpose to the United States in

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Congress assembled, as when "agreed to by them and" afterwards confirmed by the Legislatures of every State will effectually provide for the same.

Though Commissioners could not with propriety address these observations and sentiments to any but the States they have the honor to represent, they have nevertheless concluded from motives of respect, to transmit Copies of this report to the United States in Congress assembled, and to the Executives of the other States,

By order of the Commissioners: JOHN DICKINSON,

Chairman.

Dated at Annapolis,

September 14th, 1786.

September 21, 1786 –

1) The committee, consisting of Mr. [William Samuel] Johnson, Mr. [Edward] Carrington, Mr. [Henry] Lee, Mr. [Nathan] Dane and Mr. [Nathaniel] Ramsay, to whom was referred a letter of the Secretary at War, of the 20 instant, with a paper enclosed, having reported "that in their Opinion the measures adopted by the said Secretary, relative to the Ordnance and stores, mentioned in his letter, were proper and expedient."

Report, that in their opinion the measures adopted by the said Secretary relative to the arsenal, ordnance and stores of the United States mentioned in his said letter were proper and expedient and to prevent any damage being done to the said ordnance and Stores hereafter.

Resolved, That the Secretary at war adopt such measures and make such arrangements as in his opinion shall be best calculated for the preservation of the same.

In order to prevent damage being done hereafter done to the said Ordnance and stores,

Resolved, That the Secretary at War adopt such measures and make such arrangements as in his Opinion shall be best calculated for the preservation of the same.

2) An Ordinance for the Establishment of the Mint of the United States of America; and for regulating the Value and Alloy of Coin:

That a Mint be established for the coinage of gold, Silver, and Copper Money, agreeably to the Resolves of Congress of the 8th of August last, under the direction of the following Officers, viz:

An Assay Master - whose duty it shall be to receive Gold and Siler in Bullion, or Foreign Coin, to Assay the same; and to give his Certificates for the Value thereof at the following Rates:

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For every Pound Weight Troy of Uncoined Gold or Foreign Gold Coin, Eleven parts fine and One part Alloy – Two hundred and Nine Dollars, seven Dimes and seven Cents, Money of the United States as Established by the Resolves of Congress of the 8th of August last, and in so proportion to the fine gold contained in any coined or uncoined gold whatsoever.

For every Pound Weight Troy of Uncoined Silver, or Foreign Silver Coin, eleven parts fine and one part Alloy Thirteen Dollars, seven Dimes, seven Cents and seven Mills. Money of the United States, Established as aforesaid: And so in proportion to the fine Silver contained in any coined or uncoined Silver whatsoever.

A Master Coiner, whose Duty it shall be to receive from Time to Time of the Assay Master, the Bullion necessary for Coinage – to Report to Congress Devices and proofs of the proposed pieces of Coin, and to procure proper Workmen to execute the Business of Coinage, reporting from Time to Time to the Commissioners of the Board of Treasury of the United States, for approbation, and allowance, the Occupation, Number, and Pay of the Person so employed.

A Paymaster, whose Duty it shall be to receive, and take charge of the Coin made under the direction of the Master Coiner and to Receipt for the same, To receive and duly enter the Certificates for Uncoined Gold and Silver issued by the Assay Master; and to pay Ninety-five hundredths of the Amount thereof in Gold or Silver Coin, and Five hundredths in the Copper Coin of the United States.

And be it further Ordained, That the Certificates to be given by the Assay Master, to Persons who shall lodge Gold, or Silver in the Mint for Coinage, shall be in fine Bank Paper, and exprest in the manner and form following, to Wit:

MINT OF THE UNITED STATES,

____. ___, _____

I acknowledge to have received of A.B. for Coinage (here insert the Weight) of (insert the Species) Bullion, for the Amount of which Pay to _____ _____ or Bearer, the Sum of _____ at ten Days sight, agreeably to the Custom of the Mint.

C.D.,

Assay Master.

To F.E., Pay Master of the

Mint of the United States of America

Produced by Union States Assembly

And be it further Ordained, That the Salaries of the Officers above mentioned Shall be ___ per year, payable in quarterly payments; and that they settle their Accounts Monthly, agreeable to such forms and Vouchers as shall be prescribed by the Comptroller of the Treasury.

And be it further Ordained, That the Officers mentioned in the within Ordinance, shall enter into Bonds to the United States, for the faithful Execution of the Trust, respectively, reposed in them, in the manner and Amount following, to Wit; The Assay Master in the sum of ___ Dollars and two Sureties, each in the sum of ___ Dollars, The Master Coiner, in the sum of ___ Dollars; and two Sureties, each in the sum of ___ Dollars; The Pay Master, in the sum of ___ Dollars and two Sureties, each in the sum of ___ Dollars. And that they shall likewise (as well as every person employed in the Mint) take and subscribe the Oath of Office, established by the Resolve of the 14th March, 1786.

And be it further Ordained, That it shall be the Duty of the Comptroller of the Treasury to Report Monthly to the Commissioners of the Treasury of the United States a Statement of the Mint Accounts, adjusted agreeably to the Usual Forms; and if on such Statement it shall appear that there has been any Neglect, Mismanagement, or abuse of Trust, in any of the Officers mentioned in the within Ordinance, it shall be the Duty of the Commissioners of the Board of Treasury to suspend such Officer of Officers, and to Report thereon specially to the United States in Congress.

And be it further Ordained, That the Copper Coin struck under the Authority of the United States, shall be receivable in all Taxes, or Payments due to the United States, in the proportion of Five Dollars for every hundred Dollars so paid; but that no other Copper Coin whatsoever, shall be receivable in any Taxes or payments whatsoever to the United States.

And whereas, the great Quantities of Base Copper Coin daily imported into, or Manufactured within the Several States, is become so highly injurious to the Interest and Commerce of the same, as to require the immediate Interposition of the Powers vested by the Confederation in the United States in Congress, of Regulating the Value of the Copper so current as aforesaid.

Be it Ordained, That no Foreign Copper Coin whatsoever, shall after the ___ day of ___ be current within the United States; and that no Copper Coin struck under the Authority of a particular State, shall pass as a greater Value than One Federal Dollar for two pounds and quarter of a pound Avoirdupois Weight of such Copper Coin.

And whereas, an Uniformity in the Punishment of persons found Guilty of debasing and Counterfeiting the Coin of the Several States, or knowingly uttering the same, is Essential for the prevention of such dangerous Offences.

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Be it Ordained, That if any Person of Persons shall debase or Counterfeit in any part of the United States, and Gold or Silver Coin struck under the Authority of the said States, or shall knowingly Utter or cause to be Uttered such debased of Counterfeited Gold or Silver Coin the party or parties so offending shall, if Convicted of the same in any Court of Record Established under the Authority of the State in which such Offence is Committed, Suffer the Pains and penalties of Death, without Benefit of Clergy. And be it further Ordained, That if any Person or Persons in any part of the United States shall in the manner above mentioned be convicted of melting, or filing, Clipping or otherwise impairing the Gold or Silver Coin of the United States, The party or parties so Convicted, shall for every such Offence be mulcted in a Fine of ___ Dollars, Money of the United States, and suffer imprisonment for the space of ___ Months.

And be it further Ordained, That if any Person or Persons shall in any part of the United States, make, Coin, or Counterfeit any of the Copper Coin of the United States, and be duly Convicted thereof in the manner above Recited, the Party or Parties so convicted shall for every such offence forfeit the Sum of ___ Dollars, Money of the United States, and suffer imprisonment for the space of ___ Months.

And be it further Ordained, That if any Person or Persons not authorised for such purpose by the Master Coiner of the Mint of the United States, shall make any Stamp, Die, or Mould, in Imitation of such as are used in the Mint of the United States, or shall convey out of the Mint any Stamp, Die or Mould, made or used in the Mint of the United States, and shall be thereof, duly convicted in the manner above recited, the Party or Parties so convicted shall for every such Offence forfeit the sum of ___, Money of the United States, and suffer ___ Years Imprisonment.

And be it further Ordained, That the Residue of Fines imposed by the Virtue of this Ordinance, after defraying the Expences incurred on the Prosecution for the same, to the United States, shall accrue to the benefit of the State in which the Conviction took place.

All which is most humbly Submitted.

Board of Treasury,

September 20th, 1786.

<u>September 26, 1786</u> –

1) On motion of Mr. [Charles] Pinckney, seconded by Mr. [Henry] Lee,

Resolved, That the commission and instructions issued to Mr. John Lamb, for the purpose of negotiating with the Barbary Powers, be and they are hereby vacated and annulled; and that

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the Secretary for foreign Affairs take the necessary measures for directing Mr. Lamb immediately to repair to New York.

September 27, 1786 –

1) The Agents for the States of New York and Massachusetts, presented to Congress the following representation and request, to wit:

To the honorable the United States of America in Congress assembled, the subscribers, Agents of the States of New York and Massachusetts, beg leave to represent that they have agreed upon the honble. William Hooper, Esq. of North Carolina, to be a judge instead of the honorable James Monroe, esquire, who hath declined his appointment to sit in a federal court, for the trial of a controversy between the said states of Massachusetts and New York, which controversy is suggested in the petition of the former, now on the journals of Congress; and thereupon the said Agents do humbly request that notice hereof may be given to the said William Hooper, esqr and that upon his acceptance, a commission may be issued to him, together with the Honorable Thomas Johnson, George Wythe, George Read, Isaac Smith, William Patterson, Samuel Johnson, William Fleming and John Seagraves, esquires, constituting them a court, according to the Confederation, to hear and determine the controversy aforesaid.

Dated 22d September, 1786.

N. GORHAM,

R. KING,

N. DANE,

Agents for Massachusetts.

JAS. DUANE,

JOHN HARING,

MELANCTON SMITH,

EGBERT BENSON,

Agents for New-York.

September 28, 1786 –

1) WAR OFFICE, *September 28th, 1786*.

Produced by Union States Assembly

SIR: I have the honor to transmit to Congress the copy of a letter received from his Excellency Governor Bowdin, and also a copy of his orders to Major General Sheppard in consequence of my representation of the 16th instance. The Governor must have supposed I still remained at Springfield and therefore enclosed Major General Sheppard's original orders to me at that place.

I cannot refrain from remarking to the honor of his Excellency's Zeal for the protection of the stores of the United States that his orders were issued instantly on the receipt of my letter. But as I apprehend that some serious difficulties might arise were I in consequence of the Governor's orders to General Shappard, to desire him unconditionally to call forth a considerable body of the militia, and station them at the Arsenal, I humbly beg leave to state them to Congress.

At the time I wrote to the Governor from Springfield the height to which the disorders might arise, or the direction they might take were uncertain. Enough of a lawless and desperate spirit had been manifested to alarm the well affected to Government for the safety of the stores. The mal-contents openly avowed the idea, that should the Government attempt to punish them, that they easily could obtain the means of defence from the Arsenal. Their conduct had already evinced that they were capable of perpetrating this crime however great.

I could not ascertain with precision, the nearness, or degree of danger, which threatened the stores, as both might depend materially, on the vigor with which the government might proceed in punishing the ring leaders of the insurrection. I could not therefore request a guard of any specific numbers, but supposed that circumstances must regulate it strength. But the information of some of the most respectable characters in the state, render it my duty to make the application to the Governor.

Springfield is surrounded by the disaffected, who must however be supposed to be much inferior in number, to those whose affections are favorable to the Government, yet their deficiency in this respect probably be made up by their daring temerity. A feeble attempt to raise a guard for the protection of the stores would probably precipitate their loss, as the mal-contents might regard it as the first step towards their destruction.

In so critical a case, all that appeared practicable was an endeavor, that Major General Sheppard should be invested with the legal authority, to call forth the well affected militia, and take every other necessary measure, which exigencies might require. His residence on the vicinity of Springfield, his vigilance and dispositions would enable him from time to time to know the designs of the mal-contents and to endeavor to frustrate them. In the last resort, if he should be dubious of his force, it was considered as practicable to obtain a decided superiority from the neighbouring militia of Connecticut.

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Besides the danger before alluded to in calling out a body of militia for the security of Springfield, the expense of subsisting them would be considerable, and must be defrayed by the United States, which if practicable would greatly embarrass the Treasury.

Were there a respectable body of troops in the service of the United States, so situated as to be ordered immediately to Springfield, the propriety of the measure could not be doubted. Or were the finances of the United States in such order, as to enable Congress to raise an additional body of four or five hundred men and station them at the respective arsenals the spirit of the times would highly justify the measure. For it may be observed that if one of the Arsenals which was conceived to be perfectly secure from its situation, is suddenly endangered from strange circumstances, the others are liable to the same evil, and in an instant the nation may be deprived of its invaluable apparatus of war, which may be converted to the subversion of all government.

But it would be an evil of the most dangerous tendancy to raise an additional body of troops and station them at the Arsenals without the absolute certainty of paying them much better than those now in services on the frontiers.

Having thus stated the previous steps on this occasion, I beg leave humbly to submit to Congress, Whether considering the nature of a militia guard, the probable operation such a measure may have on the conduct of the mal-contents and the certainty of a considerable expence which would be incurred, it would be proper to enforce unconditionally the orders of his Excellency Governor Bowdin to Major General Sheppard of the Massachusetts militia, to raise a certain body of men for the protection of the Arsenal at Springfield; or whether it would not be most proper, to rest the execution of the order with Major General Sheppard agreeably to the arrangements already made with him on the subject.

I feel a dissidence in troubling Congress with this matter, but its importance and the critical circumstances attending it, will I hope plead my excuse.

I have the honor to be etc.

His Excellency,

The President of Congress.

H. KNOX.

<u>September 29, 1786</u> –

Produced by Union States Assembly

1) Congress proceeded in the Consideration of an Ordinance for the government of the Western territory, reported by Mr. [William Samuel] Johnson, Mr. [Charles] Pinckney, Mr. [Melancton] Smith, Mr. [Nathan] Dane and Mr. [John] Henry:

And the following clause being under debate, to wit:

The governor, judges, legislative council, Secretary and such other officers as Congress shall at any time think proper to appoint in such district, shall take an Oath of Office, prescribed on the 27 day of January, 1785, to the Secretary at War, *mutatis mutandis*.

A motion was made by Mr. [Melancton] Smith, seconded by Mr. [John] Haring, to amend the same, by striking out the latter part of that paragraph, viz.

"An Oath of Office, &c." to the end; and in lieu thereof, inserting, "An Oath of fidelity to the United States, in the words following, viz. A.B. appointed to the Office of ___ do acknowledge, that I do owe true and faithful allegiance to the United States of America, and I do swear (or affirm) that I will, to the utmost of my power, support, maintain and defend the said United States in their freedom, sovereignty and independence, against all opposition, whatsoever." And also, an Oath of Office in the words following, viz. I, A.B. appointed to the Office of ___ do swear (or affirm) that I will faithfully, truly and impartially execute the Office of ___ to which I am so appointed, according to the best of my skill and judgement.

On the question to agree to this amendment, the yeas and nays being required by Mr. [Melancton] Smith, so the question was lost.

A motion was then made by Mr. [Melancton] Smith, seconded by Mr. [Timothy] Bloodworth, to strike out the paragraph; And on the question, shall the paragraph stand? The yeas and nays being required by Mr. [Melancton] Smith, so it was resolved in the affirmative.

The further consideration of the Ordinance being postponed.

2) The delegates for Georgia, laid before Congress an Act of that state, in pursuance of the recommendation of the 30 April, 1784, passed the 2d of August, 1786, vesting the United States in Congress assembled, for the term of 15 years, commencing on the day Congress shall begin to exercise the powers, with a power to prohibit the importation or exportation of goods, wares or merchandize, in ships belonging to, or navigated by subjects or powers with whom the U.S. shall not have formed treaties of Commerce, and to prohibit the subjects of foreign states, unless authorised by treaty, from importing goods, wares or merchanidze which shall not be the produce or manufacture of the dominion of the sovereign whose subjects they are, provided that nine states agree on the exercise of this power, and that it do not extend to

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prohibit the importation of negroes, and that the Act shall not have force until the other twelve states have substantially complied with the recommendation above mentioned.

October 3, 1786 –

1) On a report of the Secretary of the United States for the department of foreign Affairs, to whom was referred back his report of the 4 of July, 1785, on the Consular Convention between France and the United States.

Resolved, That a copy of that report be transmitted to the minister plenipotentiary of the United States at Paris, in order that he may thereby become fully informed of the Objections to which the Convention is liable.

That a certified copy of the Act of Congress of the 25 day of January, 1782, authorizing and directing the honbl. Doctor Franklin to conclude a consular Convention, be also sent to him.

That a certified copy of the Scheme of such Convention, referred to in the above Act of Congress, be also sent to him.

That he be instructed to communicate the said act of Congress and the said scheme to his Most Christian Majesty, and to point out to him the instance in which the convention deviates from the said scheme.

That he be also instructed to propose to his Majesty, that the said Convention be so amended as perfectly to correspond with the scheme, in every part where a deviation from the same is not permitted by the said act. And further, that he represent to His Majesty the desire of Congress to make the said Convention *probationary*, by adding a clause for limiting its duration to eight or ten years. That he assures his Majesty of the determination of Congress to observe on All occasions the highest respect for Candour and good faith in all their proceedings; and that on receiving the Convention so amended, and with such a clause, they will immediately ratify it.

Resolved, That the honorable Thomas Jefferson, esq., the minister plenipotentiary of the United States at the Court of Versailles be and he is hereby authorised and directed, to conclude and sign, on the part of the United States, with the Minister of his most Christian Majesty having equal powers, a Convention for the regulation of their respective Consuls, conformably to the scheme abovementioned in every respect, except where deviations from it are permitted by the said Act of Congress of the 25 day of January, 1782, and with a clause limiting the duration of the said convention to any term of years not exceeding ten.

Ordered, That the secretary for foreign affairs write the following letter to Mr. Jefferson:

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SIR: I have the honor of transmitting to you herewith enclosed the following papers, viz.

No.1. A copy of the Consular Convention signed by the French and American plenipotentiaries.

No.2. A copy of the Act of Congress under which the American plenipotentiary signed the same.

No.3. A copy of the scheme of a convention mentioned and referred to in the said Act.

No.4. A copy of a report on the said Convention.

No.5. A copy of an Act of Congress containing instructions and giving authorities to you on the subject of the said Convention.

These papers will process you fully of the whole business. I am persuaded that it will appear to you as it does to Congress to be a delicate one, and to require delicate Management. The Original scheme of the Convention is far from being unexceptionable, but a former Congress having agreed to it, it would be improper now to recede, and therefore Congress are content to ratify a convention made conformable to that scheme and to their clause limiting its duration be added. It will be proper therefore to press on the Court *only* such Objections to the Convention as arise from its departure from the scheme. On making an accurate comparison, such departure will appear manifest to his Majesty; and there is reason to expect from his candor, that he will readily consent to remove the Objections occasioned by it.

As it certainly is wise to try the merits of institutions entirely new, by actual experience, before Nations adopt the forever, the propriety of rendering this Convention probationary in the first instance is unquestionable. Congress cannot therefore presume that his Most Christian Majesty will object to a clause for limiting its duration. The design of this Convention being for mutual and reciprocal benefit and convenience, it would be doing injustice to his Majesty to suppose that he would wish to provide for its existing longer than it should prove useful and satisfactory. If, after the experience of a few years, it should be found to answer the purposes intended by it, both parties will have sufficient inducements to renew it, either in its present form, or with such alteration and amendments as time, experience and other circumstances may indicate.

(See pages 715-735 for both the Scheme and Convention)

October 6, 1786 –

1) An Address from the United States in Congress Assembled to the Legislatures of the several States:

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It is with the most painful anxiety that they are compelled to declare, that, having been denied the means of satisfying the engagements which they have constitutionally made for the common benefit of the Union it is now their duty solemnly to warn their constituents that the most fatal evils will speedily and inevitably flow from a breach of public faith and a violation of the principles of justice, which are the solid basis of the honor and prosperity of Nations.

The States were called upon the last year to pay into the general treasury the sum of three millions of dollars, of which one million was to be discharged by Specie and two millions by discounts of interest on the domestic debt. The objects for which the monies proposed to be raised were to be appropriated, were then distinctly pointed out; By this it appears that the sum of eight hundred and forty thousand dollars were absolutely and indispensably necessary to defray the charges of the Civil government and the interest of the foreign debt.

What have been the effects of this requisition? Notwithstanding the serious and interesting appeal of Congress to the justice and wisdom of the several States which soon followed it, and in which after stating the public receipts and expenditures for the four preceding years, it is proved that the receipts of the last fourteen months were not adequate to the bare maintenance of the federal government, on the most economical establishment, and in time of profound peace, only ten states out of the thirteen have passed acts apparently complying with it, and by such as have complied not more than the sum of 100,000 dollars, has been paid into the general treasury to the present date in actual Specie.

In examining the proceedings of the different States in consequence of the Resolves of the 27th Sept. 1785, the following statement is the result:

In the Act of New Hampshire, the Specie directed to be raised is to be assessed on the polls an ratable estates within that State, agreeably to the last proportion of taxes, for the several Towns and places, but as it does not appear by this Act, at what rate the polls and real property are rated, or whether those funds are burthened with any other engagements it is impossible to form a judgement of what may be expected from the provision made. If the funds are the same as have been relied on for paying that State's quota of the requisition of the 27th and 28th of April, 1784, experience demonstrates that no dependence can be placed upon their efficacy.

By the Act of Massachusetts it appears that there is assessed on the different Counties of that State the sum of £300,439:1:3 Lawful money, out of which the sum of £145,665, equal to 485,550 dollars (the Specie quota of that State) is to be paid into the general Treasury on or before the 1st of January, next.

From the whole sum there is to be deducted: For the support of Civil government, £25,784:1:3; for the payment of interest on their State debt, £29,000:0:; for redeeming army Notes payable

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1784, 1785, and 1786, £100,000:0:; for replacing sums drawn out of the treasury for support of the members of Assembly, £1,101:18:10.

It does not appear by this Act that any preference in payment is to be given to the requisition of Congress and as more than one Moiety of the sum proposed to be raised, is for State purposes, in which the support of the government and the particular interests of their Citizens are concerned, it may be inferred that the first monies collected will be appropriated for the objects will be procrastinated, and any deficiency in the general Tax, will fall on the sum which is appropriated for federal purposes. From Rhode Island no specie payments on the last requisition is to be expected, that State having set off, against this requisition, the balances due the contractors for ox teams in the service of the United States for the year 1781, notwithstanding the balance which remained due on the requisition for 1784; this together with the amount of their liquidated payments to invalids, on pursuance of the Resolution of Congress of the 7th June, 1785, will very probably absorbe the Specie sum of the requisition of the 27th September, 1785; nor can a further payment of the balance due on that of 1784, be calculated on, as a paper currency in that State is made receivable in all taxes whatever.

Connecticut having passed no Act in compliance with the last requisition nothing can be expected from her.

By the Act of New York, though the treasurer of the State is directed to pay into the general the full proportion of her quota on the last requisition, at the periods therein specified, no funds appear by the said law, to be provided for effecting this object. By a law enacted in the last sessions of the Legislature of that State, a paper Currency is made receivable in all taxes whatever from the first of May last; from this circumstance little dependence can be placed in receiving in the course of the present year, her full Specie quota.

Jersey having passed no act upon the last requisition, nothing is to be expected from her.

Pennsylvania by an act of the 8th of March, 1786, directed their Treasurer to pay to the order of the United States, such a sum in specie, as together with the sums paid on account of the requisitions of the 27th and 28th April, 1784, and 27th of September, 1785, would make the sum of 557,091 dollars in Specie and the further sum of 593,684 dollars in receipts on Certificates of interest; but it is to be observed, that the sum directed to be paid by discounts of interest is 86,657 dollars more than the State has a right to avail itself of on the requisition of the 4th of September, 1782, 27th of April, 1784, and 27th of September, 1785, and that the amount directed to be paid is short (by the abovementioned overplus in indents of interest) of the Actual sum of Specie required of that State, by the requisitions of the 27th and 28th of April, 1784, and 27th of Sept. 1785.

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The State of Delaware has passed an Act in compliance with the last requisition which will probably be productive of her quota.

The State of Maryland did at their last sessions, pass an Act providing for the payment of 94,350 dollars in Specie being the proportion of Specie required of that State by the requisition but it does not appear that any provisions has been made for the payment of the indents of interest required by the said requisition.

Virginia passed an Act of the 21st of January last, in full compliance with the last requisition, but the revenue laws referred to in the said Act, do not shew what monies may be relied on from them.

From North Carolina nothing is to be expected on the last requisition no act having passed in pursuance of it.

In the State of South Carolina the last requisition is fully covered by the Credit she has obtained in the treasury, for supplies in 1782 and 1783.

The State of Georgia by an Act of the 13th of February last, directed their treasurer to pay into the General Treasury the quotas assigned to that State, by the resolves of the 4th Sept., 1782, 27th and 28th of April, 1784, and the 27th of Sept., 1785; but as the said act refers to a revenue law of which a Copy has not accompanied it, no certain Opinion can be formed how far the compliance may be operative, but as nothing has yet been paid on either of the aforesaid requisitions, little expectation can be entertained of payments under this Act, which seems to have created no new funds.

To the above statement nothing need to be added to manifest the exhausted State of the federal Treasury, except that of the requisition of the 27th and 28th of April, 1784, heavy balances are Still due as appears from the following statement thereof to the 30th of June last.

(See page 751 for the statement/chart regarding the requisition)

Of the Requisition of the 4th of September 1782 considerable balances are also due, but as the States were permitted to apply their respective quotas, in the payment of interest due on the Loan Office Certificates and other liquidated debts of the United States, contracted therein and few of them have caused regular returns to be made, how far they have acted upon the said requisition, the balances cannot now be ascertained.

<u>October 9, 1786</u> –

1) When the conduct of these unto whom the people within their respective States have committed their powers, hath endangered their welfare, either from not enacted such laws as

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are necessary and proper to the well being of the federal government or when enacted from not having them executed with due energy and promptitude, it becomes our business as guardians of the Confederacy to awaken them to a sense of their duty, to urge the adoption of such measures as may avert the threatened Calamity.

Impressed with a sense of this high Obligation and an anxious and affectionate concern for the interest, honor and safety of the Union, We now call your most serious attention to the situation of the federal finances, deranged from a non performance on your part of that duty which your Constitutions and the Confederation imposes upon you.

We shall adopt the requisition of 1781, as a beginning, because this was the first made upon you wholly for Specie.

1781, October 16th: You were called upon to furnish the Federal Treasury for the service of the year 1782 and prosecuting the war, 8,000,000 Dollars.

1782, October 16th: For the service of the year 1783 and prosecuting the war the sum of 6 ~~M~~ was thought necessary but only 2 ~~M~~ were called for, as loans were then expected to made be made in Europe.

On the 27th April, 1784, Congress taking into consideration the distressed situation of the States, suspended the operation of the last requisition of 2 ~~M~~ dollars, and also one-half of the first for 8 M dollars only calling on the States to make good what sums they were deficient to compleat the half of the 8 ~~M~~ which not suspended, which sum amounted to 2,670,987.89 Dollars.

Of this sum to the first of January, 1786, a space of two years there was paid only 917,475.44 dollars altho' the States had the indulgence of paying one fourth part of it in Certificates of Interest due from the United States to individuals.

On the 27th September, 1785, the States were called on to pay into the federal Treasury by the 1st of May, 1780, their respective quotas of 3 ~~M~~ dollars being a part of the remaining 4 <u>M</u> suspended in its operation by requisition of 27th April, 1784.

On this requisition there has not been paid in actual specie more than 100,000 dollars nor have many of the States fully complied with it. But eight States have passed any Acts relative to it, and in most of these it is found that the monies intended for the purposes of the Union and those of the State are blendid in the same collection; that scarcely in any State funds are pointed out by the law providing its quota; and that in several a paper Currency is made receivable a specie in all payments whatsoever.

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Having detailed to you simply and clearly the deficiencies that have arisen on the several requisitions from the 30th October, 1781, which amount to the sum of 4,443,012.65 dollars, we shall point out the reasons which we suppose to have occasioned them.

1st. An insufficiency in the extent of the funds provided for federal purposes.

2nd. If funds adequate have been provided a want of energy in collecting them or,

3rd. A misapplication of the monies when collected.

In whatever form we view the matter the result is that our difficulties have been occasioned by your misconduct, which leaves us a sure and certain hope that when you shall have impartially considered the facts we have stated to you, and their causes they will Operate a change of Measures, and leave us no cause in future to complain of deficient payments to the federal Treasury.

But that the present Requisition, which we make on you by Virtue of the powers of the Confederation may not be defeated we shall point out and most seriously recommend to you to enact what we conceive absolutely necessary to ensure a strict and prompt compliance with it; upon which your present well being in a great degree depends.

1st. That the taxes intended for the purposes of the Union should be distinct from those which are appropriated to the service of the State, and fully competent to the discharge of the sum called for.

2d. That they should be as simple as possible in their nature.

3d. That the collection of them should be made with energy and promptness – and that the State should not on any account interfere between the Collector and individuals so as to postpone the Collection.

4th. That sums raised on the individuals should be paid in like manner as the quotas are receivable from the several States, that is to say, that the proportion of Specie pointed out by the Requisition should keep pace with the payments of the discounts of interest.

And if no general revenue system is to be adopted, which in our Opinion would be more for the honor and true interest of the Union, and we are still to depend on the present Constitutional mode of supplying the federal Treasury by Requisitions, we would recommend to you immediately to enact your tax laws for raising a sum which may be equal to your supposed quotas of the next Requisition, so that when it shall be made you may have no more to do but to apply the necessary sum, for on the present system of not providing the funds until the requisition is made it must most clearly appear that allowing the taxes to be collected within

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the time called for by the States, the United States must always be in arrear and making Anticipations on the revenue – a system destructive of public Credit.

An attention to these principles with public and private frugality and Oeconomy would undoubtedly relieve us from the distresses under which we now labour, and leave us no longer room to complain of a Civil list and military establishment greatly in arrear, a foreign and domestic interest unpaid, and of consequence a ruined Credit, which brings with it a charge of want of justice and good faith, the foundation and pillars of a free Government, and without which it cannot exist.

You will observe that in the present Requisition, no less than 1,723,626.47 ought to be forthwith raised in specie for the express purpose of paying the Interest and certain installments of the principal of the foreign Debt, which will become due in the present, and the course of the ensuing year.

Such is the accumulation of debt, which has been brought on the people for want of an early adoption of the Resolves of the 18th of April, 1783. The probable amount of the impost part of which would have been near 4,000,000 Dollars, and which would have left a balance of upwards of 2 ~~M~~ dollars to have been applied to the extinguishment of the domestic debt.

It is painful to bring to view advantages which are lost, but as this is not gone for ever we think it our duty to truly state what might have been done, and what may still be done by proper exertions on your part.

The purposes to which the monies are to be applied are fairly stated – the evils that will attend a noncompliance are too evident to need recapitulation. The delinquent states must be responsible for all those Calamities.

We appeal to your reason, to your justice, and to interests of the people you represent; we conjure you no longer indolently to Neglect these things which ought to be done, but while you yet have it in your power; and before you are forced by some fatal disaster, or driven by inevitable necessity into measures destructive of that confederacy to which you have all pledged yourselves sacredly to adhere, that you will exert yourselves efficaciously for the support of the general government of the United States.

But whatever may be the fate of those measures on which you have a right to deliberate and determine, *We, the United States in Congress Assembled by Virtue of the powers Vested in us by the Confederation* do call on you as members of the Confederacy to pay into the general Treasury at the time stipulated your respective Quotas of the present Requisition for the support of the general Government.

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October 12, 1786 –

1) OFFICE FOR FOREIGN AFFAIRS

October 12, 1786.

The Secretary of the United States for the department of foreign affairs, to whom was referred a letter to him of the 6th instant, from the Charge de affaires of France, requesting that the resolution of Congress concerning the Consular Convention, may be communicated to him – Reports,

That in his opinion it would not be expedient to establish a precedent of communicating to a foreign Minister here, and Acts of Congress, committing business or giving instructions to their Minister at his Court; for as such practice would doubtless be inconvenient in *some* instances, it had better be avoided in *all*; lest if Congress should sometimes do it, and sometimes not, they would become exposed to the Necessity either of explaining the reasons of such diversity, or to the Risque of giving Offence by apparent partiality.

Your Secretary therefore thinks it advisable that he be ordered to inform the Charge des affaires of France, that as their communications to his Most Christian Majesty will be officially made by their Minister resident at this Court, they do not think it Necessary to accept his polite offer of conveying any they may direct respecting the Consular Convention.

All which is submitted to the wisdom of Congress.

JOHN JAY.

Ordered, That the above report be referred to the Secretary for foreign Affairs to take order.

October 13, 1786 –

1) Congress resumed the consideration of the Ordinance for establishing a board, to liquidate and settle all accounts between the United States and individual states: and a motion was made by Mr. [Charles] Pinckney, seconded by Mr. [Edward] Carrington, to insert in the Ordinance, in lieu of the paragraph struck out, the following clause:

That where supplies have been furnished by individuals for the use of the army of the United States, from the 1 January, 1780, and have been assumed by any state, the said board are hereby authorised and instructed to liquidate the said claims upon the same principles as if they had remained in the hands of individuals, and admit them as a charge against the United States; that all other debts due from the United States to individuals and assumed by any state be liquidated, upon the same principles as if they had remained in the hands of the individuals, and admitted as a charge against the United States in their general account with the state so

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assuming; provided that nothing contained in this resolution be taken or construed to prejudice or affect the resolutions of February 25 and of 1 June, 1780, or any other resolution, allowing a state payment for supplies furnished the United States.

A motion was made by Mr. [Melancton] Smith, seconded by Mr. [William Samuel] Johnson, to amend the motion by striking the words "upon the same principles as if they had remained in the hands of individuals, and admit them as a charge against the United States:" And on the question shall these words stand? The yeas and nays being required by Mr. [Charles] Pinckney,

So the question was lost, and the words were struck out.

A question being taken on the motion as amended, was lost.

The second reading being gone through, and the Ordinance further amended, it was read a third time: And on the question, shall the ordinance as amended pass? The yeas and nays being required by the state of North Carolina,

So it passed in the affirmative, and the Ordinance was passed as follows:

An Ordinance for establishing a Board to liquidate and settle all Accounts between the United States and the individual States.

(See pages 779-781 for the Ordinance)

2) OFFICE FOR FOREIGN AFFAIRS

October 13, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a Letter of the 4th March last, from the Honble. John Adams, Esquire, together with the papers that accompanied it, reports,

That as the subject of these papers and of this report appears to your Secretary in a very important point of light, he thinks they should be so incorporated as that the record of the latter in this Office may always exhibit an entire and complete view of the whole business. He therefore reports,

That on the 8th day of December, 1785, Mr. Adams, agreeable to his instructions of the 7th day of March, 1785, presented to His Britannic Majesty's Secretary of State a Memorial, dated the 30th day of the preceding month, in the following words,

[Scribe's notes: See pages 781-874 for the Memorial, the reply, the grievances, the laws passed within the States, additional reports, etc., etc.].

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October 16, 1786 –

1) Congress resumed the consideration of the Ordinance for the establishment of a Mint, and the same being read a third time, was passed as follows:

An Ordinance for the establishment of the Mint of the United States of America, and for regulating the value and alloy of Coin.

(See pages 876-878 for Ordinance)

October 17, 1786 –

1) ADDRESS TO THE SEVERAL LEGISLATURES TO ACCOMPANY THE REQUISITION OF 1786.

Impressed with a sense of the sacred trust committed to them and with an Anxious an affectionate concern for the interest, honor and safety of their constituents, The United States in Congress assembled have on various occasions pointed out the dangerous situation of this nation for the want of funds to discharge the engagements which have been constitutionally made for the common benefit of the Union and have urged the adoption of such measures as upon the most mature deliberation, were judged best calculated to avert those evils which must inevitably flow from a breach of public faith and a violation of the principles of justice. It is painful to compare a situation of present distress with what might have been the direct reverse, had those measures been adopted. But as it is only by a serious examination of past errors that experience is gained and better systems adopted in the management of public affairs and that nothing may be concealed which may induce the several legislatures to investigate and pursue in the future their essential interests, We have ordered the board of treasury to lay before them a state of the receipts and expenditures up to the 30 of June last, and of the balances then due, together with an estimate of the accumulation of the public debt by a failure in complying with the requisitions of Congress and particularly for want of an early and general adoption of the resolve of the 18 April, 1783.

The states will observe that in the present requisition no less than 1,723,626 47/90 ought to be forthwith raised for the express purpose of paying the interest and certain installments of the principal of the foreign debt which will become due in the present and in the course of the next year.

Under the heavy accumulation of the foreign debt it becomes incumbent on the several states, until a general impost or some other system of revenue adequate to the establishment of national credit and safety can be adopted, to exert themselves to fulfil that duty which they owe to their own character and the welfare of the Confederacy by enacting laws, more

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efficacious than those heretofore passed for bringing into the general treasury their respective quotas of the present requisition.

To effect this great and desirable object the wisdom of the respective legislatures will undoubtedly discover that the following general principles are essentially necessary.

1st. That the taxes intended for the purpose of the Union should be permanent and distinct from those which are appropriated to the service of the State.

2nd. That they should (as far as is practicable) be simple in their nature and easy in the collection.

3rd. That the sums levied on the individuals should be paid in like manner, as the quotas are receivable from the several States, that is to say, that the proportion of specie pointed out by the requisition should keep pace with the payment of the discounts of Interest.

An attention to these principles would undoubtedly promote in a great degree the collection of the revenue and the arrangement of the federal finances.

That a brave and enlightened people who encountered every hardship and distress in opposing a system of Government which they deemed adverse to their welfare and liberty, before that had ever experienced the mischiefs which they foresaw from its establishment, should (whilst the memory of their principles and heroism is still fresh in their recollection) become inattentive to their own interest, their own happiness and their own honor, is a circumstance too disgraceful to admit of belief.

By the Union of the several States they have rescued themselves from the tyranny of a powerful nation and established constitutions on the free consent of the people, which are the admiration of the intelligent and virtuous parts of mankind and the firm support of the civil and religious rights of all who live under the shadow of their influence. But these constitutions cannot outlive the fate of the general Union and this Union cannot exist without adequate funds to defray the expences of the government and to discharge those engagements which have been entered into with the concurrence of the citizens of all these States for their common benefit.

An appeal is now again made to the reason, the Justice, and the Interest of the several States. Whatever may be the fate of the measures submitted to their consideration or giving strength and reputation to the Union, the United States in Congress by virtue of the powers of the confederation call upon the different Members to pay into the general treasury at the time stipulated the quotas laid on them respectively by the present requisition for the support of the general Government.

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The purposes for which the monies are to be appropriated, are fairly stated and the evils pointed out which will attend a noncompliance. The delinquent States (if such there can possibly be) must take upon themselves the responsibility for all those calamities, which will most assuredly flow from a disregard to the political ties which untie them with the other Members of the confederacy, and to those principles of justice and good faith which can alone support the existence of a free Government.

October 18, 1786 –

1) WAR OFFICE, *October 18th, 1786*.

SIR: In my letters to your Excellency of the 3rd and 8th instant I mentioned some of the difficulties which operated to prevent establishing a sufficient guard at Springfield for the protection of the stores of the United States.

Previous to my departure from this city the parties assembled at Springfield, for, and against Government, had dispersed. It was not in General Sheppard's power to retain a guard, as the insurgents made it a condition of their dispersion, that he should also disband his force. On communicating with him and several other persons of information and judgement, it appeared, that an attempt to raise a guard of the well affected militia, would probably re-assemble instantly, the insurgents, in larger numbers than before. I therefore conceived, it would be proper, previous to my taking a measure that would hazard the government, to communicate fully with Governor Bowdin on the subject, so that if necessary, he might obtain Legislative authority to raise a considerable body of men for the protection of the stores and to curb the insurgents.

The Gentlemen with whom he advised on my communications were of the most respectable characters in the state for their political knowledge. After receiving ample information of the nature & extent of the designs of the insurgents they were unanimously of opinion that the stores ought to be protected in their present situation by the highest exertions, as an attempt to remove them, would deeply wound the reputation of the state and the Union, encourage rebellion, and discourage the well affected.

All agreed, that a considerable armed force was necessary for the protection of the stores. But difficulties occurred on consideration which appeared insuperable, to prevent the proposal from originating from that Government. Secrecy was considered essential, but impracticable in a numerous legislature, constituted of a variety of characters. After the most mature deliberations, it was Concluded, that a force could be obtained only in consequence of a requisition of Congress. This sentiment was unanimous, and as the Honorable Mr. King was present, he can give the reasons at large which induced it.

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The great numbers of people in Massachusetts and the neighbouring States who avow the principle of annihilating all debts public and private. The probability of those men combining themselves into an armed body for the purpose of executing their designs. The dreadful consequences which may be expected from wicked and ambitious men, possessing the command of a force to overturn, not only the forms, but the principles of the present constitutions, require the wisest councils and most vigorous measures on the part of Government.

I conceive my Official duty obliges me to inform Congress, that it is my form conviction, arising from the information I have received, that unless the present commotions are checked with a strong hand, that an armed tyranny may be established on the ruins of the present constitutions. The insurgents will not probably longer delay the execution of their designs, this systems can be formed and means found for that purpose.

I have taken those measures for the collateral security of the stores which the nature of the case admitted. Major General Sheppard has the orders of the Governor, to furnish such a guard as I would request, and I have requested him to possess himself of the intentions of the insurgents respecting the stores and that whenever he shall learn that their designs are ripening for execution, that he shall collect all his force and endeavor to prevent them

I have also requested his Excellency the Governor of Connecticut, to direct the commanding officers of the militia of that State, to march to Springfield with a body of twelve or fifteen hundred men, whenever they shall receive advice from certain persons, that the insurgents are about to attempt the stores.

But I must confess I consider these arrangements as inefficient and that nothing will be adequate, but placing a body of five hundred men at Springfield. On this occasion I humbly submit to the wisdom of Congress the propriety of adding such numbers to the troops now in service, as shall complete a legionary corps of fifteen hundred men. This would give protection to the Magazines during the ensuing winter and if they should not be requisite for the same purpose the next spring, they might be marched to the frontiers, or disbanded, as Congress should think most proper.

I have the honor to be Etc.

H. KNOX.

His Excellency,

The President of Congress.

<u>October 19, 1786</u> –

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1) The Committee consisting of Mr. [Charles] Pinckney, Mr. [Melancton] Smith], and Mr. [William] Henry, to whom was referred an Act of the legislature of the State of Georgia passed in consequence of the resolution of the 30th April, 1784, respecting commerce and the subject of the said recommendation –

Report * * * that the legislature of N. Carolina by an act passed the 2d of June, 1784, authorised her Delegates to agree to and ratify any Article or articles by which Congress shall be empowered to prohibit the importation of foreign goods in any other than vessels owned by Citizens of the United States or navigated by such a proportion of Seamen, Citizens of the U. States as may be agreed to by Congress which when agreed to by all the States shall be considered as a part of the articles of Confederation.

October 20, 1786 –

1) The committee, consisting of Mr. [Charles] Pettit, Mr. [Henry] Lee, Mr. [Charles] Pinckney, Mr. [John] Henry and Mr. [Melancton] Smith, to whom was referred the letter from the war Office, with the papers enclosed, containing intelligence of the hostile intentions of the Indians in the Western country, having reported,

That the uniform tenor of the intelligence from the western country plainly indicates the hostile disposition of a number of Indian Nations, particularly the Shawanese, Puteotamies, Chippawas, Tawas and Twightwees: That these nations are now assembling in the Shawanese towns, and are joined by a banditti of desperadoes, under the name of Mingoes and Cherokees, who are outcasts from the other nations, and who have associated and settled in that country for the purpose of war and plunder: That they are laboring to draw in other nations to unite with them in a war with the Americans: That it is expected one thousand warriors will soon be collected in the Shawanese towns, from whence they have already despatched parties to commence hostilities: That from the motions of the Indians to the southward as well as the northward, and the exertions made in different quarters to stimulate the various nations against the Americans, there is the strongest reason to believe that, unless the speediest measures are taken effectually to counteract and defeat their plan, the war will become general, and will be attended with the most dangerous and lasting Consequences: That the committee, therefore, deem it highly necessary that the troops in the service of the United States be immediately augmented, not only for the protection and support of the frontiers of the states, bordering on the western territory and the valuable settlements on and near the margin of the Mississippi, but to establish the possession and facilitate the surveying and selling of those intermediate lands which have been so much relied on for the reduction of the debts of the United States: Whereupon,

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Resolved unanimously, That the number of one thousand three hundred and forty noncommissioned Officers and privates be raised for the term of three years, unless sooner discharged, and that they, together with the troops now in service, be formed into a legionary corps, to consist of 2040 noncommissioned Officers and privates: That the additional troops be raised by the following states in the following proportions, to wit:

New Hampshire, 260 -

Massachusetts, 600 | Infantry and

Rhode Island, 120 | Artillery

Connecticut, 180 -

Maryland and Virginia each 60 cavalry, making 120.

That the Secretary at War inform the executive authorities of the respective states, in which the troops, to be raised, the number and rank of commissioned Officers to be furnished by each State, in proportion to the men,

That the pay and allowance to the troops, to be raised by this resolve, be the same as established by the Act of Congress of the 12 of April, 1785.

That the said troops shall be subject to the existing articles of war, or such as may hereafter be formed by Congress or a committee of the States.

That the board of treasury contract for a supply of Cloathing and rations, at such places and in such quantities as the Secretary at war shall judge necessary.

Resolved unanimously, That the states above-mentioned be, and they are hereby requested to use their utmost exertions, to raise the quotas of troops respectively assigned them, with all possible expedition, and that the executive of the said states be, and hereby are requested, in case any of their legislatures should not be in session, immediately to convene them for this purpose, as a delay may be attended with the most fatal Consequences.

Ordered, that the board of treasury, without delay, devise ways and means for the pay and support of the troops of the United States upon the present establishment, and report the same to Congress.

October 21, 1786 –

Produced by Union States Assembly

1) The Board of Treasury to whom was referred an Order of the 20th October instant, to devise Ways and Means without delay, for the Pay and Support of the Troops of the United States upon the present Establishment, beg leave to Report the following Resolves:

Resolved, That the Board of Treasury be authorised and directed to open a Loan immediately to the amount of Five hundred thousand Dollars at Six per Cent Interest per Annum.

Resolved, That Congress will, without delay, make a special Requisition for reimbursing the Lenders on the above Loan, their Principal and Interest.

Resolved, That as a Collateral Security, the proceeds of the first half Million of Acres of the Western Territory, which shall be sold in pursuance of the Acts of Congress, be, and it is hereby pledged to the Subscribers to the above Loan.

Resolved, That a Committee be appointed who together with the Commissioners of the Board of Treasury, and the Secretary at War, shall agree with such Gentlemen as are competent to undertake the same, for the Pay, Cloathing, and Rations necessary for the support of the Troops on the present Establishment, to the last Day of December, 1783, unless sooner discharged.

All which is humbly Submitted.

October 21, 1786.

2) On the report of the board of treasury, pursuant to the Order of yesterday, to devise ways and means for the pay and support of the troops of the United States upon the present establishment,

Resolved unanimously, That the several states in the Confederacy be, and they are hereby required to pay into the federal treasury, on or before the 1st day of June, 1787, their respective quotas of the sum of five hundred and thirty thousand dollars in specie, which quotas are as follows:

New Hampshire	18,603	Delaware	7,950
Massachusetts	79,288	Maryland	49,979
Rhode Island	11,395	Virginia	90,630
Connecticut	46,746	North Carolina	38,474
New York	45,368	South Carolina	33,973
New Jersey	29,415	Georgia	5,671

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Pennsylvania 72,504

Which sums, when paid, shall be passed to the credit of the states respectively, on the terms prescribed by the resolve of Congress of the 6th day of October 1779; and that the moneys arising from the said requisition be, and hereby are appropriated for the pay and support of the troops on the present establishment.

Resolved unanimously, That the board of treasury be, and they are hereby authorised and directed to open a loan immediately to the amount of five hundred thousand dollars, at six per cent per Annum, in the credit of the foregoing requisition, which they are hereby authorised to pledge to the lenders for the faithful reimbursement of the moneys loaned with interest thereof.

3) The Committee consisting of Mr. [Charles] Pettit, Mr. [Henry] Lee, Mr. [Charles] Pinckney, Mr. [John] Henry, and Mr. [Melancton] Smith to whom were referred a letter from the War Office with the papers enclosed containing intelligence of the hostile movements of the Indians in the western country, and a letter of the 18 instant from the Secretary at War, suggesting the imminent danger of the public stores, deposited in the arsenal at Springfield in the State of Massachusetts from the insurrections and disorders prevailing in that state, having reported –

That from the facts stated in the said letter from the Secretary at War, and other authentic information it appears that a dangerous insurrection has taken place in divers parts of the State of Massachusetts which is rapidly extending its influence; that the insurgents have already, by force of arms, suppressed the administration of the Justice in several Counties.

That though the legislature of the said state is now in sessions, yet from the circumstances attending it, it would undoubtedly defeat the object of the federal interposition should a formal application for the same be made. That nevertheless it appears to the committee that the aid of the federal government is necessary to stop the Progress of the insurgents; and that there is the greatest reason to believe that, unless speedy and effectual measures shall be taken to defeat their designs they will possess themselves of the Arsenal at Springfield, subvert the government, and not only reduce that Commonwealth to a State of Anarchy and Confusion, but probably involve the United States in the Calamities of a civil war.

Under such Circumstances the committee conceive that the United States are not only bound by the confederation and good faith, but strongly prompted by friendship, affection, and sound policy to be prepared to extend such aid to the State of Massachusetts as may be necessary to restore the government to the full exercise of its constitutional authority, and to afford protection to the important public stores deposited within the state. For these purposes the committee think it proper that a body of troops should be immediately raised under the authority of the United States; but as it is not expedient that these causes should be publicly

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assigned for the raising of such troops, especially as the other Matters referred to the Consideration of the committee afford sufficient ground to authorize the measure, they have thought it proper, in a separate report on the intelligence received from the Western Country, to recommend the Augmentation of the troops in the service of the United States. And as these troops are proposed to be raised chiefly in the eastern states, they may probably effect these salutary purposes before they are moved to the Western Country.

Resolved unanimously, That although the present condition of Massachusetts demand immediate preparatory arrangements for the interposition of the Union when called for, and the happiness of the U.S. require the adoption of the measures calculated to crush the insurrection in that state still in the present embarrassments of the federal finance Congress would not hazard the perilous step of putting arms into the hands of men whose fidelity must in some degree depend on the faithful payment of their wages had they not the fullest confidence from authentic and respectable information of the most liberal exertions of the money holders in the State of Massachusetts and other States in filling the loan authorised by the resolve of Congress of this date.

October 23, 1786 –

1) The committee, consisting of Mr. [Charles] Pinckney, Mr. [Melancton] Smith and Mr. [John] Henry, to whom was referred an act of the legislature of the State of Georgia, passed in consequence of the resolution of the 20th April, 1784, respecting Commerce, and the subject of the said recommendation, having reported,

That is appears by the said resolutions, the United States in Congress assembled, recommended to the Legislatures of the several States, to vest them, for the term of fifteen years, with powers to prohibit any goods, wares or merchandize from being imported into or exported from any of the States, in Vessels belonging to or navigated by the Subjects of any power with whom these States shall not have formed treaties of Commerce. That they also recommended to the Legislatures of the said States, to vest the United States in Congress assembled, for the term of fifteen years, with the power of prohibiting the Subjects of any foreign State, Kingdom or Empire, unless authorised by treaty, from importing into the United States any goods, wares or merchandize, which are not the produce or manufacture of the dominions of the Sovereign whose subjects they are: Provided that to all Acts of the United States in Congress assembled, in pursuance of the above powers, the assent of Nine States shall be necessary. The Committee have carefully examined the Acts passed by the several States in pursuance of the above recommendation, and find: That the State of Delaware has passed an Act in full compliance with the same: That the Acts of the States of Massachusetts, Rhode Island, New York, New Jersey, Virginia and Georgia, are in conformity to the said recommendation, but restrained in their operation until the other States should have granted powers equally extensive: That the

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States of Connecticut, Pennsylvania and Maryland, have passed laws agreeable to the said resolution, but have fixed the time at which the powers thereby invested shall begin to operate, and left the same to commence at the time on which Congress shall begin to exercise it; which your Committee conceive to have been the intention of the same: That South Carolina, by an Act passed the 11th March, 1786, have invested the United States in Congress assembled, with the power of regulating the trade of the United States with the West Indies, and all other external or foreign trade of the said States for the term of fifteen years, from the passing of the said Act: That New Hampshire, by their Act of the 23d of June, 1785, invested the United States in Congress assembled, with the full power of regulating trade for fifteen years, by restriction or duties, with a proviso suspending its operation until all the other States hall have done the same: That North Carolina, by their Act of the 2d June, 1784, have authorised their delegates to agree to and ratify an article or articles by which Congress shall be empowered to prohibit the importation of all foreign goods, in any other vessels owned by citizens of the United States, or navigated by such a proportion of seamen, citizens of the United States, as may be agreed to by a Congress, which when agreed to by all the States, shall be considered as a part of the Articles of Confederation and perpetual Union. From the above review of the Acts passed by the several States, in consequence of the said recommendation, it appears that, though in order to make the duration of the powers equal, it will be necessary for the States of Connecticut, Pennsylvania, Maryland and South Carolina, so far to amend their Acts, as to permit the authorities therein granted to commence their operation at the time Congress shall begin to exercise them, yet still the powers granted to them and by the States of Massachusetts, Rhode Island, New York, New Jersey, Delaware, Virginia and Georgia, are otherwise in such compliance with the recommendation, that if the States of New Hampshire and North Carolina had conformed their Acts to the said resolution, agreeable to the urgent recommendation of Congress of the 3d of March last, the powers therein requested might be immediately begin to operate. The Committee, however, are of opinion, that the Acts of the states of New Hampshire and North Carolina, manifest so liberal a disposition to grant the necessary powers upon this subject, that their not having complied with the recommendation of March last, must be attributed to other reasons than a disinclination in them to adopt measures similar to those of their sister States: the Committee, therefore conceive it unnecessary to detail to them the situation of our Commerce, languishing under the most ruinous restrictions in foreign ports, or the benefits which must arise from the due and equal use of powers competent to its protection and support, by that body which can alone beneficially, safely and effectually exercise the same:

Whereupon,

Resolved, That it be again earnestly recommended to the Legislatures of the States of New Hampshire and North Carolina, at their next session, to reconsider their Acts and pass them in

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such conformity with the resolutions of the 30th April, 1784, as to enable, on their part, the United States in Congress assembled, to exercise the powers thereby invested as soon as possible.

Resolved, That as the extent and duration of the powers to be exercised by the United States in Congress assembled, under the recommendation to the Legislatures of Connecticut, Pennsylvania, Maryland and South Carolina, so far to amend their Acts, as to vest the powers therein contained for the term of fifteen years, from the day on which Congress shall begin to exercise the same.

Resolved unanimously, That whenever it shall appear to the Secretary of the United States of America for the department of foreign Affairs that their safety or interest require the inspection of any letters in any of the post Offices he be authorised and empowered to inspect the said letters, excepting from the operation of this resolution all letters franked by or addresses to Member of Congress.

October 30, 1786 –

1) The com. [consisting of Mr. Henry Lee, Mr. Charles Pinckney, Mr. Nathan Dane, Mr. Charles Pettit, and Mr. John Henry] to whom were referred the motion of Mr. [Arthur] St. Clair, the motion of Mr. [Henry] Lee with the letter from the Governor of Virginia and the accompanying papers together with the letter from the Sec. at War dated Oct, 19th and all the enclosures report –

That these several matters arrange themselves under the following heads:

1st. The military preparations in the district of Kentucky for offensive operations against sundry Indian tribes.

2nd. The treaty concluded between the U. States and the Southern Indians on which are grounded complaints from the States of No. Carolina and Georgia.

3rd. Evidences of a general combination among the southern and western Indians to prohibit the survey of the federal territory on the Ohio and to levy war on the frontier of the U. States.

With respect to the first your com. Are of opinion that the executive of Vir. Have conducted themselves in the measures which they have been pleased to direct for the protection of their citizens with the most profound respect to the sovereignties of the U. States and in perfect conformity to the Confederation and that the offensive operations commenced by the inhabitants of Kentucky are authorized by self preservation and their experience of the imbecility of the federal government.

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With respect to the 2d, Your com. Presume that an official report on the causes of disquietude which pervades the states of No. Carolina and Georgia may be expected from the superintendant of Indian Affairs for the Southern department, previous to which any determination of Congress will be premature.

Respecting the 3d, your committee have the fullest conviction of the inimical disposition of the Indian tribes north west and south adjoining the territory of the U. States and are of opinion that this enmity is founded on the sentiments they hold relative to the inability of the thirteen governments which opinion arises from the detention of the Western posts contrary to the treaty of peace by his britannick majesty, nor can a change in the minds of the savages be effected but by the British troops abandoning the territory of the U.States. To accomplish this soon your com. Recommend the following position of the federal forces on the Ohio: A detachment at Cayothoga, another at Sandusky, and headquarters at the head of the navigation of the Miami river which falls into lake Erie.

Among the many papers submitted to your com. Is a letter signed Legrass, an inhabitant of St. Vincents narrating certain evils which oppress the good people of that country; to remedy which your committee consider it indispensably necessary immediately to extend the benefits of government to the Ilinois settlements and in the meantime to prevent the continuance of the evils which are communicated by Mr. Legrass, they conceive it proper that the minister of war take order to reply to Mr. Legrass assuring him of the approbation of Congress and of their intention to establish without loss of time a government in the western country, till which period they recommend a perseverance in united measures calculated to defend the inhabitants from their indian enemy and to protect them from vagabonds and robbers; that a copy of Mr. Legrass letter to Gen. Clarke and his answer be transmitted to the Super. of Indian affairs.

NOTES FROM THE DEBATES

1. See pages 935-948 for Mr. Charles Pinckney's speech, in answer to Mr. Jay, Secretary for foreign Affairs, on the question of a treaty with Spain, delivered in Congress, August 16, 1786.

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Summary of 1787

Prefatory Notes:

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

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

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Upon these days 11 States were fully represented on 4 days; 10 States on 6 days; 9 States on 39 days; 8 States on 35 days; and 7 States on 28 days. On most of the days one or more of the remaining States were represented by one delegate. However, there were only 2 days on which there was a delegate present from each of the 13 States. The Journal also records the attendance of 6 or less States on 102 days, but there was no State that had a full representation for every day for which an entry was made. The entries of November and December indicate the arrival of the complete representation of 6 States and single delegates of 2 others for the sessions of the Federal year 1787-88.

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

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February 2, 1787 –

1) Congress proceeded to the election of a president and the ballots being taken

The honorable Arthur St. Clair was elected.

2) On motion of Mr. [Charles] Pinckney seconded by Mr. [Rufus] King

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

The members chosen Mr. [William] Few, Mr. [Lambert] Cadwallader, Mr. [William Samuel] Johnson, Mr. [Charles] Pinckney and Mr. [Egbert] Benson.

February 3, 1787 –

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

The honorable A[lexander] C[ontee] Hanson by his letter of 15th October 1786.

James Madison by his letter of 25 Sept 1786.

Robert Goldsborough junior by his letter of 28 Nov. 1786.

James Duane by his letter of 26 Dec. 1786.

Thomas McKean by his letter of 2 Oct. 1786.

Egbert Benson by his letter of 30 Sept. 1786. And Wm. Pynchon by his letter of 3 Nov. 1786.

2) A letter from the honbl. J[ohn] Adams was read informing that he had exchanged with baron Thulemeier the ratifications of the treaty between the United States of America and enclosing the ratification thereof by his Prussian Majesty.

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

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

WAR OFFICE, *January 29, 1787*.

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

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

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

I have the honor to be, etc.,

H. KNOX

<u>February 5, 1787</u> –

1) On motion of Mr. [John] Kean seconded by Mr. [Melancton] Smith

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

2) [Letter of the Secretary at War on Indian affairs]

WAR OFFICE, *January 3d, 1787*.

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

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

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

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

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

I have the honor to be etc.

H. KNOX.

February 12, 1787 –

1) The Committee on qualification consisting of Mr. [William] Few, Mr. [Lambert] Cadwallader, Mr. [William Samuel] Johnson, Mr. [Charles] Pinckney and Mr. [Egbert] Benson appointed to examine the credentials produced and report the periods for which the several members are to serve having reported

"That they have examined the commissions produced by the members present from which it appears that Mr. [Rufus] King and Mr. [Nathan] Dane of Massachusetts, Mr. [William Samuel]

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Johnson and Mr. S[tephen] M[ix] Mitchell of Connecticut, Mr. [John] Haring, Mr. [Melancton] Smith and Mr. [Egbert] Benson of New York, Mr. [Abraham] Clark, Mr. [Lambert] Cadwallader and Mr. [James] Schurman of New Jersey, Mr. [Arthur] St. Clair, Mr. [William] Irwine, Mr. [Samuel] Meredith and Mr. [William] Bingham of Pennsylvania, Mr. N[athaniel] Mitchell of Delaware, Mr. [William] Grayson and Mr. [James] Madison of Virginia, Mr. [William] Blount of North Carolina, and Mr. [William] Few and Mr. [William] Pierce of Georgia are elected and duly authorized to act as Members of Congress until the first Monday in November next and no longer.

"That Mr. [John] Bull, Mr. [Charles] Pinckney, Mr. [John] Kean, Mr. [John] Parker and Mr. [Daniel] Huger of South Carolina are authorised to serve until the 21 days of the present month February."

Resolved That Congress agree to the said report.

February 14, 1787 –

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

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

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

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

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

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

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

And whereas, packets have been established between divers parts of Europe and these United States, and more may be established therefrom, as well as from one part of these United States to another; and it is necessary in order to secure the payment of the inland postage, upon letters and dispatches to be sent by such packets, that the said postage should be paid at the office at which such letters or dispatches, unless the inland potage shall first be paid therefor, at the rates established by this Ordinance; but it shall be lawful for the Post-Master General, assistant Post-Masters General, or deputy Post-Masters, to open any letters or other dispatches (which shall not by this ordinance be exempt from a charge of postage) intended to be sent by the packets, which shall be left in any post-office to be forwarded, upon which the inland

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postage shall not be paid as aforesaid, and having discovered the name and place of abode of the writer, shall return the same, endorsing on the back of the said letter or dispatch, returned for want of payment of the inland postage.

And be it further ordained by the authority aforesaid, That the Post-Master General, his clerk, assistants, and deputy Post-masters, and post and express riders and messengers, or either of them, shall not knowingly or willingly open, detain, delay, secrete, embezzle or destroy; or cause, procure, permit or suffer to be opened, detained, delayed, secreted, embezzled or destroyed, any letter or letters, packet or packets, or other dispatch or dispatches, which shall come into his power, hands custody, by reason of his employment in, or relating to the post-office, except by the consent of the person or persons by or to whom the same shall be delivered or directed; or by an express warrant under the hand of the President of the Congress of the United States, (or in time of war, of the commander in chief of the armies of these United States, or of a commanding officer of a separate army in these United States, or of the chief executive officer of one of the said states) for that purpose; or except in such other cases, wherein he shall be authorised so to do, by the ordinances and regulations of Congress: Provided always, That no letters franked by any person, authorised by this ordinance to frank the same, shall be opened by order of any military officer, or chief executive officer of either of the states; and that the Post-Master General, or his assistants, or deputy post-masters, and post and express riders, and messengers, and all other persons employed in the post-office department, and each and every of them, not having already taken an oath of the same import, shall without delay, take and subscribe the following, *to wit*, "I *A.B*. do solemnly and sincerely swear, declare or affirm, (as the case may require) that I will well and faithfully do, execute, perform and fulfil, every duty required of me, and abstain from every act and thing forbidden by a certain ordinance, passed by the United States in Congress assembled, on the ___ entitled, 'An Ordinance for regulating the Post-Office of the United States."

And be it further ordained by the authority aforesaid, That if the Post-Master General shall be guilty of a breach of the said oath, or affirmation, or any part thereof, and be thereof convicted, he shall forfeit and pay one thousand dollars, to be sued for and recovered in an action of debt, in the state where the offence shall be committed, by the Treasurer of the United States, for the time being; and if any assistant, deputy post-master, post rider, or other person employed in the Post-office department, shall be guilty of a breach of the said oath, or affirmation, or any part thereof, and thereof convicted, each one so offending, shall forfeit and pay three hundred dollars, to be sued for, and recovered in an action of debt, in the state where the offence shall be committed, by the Post-Master General for the time being; all which forfeitures, when recovered and received, shall be accounted for by the persons recovering the same, and applied towards defraying the necessary expences of the post-office; and every person employed in the post-office department, who shall be guilty of a breach of the said oath or

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affirmation, shall, besides paying the abovementioned forfeitures, be rendered incapable ever thereafter of holding any office, or place of trust or profit, under these United States. *Provides always*, That the foregoing oath, shall not be required of any special express or messenger, to be appointed at the request of any particular person or persons, in the manner herein after directed, unless the same shall be thought necessary by the Post-Master General, or the persons who shall have appointed him; which oath shall, without delay, be made by the Post-Master General, before the President of the Congress of these United States; and by each of the said clerks, assistant Post-Masters General, deputy Post-Masters, and post-riders, (except as in above provided, with respect to special expresses and messengers) before the Post-Master general, or before any civil magistrate, nominated by him for that purpose; all which persons are hereby respectively authorised to administer the said oaths; and shall respectively make and sign certificates thereof. The certificates to be signed by the President, to be lodged in the office of the Secretary of the Congress of these United States; and the other certificates respectively, to be returned into the office of the Post-Master General, there to be kept as evidence of the several qualifications therein respectively certified.

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

And whereas, on the arrival of ships, both from beyond seas and coastwise, into the ports of these United States, many letters directed to merchants and other citizens thereof, have by

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their negligence of the masters and passengers, been either opened or long detained, to the great prejudice of those to whom the same were directed:

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

And be it further ordained, That the Post-Master general be authorised and directed, to establish, as soon as it can conveniently be done, so may cross-posts, as will be necessary to keep up a communication between the great post road, and all the port[s] of entry throughout these United States.

And be it further ordained by the authority aforesaid, That if any person, not being a post or express rider in the service of the General Post-Office, shall carry any letters, packets, or other dispatches from one place to another, within these United States, for hire or reward, except in cases as is herein before excepted, or shall not, when bringing letters from beyond sea for hire or reward, deliver the same at the post-office, if any there be, at the place of his or her arrival, he or she shall, in each of the beforementioned cases, forfeit and pay, for every letter, packet or dispatch, carried contrary to the true intent and meaning hereof, twenty dollars, to be

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recovered by the Post-Master general, or any of his assistants or deputies, in an action of debt in the state wherein the offense shall have been committed, with costs of suit, and applied towards the expences of the post-office, and be accounted for accordingly; and if such offence shall be committed by any person holding a civil or military commission under these United States, he shall on conviction thereof, forfeit his commission. And for every letter, packet, or other dispatch from beyond sea, which any person shall so deliver at the post-office, he shall receive of the post-master, at the post-office, for the same, one ninetieth of a dollar.

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

And be it further ordained by the authority aforesaid, That the Post-Master General's deputies respectively of each quarter (if it can conveniently be done) on one of the public newspaper, for three successive weeks, a list of all letters, at that time remaining in their offices, and at the expiration of the subsequent quarter, shall send such of the letters so published, as then remain, as dead letters, to the general post-office; where they shall be opened and inspected by the Post-Master General, who shall carefully preserve such of them as may contain valuable papers therein respectively contained, and shall insert in a book to be kept for that purpose, the date of such letter, and the name and place of direction on the same, together with a particular account of the inclosures contained therein; and at the expiration of each quarter, the Post-Master General shall cause to be published, in one of the news-papers of the state, in which the owners of such valuable papers are supposed to reside, (if a news-paper is printed in such state) else in the most convenient paper, an advertisement, informing, that such letters and inclosures, to the person or persons to whom the same shall be directed, or his, her, or their order, at the post-office, he, she, or they first paying the postage for the same, at the rates from time to time established by these United States in Congress assembled, and the necessary expence of such publications as aforesaid; and in case of neglect to take [up such l]etters the necessary expences shall be charged [to the United] States.

And be it further ordained by the au[thority afor]esaid, That the Post-Master General, his assi[stants a]nd deputies respectively, shall, and they are hereby [authorized], whenever the danger of robberies of the [mail s]hall in their respective judgments render the same ne[cessary] to hire occasional expresses for carrying t[he publ]ic dispatches, and such private

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letters, as from time [to time sh]all in those respects, be subject to the order and direction of the Post-Master General, and his assistants [and deputi]es respectively. And to the end that the expence of several expresses destined in the publ[ic service] shall, if a post-office be established at the place, from which they shall severally take their departure, be hired by the Post-master General, or his deputy, and set out from and return to such post-office, with the letters, packets and dispatches to be carried by them respectively.

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

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

And in order to prevent unnecessary delays in the transportation and delivery of letters, whereby the mercantile interest, and correspondence in general, may be materially injured: Be

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it further ordained by the authority aforesaid, That all mails brought by packets or dispatch vessels, to any port within these United States, shall be sent immediately upon the arrival of such packet or dispatch vessel, unopened and in the first instance to the post-office at such port; and all mails to be sent by such packets or dispatch vessels, on their return, shall be made up at the said post-office, sealed with the seal thereof, and taken from thence immediately on board such packet or dispatch vessel, by the commander thereof, or some person duly authorised by him for that purpose in writing; nor shall any person, other than the Post-Master General's deputy, and the persons employed by him, take up or receive any letters to be forwarded by such packets or dispatch vessels, on penalty of two hundred dollars, to be sued for and recovered, for every offence, in an action of debt, by the Post-Master General, or the assistant Post-master general, in any court of record in that state in which the offence shall be committed; and such penalty when recovered, shall be applied towards defraying the necessary expences of the post-office.

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

For each newspaper, any distance not exceeding

	dwts.	*grs*.
60 miles		
60 to 100 do.		
100 to 120 do.		

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

And whereas, in order to promote the circulation of useful intelligence, the printers of news-papers have been allowed to exchange their papers with each other by means of the post,

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without any charge of postage: *Be it further ordained by the authority aforesaid*, That the same privilege shall still be continued, provided that such papers shall be dried, and put up as is before directed; provided also, that each printer send to each other printer [but one copy of each] his papers, and that such papers shall not be carried [farther by post] than to the next capital city [of a state in] which a news-paper shall be printed.

And to the end [that] all persons concerned in the post-officer d[epartment] may diligently and without interruption attend t[o the du]ties of their respective stations; Be it ordain[ned by the] authority aforesaid, That the said persons shall be exemp[ted fr]om militia duty, and from serving as jur[ors and co]nstables.

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

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

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

Ordered, That Wednesday next be assigned for a second reading.

2) [Motion on cross-posts]

Resolved, That the Postmaster General be authorized and empowered to grant, for a Term not exceeding seven Years, to any Person or Persons who will give satisfactory Security for the performance of their Contract. The exclusive Privilege of carrying Letters and Packets for hire, upon any Cross Road upon which he may think a Post Rider necessary; provided that the Postage to be charged by such Persons for the Carriage of Letters and Packets shall in no Case exceed the Rates charged, pursuant to the Acts of Congress, for similar Letters and Packets carried the same Distance upon the main Post Road, and that he from time to time report to

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Congress all contracts entered into by him. Provided also that Contracts so to be made shall not Occasion any expence to the Gen. post Office or lessen the Revenues of the same.

3) [Motion of Mr. Charles Pinckney respecting troops]

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

February 15, 1787 –

1) The post master general to who were referred sundry motions respecting cross posts having reported thereon.

[Report of Postmaster General on sundry motions]

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

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

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

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

In Case of an Establishment at such a Distance as at the Falls of the Ohio, Chance must direct in the Choice of a Postmaster; the Chance is against his being a suitable Person; and it will be difficult, if not impracticable to procure Returns and Remittances; and, indeed, the customary Allowance to Postmasters would be no Compensation for the Trouble of making them, and much less for the Responsibility of the Officer.

For these Reasons I am of Opinion that the proposed Plan would not be eligible; and I beg leave to add, that, from a Circumstance now taking Place, the Business probably may be effected without being subject to so many Inconveniences. A Contact is nearly completed for the Cross Road from Alexandria to Bedford and Fort Pitt, is paid at the Office in which the Letters are first

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lodged, there will be no Impediment to prevent the Postmaster's forwarding by the first good Conveyance he can meet with, and it will be his Duty to do it.

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

All which is respectfully submitted, etc.

EBEN HAZARD

2) On motion of Mr. [William] Grayson seconded by Mr. S[tephen] M[ix] Mitchell

Resolved, That the post master general be and he is hereby authorised and empowered to grant for a term not exceeding seven years to any person or persons who will give satisfactory security for the performance of his or their contract the exclusive priviledge of carrying letters and packets for hire upon the cross roads within the State of Virginia from the City of Richmond to Staunton in the County of Augusta and from Winchester in the County of Frederick to Staunton; provided that the postage to be charged by such person or persons for the carriage of letters and packets in no case exceed the rates charges pursuant to the Acts of Congress for similar letters and packets carried the same distance upon the main post road and provided also that such contract shall not occasion any expence to the general post office.

<u>February 16, 1787</u> –

1) [Report of Committee on recruiting]

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

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

<u>February 19, 1787</u> –

1) The committee consisting of Mr. [Charles] Pinckney, Mr. [James] Madison, Mr. [Rufus] King, Mr. [William Samuel] Johnson and Mr. [William] Bingham to whom was referred a motion for

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directing the Secretary at war to issue instructions immediately to the officers in the recruiting service to suspend any future inlistments of troops under the resolutions of Congress of the 20 Oct 1786 until farther directions of Congress having reported "That in their opinion the present circumstances of the United States make it prudent to postpone for a short time a decision on the subject which has been referred to them" And this report being called for as an Order of the day by the State of South Carolina and being under debate, a motion was made by Mr. [Charles] Pinckney seconded by Mr. [William] Few That the further consideration of the said report be postponed in order to take up the following

"Whereas neither the requisition of the 21 of Oct 1786, nor the loans which the board of treasury were directed to make inconsequence thereof for paying and subsisting the troops directed to be raised by the resolutions of the 20 of October last have yielded the sums expected from the same, and on the prospect critical and embarrassed situation of the funds of the United States is such as not to permit the raising and equipping the whole number of troops mentioned in the said resolutions without interfering with the more necessary and important purposes of collecting supplies for the maintenance of the civil list and the contingencies of the federal government, the payment of the interest and such parts of the Capital as are and will become due on the foreign loans; And as it would be highly dangerous and impolitic either to apply the sums appropriated to these purposes to the maintenance of an additional military establishment, in itself not necessary to the full extent, or to place arms in the hands of a body of disciplined troops, for whose pay and subsistence the United States are not at present nor will soon probably be in a situation to provide; Therefore resolved that the Secretary at war be and he is hereby ordered to issue immediate instructions to the Officers in the recruiting service to suspend any future inlistments under the resolutions of the 20th of October until farther direction of Congress, except so far as to compleat the corps now in service on the Ohio or its neighbourhood to the number of ___ non commissioned Officers and privates; that he direct the troops already raised with a suitable proportion of commissioned Officers to rendezvous at ___ And that he report to Congress the arrangements necessary for compleating the said corps and for discharging the Officers who may have been commissioned but whose services are by this reduction rendered unnecessary.

On the question to postpone for the purpose above mentioned the yeas and nays being required by Mr. [Charles] Pinckney

So the question was lost.

On motion of Mr. [James] Madison seconded by Mr. [Rufus] King

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

Ordered That the consideration of the report be postponed.

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February 20, 1787 –

1) [Report of Committee on Indian Affairs]

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

Report the following

Instructions to Superintendant of Indian Affairs for the Department

SIR: The United States in Congress assembled having been pleased to appoint you to the important office of Superintendant of Indian affairs for the ___ you will have every inducement that such high confidence can inspire, to exert yourself to fulfil their just expectations.

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

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

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

You will conform all your negociations [to] conciliating the affection of the several tribes, and fixing their confidence in the friendship of the United States.

It is the desire of Congress to obtain full information of the Indian tribes within the limits of the United States, and such others as may inhabit the country bordering thereon. You will

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therefore endeavor to ascertain their numbers and characters, and as far as possible the characters of the chiefs of each tribe; their particular residence, and the district which they occupy for their general hunting grounds. The quantity and quality of furs taken annually; the usual price and markets at which they are sold, and the kind of payments which are received.

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

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

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

You will fix and maintain a constant friendly correspondence with the chiefs of the several nations within your district, and make them occasional presents of such articles as may be in your possession for that purpose by the orders of Congress. Butt his business must be regulated by the highest discretion. The presents must be in proportion to the importance of the characters and the public means.

You will also hold such occasional [conferences] as, in your opinion, shall be necessary to promote the public interests, reporting always to this office the time, place, objects and effects of such [conferences].

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

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

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

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

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

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

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

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

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

February 21, 1787 –

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

"Congress having under consideration the letter of John Dickinson esquire chairman of the Commissioners who assembled at Annapolis during the last year also the proceedings of the said commissioners and entirely coinciding with them as to the inefficiency of the federal government and the necessity of devising such farther provisions as shall render the same adequate to the exigencies of the Union do strongly recommend to the different legislatures to send forward delegates to meet the proposed convention on the second Monday in May next at the city of Philadelphia."

Provisional Union States Assembly

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

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

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

So the question was lost.

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

Whereas there is provision in the Articles of Confederation and perpetual Union for making alterations therein by the Assent of a Congress of the United States and of the legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the states and particularly the state of New York by express instructions to their delegates in Congress have suggested a Convention for the purposes expressed in the following resolution and such Convention appearing to be the most probable mean of establishing in these states a firm national government.

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

March 9, 1787 -

Property of the Union States Assembly

1) The Delegates of Massachusetts having made representation to Congress in the following words

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

No 1. The speech of His Excellency James Bowdin Esqr. Governor of the Commonwealth of Massachusetts to the Legislature. Gentlemen of the Senate, and Gentlemen of the House of representatives. It was expected by the General Court, that their proceedings at their last session, respecting the Insurgents, would have answered the purposes for which they were intended. By those proceedings there were held forth to them punishment on the one hand, and pardon on the other, punishment in case of perserverance in their criminal conduct: pardon and indemnity if they desisted from it, and by a given time should take the oaths of allegiance. This application to their feelings, and to that actuating principle a desire of personal safety, it was apprehended, would have had forcible influence to bring them to their duty. On the contrary, the lenity and forbearance of Government were treated with contempt, and imputed by them to an inability of defending itself: And some of your last Acts have been added to their list of grievances. But the clearest and most unequivocal evidence of their perseverance and opposition to Government is deduced from their proceedings respecting the Judicial Courts in several of the counties since the last session of the General Court. They twice with an armed force stopped those courts in Worcester, and would not suffer them to open in Hampshire. They attempted it tho unsuccessfully in Middlesex, and in consequence of that attempt several of them were taken into custody by virtue of State Warrants; in the execution of which, the Sheriff and other persons to whom the warrants were directed had the aid and support of a number of spirited Gentlemen of that County and Suffolk. At the last time of their

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Assembling in Worcester there were near a thousand of them in Arms, who to the great annoyance and terror of that vicinity, continued embodied for several days after the court had adjourned, meditating as it was apprehended further outrages; which were providentially prevented by the continued storms of that week. These violent and treasonable proceedings of the Insurgents were perpetrated after the publication of the last Acts of the General court respecting them, and demonstrated not only a total disregard of those Acts, and the Authority by which they enacted but a contempt of all constitutional Government, and a fixed determination to persevere in measures for subverting it. This determination and these measures were also manifested by their printed declarations, and some of the private transactions of their leaders, when the main body of the Insurgents were last Assembled at Worcester, by which it appeared the Insurgents were formed into Regiments, to see that it should, without delay be properly officered and equipped, and completely ready whenever called upon. That this was the state of things in the Western counties was further confirmed by letters I received from some of the most respectable characters in those counties, and by the oral testimony of many intelligent persons from thence, who all agreed in the necessity of speedy and vigorous measures being taken for the effectual suppression of the Insurgents, without which, the well affected might from a principle of self preservation, be obliged to join them, and the insurrection become general. The safety and well being of the commonwealth being thus in hazard, and the lenient conciliating measures of the General Court having been rejected by the Insurgents, I conceived myself under every obligation of honor and duty to exert the powers vested in me by Law and the Constitution for the protection and defence of the commonwealth against the hostile and nefarious attempts of those lawless men. Pursuant to this Idea, I laid before the Council all the information and intelligence I had collected relative to the proceedings and designs of those Men; and the Council were unanimously of opinion, and accordingly advised that vigorous and effectual measures should be taken to protect the Judicial Courts, particularly those that were then next to be holden at Worcester, to aid the civil Magistrate in executing the laws, to repel all Insurgents against the Government, and to apprehend all disturbers of the public peace, particularly such of them as might be named in any State Warrant or Warrants. For these purposes upon effecting of which all good Government and indeed the happy existence of the commonwealth, do essentially depend, I have called forth from several counties, a respectable body of the Militia, the command of which I have given to Major General Lincoln, with orders to carry those purposes into effectual execution. Those orders are now in operation, and will be laid before You, with the general orders containing the plan of measures by which the commonwealth was to be defended against it[s] present Assailants. I congratulate You Gentlemen on the success of those measures hitherto, and hope it is a prelude to final success and to the reestablishment of perfect tranquility. The dispatches concerning it, which I have received from General Lincoln and General Shephard will be laid before You. Thus Gentlemen, from a principle of duty to the

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Commonwealth and in conformity to Your resolution of the 24th of October, in which You express a full confidence "that I will persevere in the exercise of such powers as are vested in me by the constitution for preventing any attempts to interrupt the administration of Law and Justice, and for enforcing due obedience to the Authority and Laws of Government," I have taken the measures above represented. I trust that they will meet with Your entire approbation, and with that support which is naturally to be expected from the Guardians of the public safety. On my part I have done in this business what the duty of my Office and the Oath of Qualification indispensably requires, and I have the fullest confidence that on your part nothing will be wanting to carry into complete effect the measures that have been taken or that may be further necessary to suppress the present insurrection, and to insure a strict obedience to the laws. This is so essential to the peace and safety of the Commonwealth, that it requires your immediate attention, and the speedy application of further means, of those already taken should be deemed insufficient for that purpose. Among those means You may deem it necessary to establish some criterion for discriminating between good citizens and Insurgents, that each might be regarded according to their Character, the former as their country's friends and to be protected, and the latter as public enemies, and to be effectually suppressed. At such a time as the present every man ought to shew his colours, and take his side, no neutral Characters should be allowed, nor any suffered to vibrate the two. Vigor decision and energy will soon terminate this unnatural, this unprovoked insurrection, and prevent the effusion of blood; but the contrary may involve the commonwealth in a civil War, and all its dreadful consequences, which may extent not only to the neighbouring States, but even to the whole confederacy, and finally destroy the fair temple of American liberty; in the erecting of which, besides the vast expense of it, any thousands of valuable citizens have been sacrificed.

There are several things resulting from the measures in operation which require your immediate attention. The money immediately wanted for carrying them into execution was supplied by a voluntary loan from a number of Gentlemen, and in a manner which does them honor. I must earnestly recommend to You to provide as well as Justice should be made as speedily as possible. Provision also should be made for defraying the general expence. Should the time be too short to effect great purposes, for which the militia were called forth, it may be necessary that General Lincoln should be empowered to continue them in service, by inlistment until those purposes should be accomplished. The men being already embodied, and the arrangements for supporting them perfected, the expence of such a continuance will be much less that that of raising a new body for the same service. There are defects in our militia Act which require an immediate remedy, and which I shall mention to You in a separate message. These Gentlemen are matters of importance, but the general subject of this address is of the first magnitude and demands Your immediate and most serious attention. If it be taken up with proper spirit, if the measures in operation be seconded with firmness and decision, and if the powers of the several branches of Government be united in a wise and vigorous exertion, we

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may reasonably expect a speedy and happy issue to the present insurrection, to which happy issue every exertion on my part has been and shall be applied, but on the contrary, if indecision, languor, or disunion should on this occasion pervade our public counsels, insurrection, though checked for the present, would gain new strength and like a torrent might sweep away every mound of the Constitution, and overwhelm the commonwealth in every species of calamity. In such case, if brought on by remissness, or relaxation on our part, we should not only involved, most essentially involved, in that calamity, but justly chargeable with betraying the trust reposed in us by our fellow citizens, and chargeable with ignominiously deserting the posts assigned us, as guardians of the peace, the safety and happiness of the Commonwealth. But very happily, this is only a possible case, for your patriotism, your Virtue, Your regard for your own liberties and property and for those of your families and posterity, must induce You to call forth every power of government into vigorous exertion for preventing such a complication, such an accumulation of evils. On this occasion it is proper Gentlemen to inform You, that I have received from several towns, Petitions, directed to the Governour and Council, and also to the General Court, relative to the Insurgents. The petitions being eight in number, do disapprove of the proceeding of Government, in regard to those people. But as the things prayed for, were, for the most part not cognizable by the Governour and Council, and such as were so, could not be granted by them, consistently with the duty they owe to the Commonwealth, the petitions will be laid before You, for your consideration. There are other matters, to which your attention, Gentlemen, is necessary and they will be communicated by message.

(signed) JAMES BOWDIN

Council Chamber Feb. 3d 1787.

No 2 To His Excellency James Bowdin Esqr. Governour of the Commonwealth of Massachusetts.

May it please Your Excellency. The Senate and House of representatives in General Court Assembled have read and duly attended to Your Speech at the opening of this Session, and take this earliest opportunity to express their entire satisfaction in the measures You have been pleased to take, pursuant to the powers vested in You by the constitution for the subduing a turbulent spirit, which has too long insulted the Government of this commonwealth, prostrated the courts of laws and Justice in divers counties, and threatened even the overthrow of the constitution itself. The General Court congratulate Your Excellency on this success with which Providence has been pleased to bless the wise, spirited and prudent measures which You have taken; and they earnestly entreat Your Excellency still to encounter, repel and resist by all fitting ways, enterprizes and means, all and every such person and persons as attempt or enterprize in a hostile manner, the destruction, detriment or annoyance of this

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Commonwealth, and to pursue such further constitutional measures as You may think necessary for extirpating the spirit of rebellion, quieting the minds of the good people of the commonwealth, and establishing the just authority and dignity of Government. And in order that Your Excellency may be possessed of the full power of the Constitution to effect these great purposes, the General Court have thought it highly necessary after mature deliberation to declare that a rebellion exists within this commonwealth. This Court are fully persuaded that by far the greater part of the citizens of this commonwealth are warmly attached to our present happy constitution; they have a high sense of the merit of a respectable body of the Militia who have the readiness attended Your Excellency's orders on this pressing emergency; as well as of the patriotic zeal of a number of private citizens who have cheerfully advanced their money in aid to Government; and You may be assured Sir, that the most speedy and effectual means will be used for the payment of the Officers and Soldiers who have been or may be employed in this necessary and important service; and for the reimbursement of the monies generously advanced for the support. It is to be expected that vigor, decision and energy under the direction and blessing of Heaven will soon terminate this unnatural, unprovoked rebellion, prevent the effusion of blood, and the fatal consequences to be dreaded from a civil war, and it is the determination of this Court to establish a criterion for discriminating between good citizens and others that each may be regarded according to their character and defects. If it should appear to Your Excellency that the time for which the militia under the command of Major General Lincoln are enlisted is too short to effect the great objects in view, it is the request of this Court that You would be pleased to direct the commanding General to reenlist the same men, or enlist others for such further time as You may think necessary, or to replace them by detachments from the Militia, and if You shall think it expedient increase their numbers, and continue them in service until those purposes shall be completely accomplished. The General Court will give the most ready attention to Your message of the third Instant, and every communication You shall be pleased to lay before them. They will vigorously persue every measure that may be calculated to support the constitution, and will still continue to redress any real grievances, if such shall be found to exist, humbly beseeching Almighty God to preserve union and harmony among the several powers of Government, as well as among the honest and virtuous Citizens of the Commonwealth and to restore to us the inestimable blessings of peace and liberty under a wise and righteous administration of Government. In Senate Feb. 4th 1787, read and unanimously accepted, and ordered that Samuel Adams, Caleb Strong, and Seth Washburne Esquires, with such as the honorable house may join, be a committee to wait upon his Excellency the Governor with the aforegoing Address sent down for concurrence.

SAM PHILLIPS JUN. *President*

Produced by Union States Assembly

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

ARTEMUS WARD. *Speaker*

A true copy. Attest

(signed) JOHN AVERY JUN. *Secretary*

No 3. Commonwealth of Massachusetts.

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

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

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

SAMUEL PHILLIPS JUN. *President*

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

ARTEMUS WARD *Speaker*

True copy. Attest.

(signed) JOHN AVERY JUN. *Secretary*.

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

So it was resolved in the affirmative.

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

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

Reports

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

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That in case of a party of troops being posted at the said place, it should be a permanent arrangement; that the commanding officer, should always possess a sufficient number of Boats, to transport the troops, their baggage, and Stores, down the Allegany, provided necessity to observe such a plan, it will be proper to retain a garrison in said post.

Your Secretary therefore submits the following Resolves to Congress

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

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

3) Motion of Mr. Mitchell Few 9 March 1787.

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

March 13, 1787 –

1) [Report of Secretary at War on removal of military stores from Springfield]

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

Reports

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

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

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

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

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

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

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

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

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

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

That after the said 25th of January, an adequate guard was stationed at the federal buildings by the officers of said State, until relieved on the 24th of February by a detachment of the troops of the United States, raised in Connecticut, amounting to about 1200 men.

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

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

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

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

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

Besides its insecurity against a foreign invasion unless strongly garrisoned, it would be highly injudicious, in addition to the numerous Ordnance and Stores already there, which are but indifferently accommodated, to crowd those which are at Springfield. The accidents to which powder, or other combustible matter is perpetually liable, should prevent too great an accumulation of stores at one point.

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

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

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

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

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

The public are in possession of a variety of brick buildings at Carlisle in Pennsylvania, constructed and erected specially for the purpose of a national deposit. The returns on the files of Congress will show that the military stores now there are inconsiderable. Were the river Susquehannah navigable for Boats, and also the Creek that runs through Carlisle, the stores in Philadelphia might be transported to that place. But as the navigation of the said Creek and River is not a probable event, at an early period, it would be fortunate if the said buildings could be sold to any tolerable advantage. It would require a large sum of money than can probably be furnished for the object, to transport the stores by land to Carlisle. But the expence of the first transportation is not so great an objection as the amount of the successive transportations and re-transportations during a period of forty or fifty years. The probability of the navigation of the Delaware being completed in a few years from the falls of Trenton to Easton, renders the place beforementioned between Coriels ferry, and Easton, much more eligible than Carlisle. But its relation to the Country between Hudsons River and the Delaware, The facility with which stores could be transported to Christianna Bridge and thence by a portage of 12 miles to the head of Elk render the Delaware decidedly superior to Carlisle. The Stores in Philadelphia, are liable to be destroyed by fire and they are not well deposited being in common buildings in different parts of the City, the rent of which, annually amounts to a considerable sum of money.

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

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

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

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

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

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

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

All which is humbly submitted.

H. KNOX.

WAR OFFICE March 13th 1787.

March 15, 1787 -

1) [Resolution of New Hampshire respecting delegates to a convention]

State of New Hampshire

IN THE HOUSE OF REPRESENTATIVES

Jan. 17th 1787.

Resolved, That that any two of the Delegates of this State to the Congress of the United States, be and hereby are appointed and authorized as Deputies from this State, to meet such Deputies

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as may be appointed and authorized by other States in the Union, to assemble in Convention at Philadelphia on the second day of May next, and to join with them in devising and discussing all such alterations and further provisions as to render the federal Constitution adequate to the United States in Congress , as when agreed to by them, and duly confirmed by the several States, will effectually provide for the same. But in case of the Death of any of said Deputies, or their declining their Appointments, the Executive is hereby authorized to supply such vacancies, and the President is requested to transmit forthwith a copy of this Resolve to the United States in Congress and to the Executive of each of the States in the Union.

Sent up for concurrence.

JOHN JANGDON *Speaker*

In Senate the same day read and concurred with this Amendment that the said Delegates shall proceed to join the Convention aforesaid, in case Congress shall signify to them, that they approve of the Convention, as advantageous to the Union and not an infringement of the Powers granted to Congress by the Confederation.

JOHN SULLIVAN *President*

In the House of Representatives the same day read and concurred.

JOHN LANGDON *Speaker*

A true Copy

Attest JOSEPH PEARSON, *Secretary*

March 21, 1787 -

1) On the report of the Secretary of the United States for the department of foreign Affairs to whom was referred a letter of the 4 March 1786 from Mr. J Adams minister plenipotentiary of the United States of America at the court of London together with the memorial of the said minister dated the 30 Nov 1785 and presented by him on the 8 of December following to his Britannic Majesty's Secretary of State; and the answers received by Mr. Adams to the said memorial and contained on a letter from the said Secretary of State dated at St. James Feb. 28, 1786 and other papers accompanying the same,

Congress unanimously agreed to the following resolutions.

Resolved, That the legislatures of the several States cannot of right pass any act or acts for interpreting, explaining or construing a national treaty or any part or clause of it; nor for restraining, limiting or in any manner impeding, retarding or counteracting the operation and

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execution of the same for that on being constitutionally made ratified and published they become in virtue of the confederation part of the law of the land and are not only independent of the will and power of such legislatures but also binding and obligatory on them.

Resolved That all such acts of parts of Acts as may be now existing in any States repugnant to the treaty of Peace ought to be forthwith repealed, and well to prevent their continuing to be regarded as violations of that treaty as to avoid the disagreeable necessity there might otherwise be of raising and discussing questions touching their validity and Obligation.

Resolved That it be recommended to the several States to make such repeal rather by describing than reciting the said acts and for that purpose to pass an Act declaring in general terms that all such acts and parts of acts repugnant to the treaty of peace between the United States and his Britannic Majesty or any article thereof shall be and thereby are repealed and that the courts of law and equity in all causes and questions cognizable by them respectively and arising from or touching the said treaty shall decide and adjudge according to the true intent and meaning of the same, any thing in the said acts or parts of acts to the contrary thereof in any wise notwithstanding.

March 23, 1787 -

1) On the report of a committee consisting of Mr. [Rufus] King, Mr. [William Samuel] Johnson, Mr. [Nathan] Dane, Mr. [James] Madison and Mr. [Abraham] Clarke appointed to consider the reductions necessary to be made in the civil lists department,

Whereas the present deranged condition of the national revenues and the numerous demands on the federal treasury are not only considerations of the most serious weight and importance but justly operate as powerful motives in favour of every economical reform which can with safety be adopted in the public expenditures.

Resolved that the sum to be allotted to the support of the household of the President of Congress including the salaries of the steward and private Secretary, house rent and all other expences shall not exceed a sum at the rate of eight thousand dollars annually.

Resolved That the monies of the following Officers be reduced and that from and after the present quarter,

The annual salary of the Secretary of Congress be at the rate of two thousand six hundred dollars.

That the Secretary to the United States for the department of foreign Affairs at the rate of three thousand five hundred dollars.

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That each of the Commissioners of the board of treasury at the rate of two thousand two and fifty dollars.

That of the Secretary of the board of treasury at the rate of fifteen hundred dollars.

That of the treasurer at the rate of twelve hundred and fifty dollars.

That of the comptroller of the treasury at the rate of fifteen hundred dollars.

That of the Auditor at the rate of eight hundred dollars.

That of the deputy Secretary of Congress at the rate of eight hundred dollars.

That of the deputy Secretary of foreign Affairs at the rate of eight dollars.

That of the Steward of the presidents household at the rate of three hundred dollars.

That of the private Secretary of the president at the rate of three hundred dollars.

And that of the Geographer at the rate of fifteen hundred dollars for such time as he may be actually employed in the public service.

Resolved that the services and duties of the paymaster general be and hereby are united with those of the commissioner of Army Accounts and that the said commissioners after the expiration of the present quarter be allowed in full for his services as commissioner and paymaster general a salary at the rate of twelve hundred and fifty dollars.

Resolved That in no case after the expiration of the present quarter there be allowed to any person employed as an Assistant or clerk in any of the departments under congress a salary exceeding the rate of four hundred and fifty dollars annually and that no doorkeeper or messenger except those of Congress be allowed more than one hundred and fifty dollars annually.

Resolved That from and after the present quarter there be annually allowed to each of the Commissioners of the continental loan Office in full for all services and duties which are or may be annexed to their respective Offices and also in full for Office rent clerks and every other charge except that of stationary at the rate of the following sums

for	New Hampshire	six hundred and fifty dollars
	Massachusetts	fifteen hundred dollars
	Rhode Island	six hundred dollars
	Connecticut	One thousand dollars

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New York	One thousand dollars
New Jersey	Seven hundred dollars
Pennsylvania	fifteen hundred dollars
Delaware	Six hundred dollars
Maryland	One thousand dollars
Virginia	fifteen hundred dollars
North Carolina	One thousand dollars
South Carolina	eight hundred dollars
Georgia	six hundred dollars

Provided that in those cases where in the Judgment of the board of treasury the public Interest may require the employment of one or more clerks in any of the loan Offices at the public expence, the said board be and hereby are authorised to continue in employ such clerk or clerks not exceeding the terms of three months after the expiration of the present quarter.

March 29, 1787 –

1) [Motion on ordinance for settling accounts]

Resolved that the ordinance of the 13th of Oct. last be repealed, and that the Board of Treasury report an Ordinance for the expeditious and equitable settlement of the accounts between the U S and the individual States.

2) [Report of the Secretary for Foreign Affairs on commissions of P. Bond]

The Secretary of the United States for the Department of foreign Affairs, to whom was referred his Letter of 8th December last to his Excellency the President with two Commissions from his Britannic Majesty dated the 5th Day of April last, the one constituting Phineas Bond Esq. his Consul for New York, New Jersey, Pensylvania, Delaware and Maryland, the other constituting him his Majesty's Commissary for commercial Affairs throughout the United States

Reports

That as his Britannic Majesty has no Treaty of Commerce with the United States, the Admission of his Consuls and Commissaries by them, is Matter of Favor and not of Right, and therefore that the Propriety of granting it must turn on Considerations of Expediency.

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Your Secretary perceives one Objection which operates against the Admission both of the Consul and Commissary in Question, Viz That it will add to the Number of official Foreigners in this Country, who considering the present State of our Commerce serve too much to watch and to circumscribe it.

How far Britain may have a Right to expect this Mark of Respect and Civility from the United States, is a Question; respecting which Prejudices rather too strong, and Opinions not sufficient examined, seem to be entertained by many of our Citizens. Your Secretary has (he thinks with Candor and Impartiality) investigated the causes of the Complaints subsisting between the two Countries, and he would not be candid were he not to confess that in his Opinion Britain has more Reason to complain of the United States than the United States of Britain since the Peace. He is happy in the Reflection that he serves a Government to whom he can reveal this Opinion without Offence, and only regrets that Facts oblige him to entertain it.

When he considers that it is in the Interest of this Country to be on good Terms with Britain, and how little Advantage can result from cherishing the Irritation which subsists between them, he thinks it would be wise to avoid Asperities, and by some Acts of good Humor on our part cultivate the like Disposition on theirs.

He finds that all our Commercial Treaties provide for the Reception both of Consuls and Commissaries &c. by express Articles. The French one adds these Words "*whose function shall be regulated by a particular Agreement*". The Dutch one adds these Words "*whose Functions shall be regulated by particular Agreements, when either Party chooses to make such Appointments*". The Swedish one adds these Words "*whose Functions shall be regulated by a particular Convention*". The Prussian one adds these Words "*whose Functions shall be regulated by particular Agreement whenever Party shall choose to make such Appointment*."

Your Secretary conceives that according to the true Sense and Construction of all these Treaties and Articles, the United States are not bound to receive any Consuls or Commissaries until after their Powers shall have been ascertained by Agreement.

Although the United States have already received Consuls without such previous Agreement and thereby set a Precedent for receiving more, yet they have not received a single Commissary, and therefore may with Propriety refuse to receive any without such previous and preparatory Convention. And in the Opinion of your Secretary it will be best not to receive any Commissaries from any Nation on other Terms.

If those Ideas should be approved then he thinks it would be well to Resolve as follows

Whereas Phineas Bond Esq. has presented to the United States in Congress assembled a Commission in due Form bearing Date the 5th April 1786 from his britannic Majesty in the States

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of New York, New Jersey, Pensylvania, Delaware and Maryland, and although no commercial Treaty or Convention subsists between his Majesty and the United States, whereby either have a perfect Right to establish Consuls or Commissaries in the Dominions of the other, Yet as the United States are disposed by every proper Mark of Liberality and Attention to promote a good correspondence between the two Countries, and particularly as amicable Negociations are now depending between them, Therefore

Resolved that the said Phineas Bond Esq. be and he hereby is received and recognized as the Consul of his britannic Majesty throughout the States of New York, New Jersey, Pensylvania, Delaware and Maryland, and that his Commission be registered in the Secretary's Office.

Resolved that all the Privileges, Pre-eminences and Authority which the Laws of Nations and of the Land give to a Consul received by the United States from any Nation with whom they have no commercial Treaty or Convention, are due to and shall be enjoyed by the said Phineas Bond as Consul for the five States abovementioned, and that certified Copies of these Resolutions be transmitted to the Executives of the said five States for their Information.

With respect to Mr. Bonds other Commission constituting him a Commissary for commercial Affairs, your Secretary observes that Commissions of this kind are not usual. That the precise Limits of the Authority conferred by it are not easy to ascertain, that the Power it gives him in these Words, Viz "*to protect our Merchants and others our Subjects* trading *to or residing in the said States, or that may have Pretensions depending therein*" is a Power that seems to place him in the Capacity of a Minister in those Respects, and in the Exercise of which it is not improbable that he will make official Applications to Congress. Your Secretary suspects that this Appointment was made to supply in some Sort the place of a Minister; and in his Opinion it will be most prudent not to let it take Effect.

He thinks it would be advisable for your Secretary to write the following Letter to Mr. Adams on the Subject.

SIR, In Obedience to the Orders of Congress I have the Honor of informing you that Phineas Bond Esq. has presented to Congress a Commission from his britiannic Majesty, constituting him Commissary for all commercial Affairs within the United States, and another Commission constituting him Consul for the States of New York, New Jersey, Pensylvania, Delaware and Maryland.

Congress being desirous on this and every other Occasion to manifest their Disposition, to cultivate a friendly Correspondence with Great Britain, have received Mr. Bond in his latter Capacity, although no Treaty or Convention subsists between the Countries, whereby either have a Right to establish Consuls in the Dominions of the other.

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As yet Congress have not received any Commissaries for commercial Affairs, and they think it most prudent not to receive them from any Nation, until their Powers shall have been previously ascertained by Agreement; lest as those Appointments are seldom made, and both Parties may not have precisely the same Ideas of the Extent of the Powers and Privileges annexed to them, disagreeable Questions and Discussions might and probably would otherwise take place on those delicate Subjects.

You will be pleased to submit these Reasons to his Majesty, and to assure him that Congress regret the Objections which oppose their complying with his Wishes in this Instance, but that they are ready to join with his Majesty in such Agreements or Conventions as may be necessary to remove them, and which may also tend to promote and establish a friendly and satisfactory commercial Intercoure between the two Countries.

All which is submitted to the Wisdom of Congress,

JOHN JAY

April 4, 1787 –

1) [Report of committee on troops to be raised]

The Committee [consisting of Mr. James Mitchel Varnum, Mr. Edward Carrington, Mr. Rufus King, Mr. William Few and Mr. James Madison] appointed to take into consideration the present military establishment of the United States, and to report such reform in the same as may be consistent with the present and probable condition of the United States, submit the following Resolution,

Resolved, That the Act of Congress of the 20th October 1786 for augmenting the troops of the United States to the number of two thousand and forty non commissioned officers and privates be, and the same is hereby repealed.

That the troops already enlisted in consequence of the aforesaid resolve of the 20th October, in the States of Massachusetts, Connecticut and Virginia together with the troops who were in service previously to the said [Act] be [retained conformably to the terms of their enlistments.]

That the Secretary at War arrange the said troops with a proper proportion of Officers as follows, Viz [and give immediate orders to for]

One Regiment of Infantry of three battalions, four companies to form a battalion, and sixty non-commissioned officers and privates a company.

One battalion of Artillery of four companies each company the same number as the infantry.

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One troop of Calvary of sixty non-commissioned officers and dragoons.

That as the recruiting service has not commenced in the states of New Hampshire and Rhode Island, the commissioned officers appointed by the said States be deranged.

That the field Officers appointed by the States of Massachusetts and Connecticut be deranged, excepting the senior Major appointed by Massachusetts and that all other officers in the said states be also deranged excepting the senior company officers of each grade necessary to command the companies which shall be directed to be formed by the Secretary at War.

That the executive authority of the State of Maryland be informed, that it is unnecessary for that state to raise the troop of Calvary directed by the resolve of the 20th of October.

That the Secretary at War transmit to the commanding officers who shall be deranged by virtue of these resolves the thanks of Congress for the Zeal alacrity manifested by them to promote the service of their country.

That the Board of Treasury devise and execute a plan for the payment of the officers deranged, and also for the payment of the arrearages due the troops on the Ohio to the 1st of January 1787.

April 9, 1787 –

1) The Report of the committee consisting of Mr. [James Mitchel] Varnum, Mr. [Edward] Carrington, Mr. [Rufus] King, Mr. [William] Few and Mr. [James] Madison being amended as follows, viz.

Resolved, That companies of Artillery be formed out of the troops already enlisted in the State of Massachusetts in pursuance of the resolution of the 20th of Oct 1786. That the Sec. at War take order for arranging the same with the proper proportion of Officers. That all the remaining troops which have been enlisted in any of the States under the said resolutions, be discharged, and a stop put to any further enlistments. That all the Officers appointed under the said resolutions except those necessary for the said two companies, be discharged.

Resolved, That the Board of Treasury take Order for the payment of the Officers and Soldiers discharged as aforesaid.

Ordered that the foregoing resolutions be transmitted to the Secretary at War, and that he without delay direct the two companies of Artillery to be marched from Boston to Springfield, and upon their arrival at that post, that he put in operation the resolutions aforesaid for the discharge of the troops raised by the State of Connecticut and now at Springfield.

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On the question to agree to the above resolutions the Yeas and Nays being required by Mr. [Rufus] King.

So it was resolved in the affirmative.

2) The Board of Treasury to whom was referred sundry Propositions, relative to a Copper Coinage for the United States,

Beg leave to Report,

That they maturely considered such of the Propositions as have been made relative to this object, as contain any precise offer for undertaking the said Business, the Substance of which they beg leave to lay before Congress.

(See pages 161-164 for the report).

April 10, 1787 –

1) A motion was made by Mr. [Dyre] Kearny, seconded by Mr. [William] Blount.

Resolved, That on the last Friday in the present month, Congress will adjourn to meet on the first Monday in June next at the city of Philadelphia in the State of Pensylvania, and the President of Congress is hereby authorised and directed on the said last Friday in the present Month to adjourn Congress to the said first Monday in June next to meet in the city of Philadelphia, in the State of Pensylvania, and that the Sec. of Congress, and the heads of the several Departments, take order for the removal of the books and papers belonging to their respective Officers to the said city of Philadelphia.

A motion was then made by Mr. [James Mitchel] Varnum to amend the motion be striking out the words, “at the city of Philadelphia in the state of Pensylvania”, and in lieu thereof to insert, “Newport in the State of Rhode Island and Providence plantations”.

And on the question to agree to this amendment, the Yeas and Nays being required by Mr. [James Mitchel] Varnum, so it passed in the negative.

A Motion was then made by Mr. [Rufus] King to amend the motion by striking out the following words, “at the city of Philadelphia, in the State of Pensylvania, and to meet in the said city of Philadelphia in the state of Pensylvania, and that the Secretary of Congress and the heads of the several departments take order for the removal of the books and papers belonging to their respective Offices to the said city of Philadelphia”, so that it read, *Resolved* that on the last Friday in the present month Congress will adjourn to meet on the first Monday in June next, and the President of Congress is hereby authorised and directed on the said last Friday in the present month to adjourn Congress to the said first Monday in June next.

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And on the Question, shall these words stand the Yeas and Nays being required by Mr. [Dyre] Kearny,

So it was resolved in the Affirmative.

A Motion was then made by Mr. [Rufus] King to strike out the following words, "on the last friday on the present month," and when the question was about the be put, the Yeas and Nays being required, the determination thereof was put off till tomorrow, by the State of Massachusetts.

2) On motion of Mr. [Abraham] Clark, seconded by Mr. [William] Grayson,

Resolved, That the right of a State under the 22d Article of the rules of the house, to put off the decision of a question, shall be construed to relate only to the final question, on the entire Ordinance, or proposition depending, and not to any motion for amendment.

April 13, 1787 –

1) The Secretary for foreign Affairs having in pursuance of an order of Congress reported the draught of a letter to the States to accompany the resolutions passed the 21st day of March 1787, the same was taken into consideration, and Unanimously agreed to, as follows,

SIR: Our Secretary for foreign Affairs has transmitted to You copies of a letter to him from our Minister at the Court of London of the 4th day of March 1786, and of the papers mentioned to have been enclosed with it.

We have deliberately and dispassionately examined and considered the several facts and matters urged by Britain as infractions of the treaty of peace on the part of America, and we regret that in some of the States too little attention appears to have been paid to the public faith pledged by that treaty. Not only the obvious dictates of religion, morality and national honor, but also the first principles of good policy, demand a candid and punctual compliance with engagements constitutionally and fairly made. Our national constitution having committed to us the management of the national concerns with foreign States and powers, it is our duty to take care that all rights which they ought to enjoy within our Jurisdiction by the laws of nations and the faith of treaties remain inviolate. And it is also our duty to provide that the essential interests and peace of the whole confederacy be not impaired or endangered by deviations from the line of public faith into which any of its members may from whatever cause be unadvisedly drawn. Let it be remembered that the thirteen Independent Sovereign States have by express delegation of power, formed and vested in us a general though limited Sovereignty for the general and national purposes specified in the Confederation. In this Sovereignty they cannot severally participate (except by their Delegates) nor with it have

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concurrent Jurisdiction, for the 9th Article of the confederation most expressly conveys to us the sole and exclusive right and power of determining on war and peace, and of entering into treaties and alliances, &c. When therefore a treaty is constitutionally made ratified and published by us, it immediately becomes binding on the whole nation and superadded to the laws of the land, without the intervention of State legislatures. Treaties derive their obligation from being compacts between the Sovereign of this, and the Sovereign of another Nation, whereas laws or statutes derive their force from being the Acts of a Legislature competent to the passing of them. Hence it is clear that Treaties must be implicitly received and observed by every Member of the Nation; for as State Legislatures are no competent in that capacity, authoritatively to decide on, or ascertain the construction and sense of them. When doubts arise respecting the construction of State laws, it is not unusual nor improper for the State Legislatures by explanatory or declaratory Acts to remove those doubts; but the case between laws and compacts or treaties is in this widely different; for when doubts arise respecting the sense and meaning of a treaty they are so far from being cognizable by a State Legislature only which constitutionally passes a law had power to revise and amend it so the sovereigns only who are parties to the treaty have power, by mutual consent and posterior Articles to correct or explain it.

In cases between Individuals, all doubts respecting the meaning of a treaty, like all doubts respecting the meaning of a law, are in the first instance mere judicial questions, and are to be heard and decided in the Courts of Justice having cognizance of the causes in which they arise; and whose duty it is to determine them according to the rules and maxims established by the laws of Nations for the interpretation of treaties. From these principles it follows of necessary consequence, that no individual State has a right by legislative Acts to decide and point out the sense in which their particular Citizens and Courts shall understand this or that Article of a treaty.

It is evidence that a contrary doctrine would not only militate against the common and established maxims and Ideas relative to this subject, but would prove no less inconvenient in practice, than it is irrational in theory; for in that case the same Article of the same treaty might by law be made to mean one thing in New Hampshire, another thing in New York, and neither the one nor the other of them in Georgia.

How far such legislative Acts would be valid and obligatory even within the limits of the State passing them, is a question which we hope never to have occasion to discuss. Certain however it is that such Acts cannot bind either of the contracting Sovereigns, and consequently cannot be obligatory on their respective Nations.

But if treaties and every Article in them be (as they are and ought to be) binding on the whole Nation, if individual States have no right to accept some Articles to interpret and decide the

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sense and construction of them be apparent; still more manifest must be the impropriety of State Acts to control, delay or modify the operation and execution of these national compacts.

When it is considered that the several States Assembled by the their Delegates in Congress have express power to form treaties, surely the treaties so formed are not afterwards to be subject to such alterations as this or that State Legislature may think expedient to make, and that too without the consent of either of the parties to it – that is, in the present case, without the consent of all the United States, who collectively are parties to this treaty on one side, and his Britannic Majesty on the other. Were the Legislatures to possess and to exercise such power, we should soon be involved as a Nation in Anarchy and confusion at home, and I dispute which would probably terminate in hostilities and War with the Nations with whom we may have formed treaties. Instances, would then be frequent of treaties fully executed in one State, and only partly executed in another and of the same Article being executed in one manner in one State, and in a different manner, or not at all in another State. History furnishes no precedent of such liberties taken with treaties under form of Law in any nation. Contracts between Nations, like contracts between Individuals, should be faithfully executed even though the sword in the one case, and the law in the other did not compel it, honest nations like honest Men require no constrains to do Justice; and tho impunity and necessity of Affairs may sometimes afford temptations to pare down contracts to the Measure of convenience, yet it is never done but at the expence of that esteem, and confidence, and credit which are of infinitely more worth than all the momentary advantages which such expedients can extort.

But although contracting Nations cannot like individuals avail themselves of Courts of Justice to compel performance of contracts, yet an appeal to Heaven and to Arms, is always in their power and often in the Inclination.

But it is their duty to take care that they have never lead their people to make and support Appeals, unless the sincerity and propriety of their conduct affords them good reason to rely with confidence on the Justice and protection of Heaven.

Thus much we think it useful to observe in order to explain the principles on which we have unanimously come to the following resolution, (viz) "*Resolved*, That the Legislatures of the several States cannot of right pass an Act or Acts for interpreting, explaining or construing a national treaty or any part or clause of it, nor for restraining, limiting or in any manner impeding, retarding, or counteracting the operation and execution of the same; for that on being constitutionally made, ratified and published they become in virtue of the confederation part of the Law of the Land, and are not only independent of the will and power of such Legislatures, but also binding and obligatory on them."

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As the treaty of peace so far as it respects the matters and things provided for in it, is a Law to the United States, which cannot by all or any of them be altered or changed, all State Acts establishing provisions relative to the same objects, which are imcompatible with it, must in every point of view be improper. Such Acts do nevertheless exist, but we do not think it necessary either to enumerate them particularly, or to make them severally the subjects of discussion. It appears to us sufficient to observe and insist, that the treaty ought to have free course in its operation and execution, and that all obstacles interposed by State Acts be removed. We mean to act with the most scrupulous regard to Justice and candour towards Great Britain, and with an equal degree of delicacy, moderation and decision towards the States who have given occasion to these discussions.

For these reasons we have in general terms

Resolved, That all such Acts or parts of Acts, as may be now existing in any of the States repugnant to the treaty of peace ought to be forthwith repealed, as well to prevent their continuing as violations of the treaty as to avoid the disagreeable necessity there might otherwise be of raising and discussing question touching their validity and obligation.

Although this resolution applies strictly only to such of the States as have passed the exceptionable Acts alluded to, yet to obviate all future disputes and questions as well as to remove those which now exist, we think it best that every State without exception should pass a law on the Subject. We have therefore "Resolved, That it be recommended to the several States to make such repeal rather by describing than reciting the said Acts, and for that purpose to pass an Act, declaring in general terms, that all such Acts and parts of Acts repugnant to the treaty of peace between the United States, and his Britannic Majesty, or any Article thereof, shall be and thereby are repealed; And that the Courts of Law and Equity in all causes and Questions cognizable by them respectively, and arising from or touching the said Treaty, shall decide and adjudge according to the true intent and meaning of the same, any thing in the said Acts or parts of Acts to the contrary thereof in any wise notwithstanding.

Such Laws would answers every purpose and be easily formed, the more they were of the like tenor throughout the States the better. They might each recite that, Whereas certain laws or Statutes made and passed in some of the United States, are regarding and complained of as repugnant to the Treaty of peace with Great Britain, by reason whereof not only the good faith of the United States, pledged by that treaty has been drawn into Question, but their essential Interests under that treaty greatly affected. And Whereas Justice to Great Britain as well as regard to the honor and Interests of the United States require, that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do or may be construed to proceed from the Laws of this State, be effectually removed, therefore,

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Be it enacted by ___ and it is hereby enacted by the Authority of the same, that such of the Acts or parts of Acts of the Legislature of this State, as are repugnant to the treaty of peace between the United States, and his Britannic Majesty, or any Article thereof, shall be and hereby are repealed. And further that the Courts of Law and Equity within this State be and they hereby are directed and required, in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, to decide and adjudge according to the tenor, true intent and meaning of the same anything on the said Acts or parts of Acts to the contrary thereof in any wise notwithstanding.

Such a general Law would we think be preferable to one that should minutely enumerate the Acts and clauses intended to be repealed; because omissions might arise and perhaps not be satisfactory determined respecting particular Acts or clauses, about which contrary opinion may be entertained, By repealing in general terms all Acts and clauses repugnant to the treaty, the business will be turned over to its proper Department, viz, the Judicial, and the Courts of Law will find no difficulty in deciding whether any particular Act or clause is or is not contrary to the treaty. Besides when it is considered that the Judges in general are Men of Character and Learning, and feel as well as know the obligations of Office and the value of reputation, there is no reason to doubt that their conduct and Judgments relative to these as well as other Judicial matters will be wise and upright.

Be please, Sir, to lay this letter before the Legislature of Your State without delay. We flatter ourselves they will concur with us in opinion, that candour and Justice are as necessary to true policy, as they are to sound Morality, and that the most honorable way of delivering ourselves from the embarrassment of mistakes is fairly to correct the, It certainly is time that all doubts respecting the public faith be removed, and that all questions and differences between us and Great Britain be amicably and finally settled. The States are informed of the reasons why his Britannic Majesty still continues to occupy the frontier Posts, which by the treaty he agreed to evacuate; and we have the strongest assurances that an exact compliance with the treaty on our part, shall be followed by a punctual performance of it on the part of Great Britain.

It is important that the several Legislatures should as soon as possible take these matters into consideration; and we request the favor of You to transmit to us an authenticated copy of such Acts and proceedings of the Legislature of Your State, as may take place on the Subject, and in pursuance of this letter.

By order of Congress,

PRESIDENT.

2) The Secretary for Foreign Affairs having in Obedience to the Order of the 4th reported a State of his negotiation with the Encargado de Negocios of Spain. The same was read as follows,

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OFFICE FOR FOREIGN AFFAIRS

11th April 1787.

SIR: In Obedience to the Order of Congress directing me to give Information of the State of my negotiation with the Encargado de Negocios of Spain &c, I have the honor of informing Your Excellency that on the 6th October last I wrote the following Letter to Mr. Gardoqui, Viz

"OFFICE FOR FOREIGN AFFAIRS"

6th October, 1786.

SIR: The Letter you did me the honor to write the 25th May last was immediately laid before Congress. The Subjects of our Negotiation have frequently since engaged their Attention and Consideration, and I have now the pleasure to inform you that in consequence of some recent Acts I find myself more in Capacity than I was, to make and receive propositions relative to certain Matters in difference between our Countries. I shall be happy of our Negotiations should be so fortunate as to terminate in a Treaty satisfactory to both.

As soon as some Business which I must immediately dispatch shall be completed, which will be in the Course of a few days, it will give me pleasure to renew our Conferences, and I will do myself the honor of giving you notice of it without delay.

With great Consideration and Esteem I have the honor to be, &c.

(Signed) JOHN JAY

Senior DON DIEGO DE GARDOQUI

Encardago de Negocious of his Catholic Majesty."

That I have since had several Conferences with Mr. Gardoqui on the well known points in difference between us, Viz. on the navigation of the River Mississippi and on the Limits.

With respect to the first point we have had repeated Conversations which produced nothing but debate, and in the Course of which we did not advance one single step nearer to each other. He continued and still continues decided in refusing to admit us to navigate the river below our Limits on any Terms or Conditions, nor will he consent to any Article declaring our Right in express Terms, and stipulating to forbear the use of it for a given Time. But he did not appear to me so decidedly opposed to the same Ideas in the way if Implication, though he did not say so. I drew that Inference from a number of Circumstances, but yet he said nothing so unequivocal to warrant it, as to commit himself. I thought it therefore adviseable to try how far

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he would silently yield to that Idea; and therefore drew up Articles in a variety of shapes, *clearly implying the Right* and *expressly* forbearing the Use during the Term of the Treaty. These Drafts he positively refused to admit; and finding that Arguments in support of them rather irritated than convinced him, we parted without doing anything. Subsequent Conferences took place, and he continued inflexible in refusing the Articles as they stood, we gradually but very cautiously talked of amendments. It was my Business to endeavor to change the dress but retain the Spirit and Sense, many difficulties and question unnecessary to detail, occurred. It was however finally so adjusted as in my Opinion to save the *Right* and only suspend the *Use* during the Term of the Treaty; at the expiration of which this and every other Articles in it would become null and void. It is as follows Viz

"And to the End that this Treaty may the more effectually provide for the continuance of that perfect Harmony which at present happily subsists between his Catholic Majesty and the United States; and that all differences and question, which might otherwise arise respecting the navigation of the River Mississippi may be avoided and obviated by an amicable stipulation on that Subject. As his Catholic Majesty's System of Government and Policy prohibits all foreign Trade, Intercourse, and Commerce within his Territories, and as the United States are desirous as far as possible to meet the wishes of his Majesty, and to evince the Sense they entertain of his friendly disposition toward them, and of the recent proofs he has been pleased to give them of it, Therefore it is expressly stipulated and concluded that his Catholic Majesty and the United States are freely, and in common, and without receiving any Interruption from each other, to use and navigate the said River from its source down to the southern Boundary of the said States; and that the United States will faithfully observe that Limitation, and not navigate or use the said River below, or further down than the said Boundary in any part of its course therefrom through his Majesty's Countries to the Mouth thereof."

Congress will doubtless observe that the Reasons assigned in this Article for forbearance, militate against a supposition of his Majesty's having an exclusive Right; for it does not either admit *his* right or relinquish *ours*, but on the contrary, in order to avoid and obviate differences and question, to suit his Majesty's system of Government and policy, to meet the King's wishes, and to evince our Sense of his Friendship, it only stipulates *not to use &c*.

On that and every other occasion I thought it best to be very candid with Mr. Gardoqui. I told him that he must not conclude that what I might think expedient would also be deemed so by Congress, and hoped that when he considered they were sitting in the same place with us, he would see the propriety of my observing the greatest delicacy and Respect towards them.

As to the Limits, I have the reason from him to believe that notwithstanding the Extent of their Claims, he would in case all other Matters were satisfactorily adjusted, so far recede as to give up to us all the Territories not comprehended within the Floridas as ascertained by our

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Separate and secret Article with Great Britain, of which I early perceived that he was well informed.

As he could not in any manner be drawn lower down than this Line, it struck me that it would be prudent to confine if possible all question of Limits to the Land between the two Lines; and therefore hinted the Expediency of settling the dispute so limited by Commissioners. He expressed no reluctance to this, and I believe he has written for Instructions on that point but am not certain. He seemed very cautious of committing himself; and I cannot now say that he admitted our right to extend down to the first Line, but only gave me to understand that, all other Things being agreed, his Majesty from motives of Accommodation might be content with that Limitation.

These are the Facts, and so Matters at present stand between him and me. A variety of circumstances and considerations which I need to mention, render this negociation dilatory, unpleasant and unpromising; and it is much to be wished that the United States could jointly and unanimously adopt and pursue some fixed and stable plan of policy in regard to Spain, especially during the residence of Mr. Gardoqui, who I do verily believe is sincerely disposed to do every Thing useful and Acceptable to America, that his Instructions and the essential Interests of his Country, as understood by him and his Master, will permit.

I have the honor to be &c.

(Signed) JOHN JAY

His Excellency

THE PRESIDENT OF CONGRESS

The following report from the Secretary for foreign Affairs was also read

OFFICE FOR FOREIGN AFFAIRS

12 April 1787.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred certain papers communicated to Congress by the Honorable the Delegates of Virginia and North Carolina

Reports

That he presumes the Design of Congress in referring these papers to him was, that he should report only on such matters stated in them, as respect foreign Affairs.

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It appears from the Act of the Council of Virginia of 28 February last, "that General Clarke hath made a seizure of Spanish property without any Authority for such an Act," and that the Executive of that Commonwealth hath with great propriety, directed such steps to be taken "as may subject to punishment all persons guilty in the Premises." They also ordered a copy of the Act to be sent to their Delegates, that they might if it should seem expedient, acquaint the Minister of his Catholic Majesty with the Sentiments of the Executive expressed in it.

From the Temper visible in some of the Papers sent from the Western Country, as well as from Intelligence they convey, your Secretary apprehends that the period is not distant when the United States must decide either to wage War with Spain, or settle all differences with her by Treaty, on the best Terms in their power. But as his Sentiments on this head have already been candidly and explicitly submitted to Congress, a repetition of them would be improper, because unnecessary.

He thinks that on the present occasion the following Resolutions would be adviseable, viz

Resolved That the United States in Congress Assembled learn with Concern and displeasure, that certain Citizens of the Commonwealth of Virginia, have in violation of the Laws of Nations, and of the peace and dignity of that State, and of the United States, violently seized the property of certain Subjects of his Catholic Majesty at Fort St. Vincennes.

Resolved That Congress approve of the Act of the Executive of Virginia, directing proper measures to be immediately taken for punishing the Offenders, and further that the Secretary at War be and he is hereby directed, to order the Commanding Officers of detachments on the Western Country, to afford the Government of Virginia such Aid as the Governor may from time to time require and specify, for keeping the peace, and duly executing the Laws of that Commonwealth throughout its Western Jurisdiction, and further that they be careful, on due proof, to apprehend and deliver to the Government of Virginia, all such of the said Offenders as may be in the Dominions of the United States, without the proper limits of either of the States.

Resolved That although no Representatives on this Subject have as yet been made to Congress, by, or on the part of his Catholic Majesty, yet as their ready attention to whatever may affect the Friendship happily subsisting between him and them, will manifest the sincerity of their desire to maintain it, the Secretary for foreign Affairs be and he hereby is directed, to transmit Copies of this and the aforegoing Resolutions to the Encargado de Negocios of his Catholic Majesty now here, and also to the Charge des Affairs of the United States at Madrid.

It appears to your Secretary to be the most consistent with the principles of the Confederation, and with the dignity of Congress, that individual States forbear to make formal Representatives or Communications to foreign Ministers or powers, but through and by means of the federal Sovereign.

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The papers communicated to Congress by the Honorable ye Delegates of North Carolina, shew

That on the 6th June 1786 Thomas Amis of that State arrived at the Natches on the Mississippi, with Sundry Articles of Merchandize which he purposed to carry down, and out of the River. And that he was stopped, and his Merchandize taken from him by the Spanish Officer Commanding there.

It is well known that Spain will not permit our people to navigate that part of the River which runs through their Countries, and such of them as make the experiment must expect consequences similar to those which Mr. Amis experienced.

Your Secretary is convinced that the United States have good right to navigate the River from its source to, and through it Mouth; and unless an Accommodation should take place, that the dignity of the United States and their duty to assert and maintain their rights, will render it proper for them to present a Memorial and Remonstrance to his Catholic Majesty, insisting on their right, complaining of its being violated, and demanding in a temperate, inoffensive but at the same time in a firm and decided manner, that his Majesty do cease in future to hinder their Citizens from freely navigating that River, through the part of its Course in question. Your Secretary is further of opinion, that in case of refusal, it will be proper for the United States then to declare War against Spain.

There being no reputable middle way between peace and War, it will be expedient to prepare without delay for the one or the other; for Circumstances which call for decision seem daily to accumulate.

If Congress conceive that a Treaty with Spain on the Terms proposed is eligible, the sooner such sentiments are communicated to your Secretary the better. If an Idea of obtaining better Terms should be entertained, the sooner that question can be decided the better, and for that purpose Your Secretary thinks it would be well, either to place some other Negociator in his Stead, or to associate one or more persons with him in the Business, any manner of conducting it most advantageous and most satisfactory to his Country, will always be the manner most pleasing and agreeable to him.

With respect to prescribing a Line of Conduct to our Citizens on the Banks of the River your Secretary is embarrassed. If War is in expectation, then their Ardor should not be discouraged, nor their indignation diminished. But a Treaty is wished and contemplated, then those people should be so advised and so restrained as that their Sentiments and conduct may as much as possible be made to quadrate with the Terms and Articles of it. Your Secretary cannot forbear to express his Solicitude that this very important and consequential Business may not be left in its present situation, the Objects involved in it are of great magnitude, and effects must and will result from it, by which the prosperity of America will be either greatly advanced, or greatly

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retarded. He also takes the liberty of observing that a Treaty disagreeable to one half of the Nation had a better not be made, for it would be violated, and that a War disliked by other half, would promise but little success, especially under a Government so greatly influenced and affected by popular Opinion.

The foregoing reports being read

A motion was made by Mr. [James] Madison seconded by Mr. [Benjamin] Hawkins, that the same be referred to a Committee.

And on the Question for commitment the yeas and nays being required by Mr. [Rufus] King, so the Question was lost.

April 18, 1787 –

1) [Report of Board of Treasury of draft of ordinance for settling accounts]

The Board of Treasury to whom was referred a Motion for Repealing the Ordinance of the 13th October last, and that the Board be directed to Report an Ordinance for the expeditious and equitable Settlement of the Account between the United States, and the Individual States,

Beg leave to Report the following Ordinance,

Be it Ordained by the United States in Congress Assembled.

That five Commissioners be appointed whose duty it shall be to go to the several Districts hereafter mentioned, for the purpose of Stating the Accounts of the several States within those Districts against the United States.

That the States of New Hampshire, Massachusetts, Connecticut and Rhode Island, form one District.

That the State of New York and New Jersey form one District.

That the States of Pennsylvania, Delaware and Maryland, form one District.

That the States of Virginia and North Carolina, form one District.

That the States of South Carolina and Georgia, form one District.

And be it further Ordained That ___ be and he is hereby appointed Commissioner of Accounts for the four Eastern States.

That ___ be, and he is hereby appointed Commissioner of Accounts for the States of New York and New Jersey.

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That ___ be, and he is hereby appointed Commissioner for the States of Pennsylvania Delaware and Maryland.

That ___ be, and he is hereby appointed Commissioner of Accounts for the States of Virginia and North Carolina.

That ___ be, and he is hereby appointed Commissioner of Accounts for the States of South Carolina and Georgia.

That it shall be the duty of the said Commissioners to receive of the respective States for which they are appointed all their Accounts and Vouchers for payments made on account of Bounties, Pay, and Depreciation of Pay to the late Army of the United States; and for Advances to the Militia called out under the Authority of the said States, and actually in their Service; and to give descriptive acknowledgments thereof to the States, from which they may be received; which Accounts and Vouchers shall be immediately forwarded to the Commissioner of Army Accounts, whose duty it shall be to examine and pass such as are authorised by the Resolves of Congress and supported by proper Vouchers; and to state such as may not full under the above description, together with such remarks as may tend to elucidate the nature of these Claims.

That is shall further be the duty of the said Commissioners to receive in like manner, the Accounts and Vouchers for Monies paid on the Requisitions of Congress, previous to October 1781, and to forward the same to the Office of the Comptroller of the Treasury, whose duty it shall be to reduce the same to Specie value agreeably to the rate of Exchange prevailing in the State at the time when Payments were made.

That it shall also be the duty of the said Commissioners to receive and examine all the Claims of the States to which they are appointed, against the United States, for Advances or Disbursements by them made for the Use of the late Commissary, Quarter Masters, Clothing, Marine and Hospital Departments, or under any other description whatsoever, to pass upon all such as are authorised by the Resolves of Congress and supported by proper Vouchers (so far as it respects the Evidence offered in support of the said Claims) and to state such as are not thus warranted, or supported, together with such remarks as may explain the nature of these Accounts, and the reasons offered for the deficiency of Vouchers.

And be it further ordained by the Authority aforesaid That on all the Accounts aforesaid, Interest shall be Allowed at the rate of Six per Cent per Annum, agreeably to the Resolves of Congress.

And Whereas it is essential to the Welfare of the Confederacy, that the Accounts of the several States should be speedily Adjusted; that this adjustment should be effected in uniform Principles, and that provision should be made for allowing such Disbursements as may have

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been made by the respective States for the benefit of the Union, although the same be not sanctioned by the Resolves of Congress or supported by regular vouchers.

Be it further Ordained, That the several States be, and they are hereby limited to the space of six Months for exhibiting to the proper Commissioner, their claims against the United States of whatever nature the same may be; and that such States as may neglect to exhibit the same may be; and that such States as may neglect to exhibit the same within that period of time, after the Commissioner has notified to the Supreme Executive thereof, that he is ready to proceed on the Business of his Commission, shall be precluded from any future Adjustment; but shall nevertheless stand chargeable with all Advances of Money or other Articles, which may have been made to them respectively by the United States, and with what ever Balances may be yet due on their several Quotas of the general Requisitions.

And be it further Ordained, That the said Commissioners of Districts, shall within Twelve Months after they enter on the duties of their several Appointments, repair to the place, where the United States in Congress may hold their Sessions, with such Accounts and Vouchers as they may have in possession, and deliver the same to the Comptroller of the Treasury; on which their Commission shall terminate.

Be it further ordained, That on ___ day of ___ Commissioner be appointed by the United States in Congress Assembled, whose duty it shall be to receive from the Comptroller of the Treasury, and from the Commissioner of Army Accounts, all the Accounts and Claims of the several States deposited in their respective Offices; and to Examine such of the said Accounts as have been part by the Commissioners of the several Districts, in order that the same may be finally on uniform principles: Provided that such revision of the Accounts abovementioned, shall not in any wise effect the validity of the Vouchers admitted by the Commissioners of the respective Districts.

And be it further Ordained, That whenever it shall appear to the said Commissioners, that disbursements of the description aforesaid, have been made by any of the States, for Articles or Services, for the Use of the United States, or which have had an evident tendency to promote the general Welfare of the Union; that the said Commissioners be, and they are hereby vested with full power and authority to make such Allowance for the same as they shall think consistent with the principles of general equity; although the same be not supported by regular Vouchers.

And be it further Ordained, That the determination of a Majority of the aforesaid Commissioners on the Claims submitted to them, shall be final and conclusive.

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And be it further Ordained, That the Pay of the Commissioners of Districts, shall be at the rate of Twelve hundred and fifty Dollars per Annum; and that of their Clerks at a rate not exceeding Four hundred and fifty Dollars per Annum each.

That the Commissioners who form the Board shall be allowed respectively at the rate of ___ per Annum; and that their Commission (unless sooner revoked) shall continue in force for One Year and a half, to be computed from the time of their Appointment.

And be it further Ordained, That all persons employed, or to be employed, in pursuance of this Ordinance shall previous to entering on the duties of their Office, take and Subscribe the usual Oath of Office, Certificates of which shall be deposited with the Secretary of Congress.

And be it further Ordained, That the Ordinance of the 13th of October 1786, entitled "an Ordinance for Establishing a Board to Liquidate and Settle all Accounts between the United States, and Individual States" be, and it is hereby Repealed.

All which is humbly Submitted.

SAMUEL OSGOOD

April 16th 1787. WALTER LIVINGSTON

An Ordinance for settling the Accounts between the United States and individual States was read a first time.

Ordered that Friday next be assigned for the Second reading of the said Ordinance.

2) [Letter of Secretary at War on usurpation of public lands]

WAR OFFICE *April 16th 1787*.

SIR: I have the honor to inform Congress that I have received a letter from Colonel Harmar dated the 18th March at Fort Pitt. He was then on a tour visiting the posts under his command, and was about going down the Ohio to the post at the rapids, from which he expected to return to the Muskinghum, about the middle of May.

He says "that he has had some conferences with General Butler, and from all account, matters seem to bear a more favorable aspect with the savages than they hitherto have done."

He has also transmitted the enclosed extract of a letter from Major Wyllys who is stationed at the Rapids of the Ohio. The usurpation of the public lands by a body of armed men highly deserves the attention of Congress. If such audacious defiance of the power of the United

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States be suffered with impunity a precedent will be established, to wrest all the immense property of the western territory out of the hands of the public.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS.

April 20, 1787 –

1) A motion having been made by Mr. [James] Madison for sending the minister plenipotentiary at the Court of France under a special commission to the Court of Madrid for purposes therein expressed, the same was referred to the Secretary for foreign Affairs, who reported as follows

OFFICE FOR FOREIGN AFFAIRS

20TH April 1787.

The Secretary of the United States for the department of Foreign Affairs to whom was referred a motion made the 18 April instant by the Honble Mr. Madison in these words viz "*Resolved* that the present state of the negotiations with Spain and of the Affairs of the United States, renders it expedient that the minister plenipotentiary at the Court of France, should proceed under a special Commission to the Court of Madrid, there to make such representations, and to urge such negociations, as will be most likely to impress on the said Court the friendly disposition of the United States, and to induce it to make such concessions and arrangements touching the southern limit of the United States and their right to navigate the Mississippi below the same, and to enter into such commercial stipulations with the United States, as may most effectually guard against a rupture of the subsisting harmony, and promote the mutual Interests of the two Nations.

"*Resolved* that the Secretary for Foreign Affairs prepare and report the Instructions proper to be given to the said minister plenipotentiary, with a proper Commission and Letter of Credence, and that he also report the communications and explanations which it may be adviseable to make to Mr. Gardoqui relative to this change in the mode of conducting the negociations with his Court.

Reports,

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The first question that this motion presents, is whether it will be expedient to endeavor to carry the Spanish negociation from New York to Madrid.

It is generally and with reason held to be more honorable to a Nation that foreign powers should send Ambassadors to treat with their Sovereign at his own house, than that they should send Ambassadors to treat with a foreign Sovereign at his Court.

It is also, and with equal reason generally deemed more advantageous to negotiate at home than in a distant Country, because in the *latter* case, much must be confided to the discretion of the negociations, and because the distance prevents his consulting and being directed by his Sovereign on unexpected occasions and events as they rise, and which sometimes require immediate decision.

As these Considerations afford strong and weighty reasons for continuing the present negociations at the seat of Congress, those for carrying it to Madrid should clearly preponderate before they are permitted to operate that change.

Two reasons are assigned for the proposed Change, one of them is exceedingly indefinite, Viz, the *present state of our Affairs* what particular facts and circumstances in the present state of our Affairs are alluded to, Your Secretary is at a loss to discern; for he does not know of any that would in his Opinion be meliorated by the change.

The other reason is the present state of the negociation, with that he is perfectly well acquainted; but if the negociation goes to Madrid, he does not conceive that it will leave behind it any of the difficulties, questions or Embarrassments which perplex and retard it at New York.

The reasons therefore assigned in the motion for the measure in question, do not appear to him adequate to the Consequences drawn from them.

Should such a measure be adopted, the Court of Spain will doubtless view it as very singular, and from that Circumstance be disposed to suspect that it originated in other than the avowed inducements, why should Congress forego the honor and convenience of treating with us at home? If discontented with their own negociator, why this circuitous way of changing him? If with ours, how has it happened that no Symtoms of it have appeared? On the contrary we are well informed that he is esteemed and respected in America; as to the differences between us, how are they diminished by this measure? These and a variety of other questions will more readily occur to the Spanish Court, than satisfactory answers to them, and your Secretary apprehends that all these Investigations will terminate in a firm belief that a design to gain time and to amuse was the true reason. Whether such a suspicion would be well or ill founded, would be important; for its operation would be exactly the same in the one Case as in the

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other. The only question is whether it is not highly probable, nmy almost certain that they would impute it to that Cause?

Your Secretary has reason to believe that Mr. Gardoqui, as well as some others, are not ill informed of interesting debates in Congress, and that the Conversation of Members out of doors does not always remain sub Rosa. How or in what point of light, the design of such a measure would strike him, your Secretary can only conjecture. It is however natural to suppose that he would take no pains to prevent its proving abortive, and that his representations of it to his Court would not be calculated to give it a welcome reception there, nor to impress them with a favourable opinion of the purposes intended by it.

When too the Court of Spain finds that Mr. Jefferson is only empowered to *confer* about the Mississippi and the Boundaries, but not to *conclude*; their suspicions of a design to delay and amuse would be confirmed, for it is observable that the motion proposes only to authorize him to *enter into Commercial Stipulations*, on the other topics he is to make representations, to urge such negoications as will be most likely to *impress* on the Court the friendly disposition of the United States, and to *induce* it to make Concessions &c. but not a word that gives him power to *conclude* a Treaty on those points. Perhaps this may only be an inadvertent Inaccuracy in the motion, if not it gives much Colour to the Inferences above suggested.

All these Considerations and Circumstances combined induce Your Secretary to think it highly probable that his Catholic Majesty will not consent to treat at Madrid, that his opinion of the Candour of the United States will be diminished by the measure in question, and that he will direct his Minister here to state his ultimate propositions explicitly to Congress, and to insist on a speedy and categorical Answer.

If such would be the *probable* Consequence of the measure proposed, your Secretary thinks it would be hazarding too much to adopt it.

If Congress should notwithstanding think it expedient to transfer the negociation to Madrid, your Secretary is convinced that it cannot be confined to a person better qualified to manage it than to Mr. Jefferson; and in that case your Secretary will with alacrity and zeal do whatever may depend upon him to promote the Success of it.

2) [Report of Secretary at War on instructions in Western territory]

The Secretary of the United States for the department of war to whom was referred his letter to Congress of the 16 of April transmitting an extract from Major Wyllys's letter to Lieutenant Colonel Harmar dated Rapids of the Ohio 6th February 1787

Reports

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That in his opinion the United States are more liable to be disappointed in their just expectations, of the great national advantages resulting from a wise administration of the western territory, by the evils if usurpation and intrusion, than by any other causes whatever.

That the value of the object, The spirit of adventure, and the supposed imbecillity of government, render the dangers if usurpation on a large scale extremely imminent.

That if the disposition, to seize the public lands, be not curbed in the first instance, in a manner demonstrative of the fixed purpose of government all future attempts to remove intruders may be abortive. Their numbers may be so great as to defy the power of the United States. Or a reluctance in the supreme authority to inflict the calamities, necessarily attendant on an abrupt and forcible removal, of men women and children from their possessions, may prevent the measure.

Your Secretary therefore is of opinion, that no intrusions or usurpations ought to be suffered, which the troops stationed on the Ohio are capable of preventing or removing, and that the commanding officer should be directed, to take the most efficient and immediate measures for dispossessing the party of men reported by Major Wyllys to have established themselves at St. Vincents.

On this principle the following resolve is Submitted.

Resolved That the Secretary at War direct the commanding officer of the troops of the United States on the Ohio to take immediate and efficient measures for dispossessing a body of men who have in a lawless and unauthorized manner taken possession of post St. Vincent in defiance of the proclamations and authority of the United States, and that he employ the whole or such part of the force under his command as he shall judge necessary to effect the object.

H KNOX.

WAR OFFICE 19 April 1787

3) [Letter of Secretary at War respecting General Butler]

WAR OFFICE *April 20th 1787*.

SIR: I think it necessary to inform your Excellency that the superintendant of indian affairs for the northern department has been so unfortunate as to break his leg while on his journey to this City in order to receive the orders of Congress relative to his department.

Notwithstanding his misunfortune he informs me that means shall be adopted to carry into execution any measures which Congress may judge proper to direct, in the line of his duty.

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I have the honor to be, etc.,

H KNOX.

His Excellency

A St CLAIR *Esq.*

President of Congress

April 23, 1787 –

1) [Report of Secretary for Foreign Affairs on instructions to Mr. Adams]

The Secretary of the United States for the department of foreign Affairs in obedience to the Order of Congress directing him to report Instructions to their Minister Plenipotentiary at the Court of London, on the Subject of his Letter of the 4th March 1786, and of the Papers which accompanied it,

Reports the following

Resolved That the Minister of the United States at the Court of Great Britain, be, and he hereby is, instructed to inform his Britannic Majesty, that Congress do candidly admit, that the 4th and 6th Articles of the Treaty of Peace have been violated in America, and that they consider the 7th Article as having been violated on the part of Great Britain. That he also inform his Britannic Majesty, that Congress are taking effectual measures for removing all Cause of Complaint on their part, and that he communicate to his Majesty their Resolutions of the 21st Day of March last, together with their circular Letter to the States of the 13th Day of April.

Resolved That the said Minister be, and he hereby is authorized and directed, in the name and Behalf of the United States to propose and conclude a Convention with his Majesty, whereby it shall be agreed that the value of the Slaves or other American Property carried away contrary to the 7th Article, be estimated by Commissioners and paid for, and that the said Payment, together with a Surrender of all the Posts and Places now held by his Majesty within the Limits of the United States shall be made within ___ months after the several States each have passed such a Law for repealing all the Acts or parts of Acts existing in the same and repugnant to the said Treaty, as is specified in the circular Letter above mentioned, which ___ months shall be computed from the Time that formal notice, of all the States having passed such Laws, shall be duly given to his Britannic Majesty.

Resolved That the said Minister be, and he hereby is, further instructed to assure his Majesty that it will always give pleasure to Congress fairly and candidly to discuss and accommodate every Difference or Complaint that may arise relative to the Construction or to the Performance

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of the Treaty. That they are determined to execute it with good Faith, and that as this is the only Instance in which any Complaints of that kind have ever come regularly before them, they flatter themselves, that the Frankness and Candor of their conduct on this occasion will create in him the same confidence in the Purity of their Intentions, which they repose in his assurances "that whenever America shall manifest a real Determination to fulfil her part of the Treaty, Great Britain will not hesitate to co-operate it whatever points depend upon her, for carrying every article into real and compleat Effect.

Resolved That the said Minister be, and he hereby is, further instructed to endeavor to have an Article inserted in the Convention for the Remission of the Interest or a proportion of it, which accrued on private contracts during the war. And that he also endeavor to obtain an Article to fix the true Construction of the Declaration for ceasing Hostilities, and to stipulate, that Compensation be made for all Captures contrary to it.

And to the End that the said Minister may have the more ample Information on these several Subjects.

Ordered that a Copy of the Report of the Secretary for foreign Affairs on his said Letter be transmitted to him by means of some proper and confidential person that may be going from Hence to London.

All which is submitted to the wisdom of Congress.

JOHN JAY.

April 24, 1787 –

1) [Representation of Massachusetts and New York Delegates]

To the United States in Congress assembled,

We the under written Nathaniel Gorham, Rufus King and Nathan Dane Delegates from the States of Massachusetts and John Haring, Melancton Smith and Egbert Benson Delegates from the state of New York in the said Congress do for, and in the name of the said States respectively represent, that the Controversy between the said two States respecting Territory having ceased it is therefore become unnecessary that the Federal Court, for the Appointment whereof Proceedings have been had in Congress, should convene. Given under our Hands this Twenty third day of April in the Eleventh Year of the Independence of the United States, 1787.

NATHANIEL GORHAM

RUFUS KING

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NATHAN DANE.

JOHN HARING

MELANCTON SMITH

EGB. BENSON

April 25, 1787 –

1) [Instructions of North Carolina to her Delegates]

Extract,

North Carolina,

In the House of Commons 6th January 1787.

The House resumed the Consideration of the Report of the Committee on sundry Papers respecting Indian Treaties &c which being read and amended was concurred with in the following Words,

Your Committee to whom was referred sundry Papers respecting Treaties and Indian Affairs beg leave to report

That they have examined with Attention the papers referred to them and they find that by the Treaties entered into between the Commissioners appointed by the United States to treat with the southern Indians and the Cherokee and Chickasaw Indians at Hopewell on the Keeowee, the Commissioners of the United States have allotted to the said Indians certain Lands as their hunting Grounds which are obviously within the Jurisdiction of this State being North of the Boundary established by Law between the Citizens and Indians, and a great part of which of for a valuable Consideration sold to our Citizens, some of whom are now actually living thereon.

Your Committee observe that the Commissioners having only allotted these lands to the Indians as their hunting Grounds, the Treaty doth not thereby annul the Title of those who hold under our Laws but have clogged it in a Manner different from the Intentions of the Legislature and which does in effect suppose a right in the United States to interfere with our Legislative Rights which is inadmissible.

Your Committee thereupon recommend that the Delegates of this State in Congress be instructed to State our Rights to the Lands in question to the United States of America in Congress assembled to obtain a Disavowal of the Treaties so far as they effect the same and if

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the same should be persisted in which Your Committee cannot suppose from the known Wisdom and Rectitude of Congress that finally they formally protest against the same.

[Motion respecting Indian Treaties]

Motion Mr. Blount and Mr. Ash for Congress to disavow the treaties with the Cherokee and Chickasaw Indians so far as they allot to the said Indians hunting grounds within the limits of North Carolina other than those allotted them by the laws of the said State.

2) [Report of committee on ordinance for disposing of Western territory]

The committee consisting of Mr. [Edward] Carrington, Mr. [James Mitchel] Varnum, Mr. [Abraham] Clarke, Mr. [Rufus] King and Mr. [Benjamin] Hawkins to who was referred a motion of Mr. Carrington for revising the ordinance for surveying and selling the western territory report as follows,

Your Committee are of Opinion that it will be improper to adhere to the mode provided on the said Ordinance for disposing of the Western Territory, for the following reasons. 1st It is too slow in its operation to effect a faithful execution of the duties incumbent on Congress, under the present public circumstances, and the terms upon which these lands in its advance constantly involve a great public expence, which, being unnecessary, is unreasonable.

Upon the first of these reasons your Committee beg leave to observe, that the Ordinance hath been in operation nearly two years, and but little more than half the quantity of land which would Authorise the sale of any part of the extensive Territory has been surveyed. Upon enquiry in to the causes of this delay, they are informed by the Geographer than the danger to which the surveyors are liable from the Indians, prevent their proceeding except when they can be covered by Troops. It appears to your Committee that these dangers are more likely to increase than diminish, as the hostile disposition of the Indians have in no degree abated, and the future numbers and situation of our Troops, will, in all probability, be such as to afford less protection to the surveyors than they have hitherto received.

From these considerations your Committee are led to conclude, that the prospect of bringing to market, any tolerable part of this territory, with a very material departure from the Ordinance, must be very distant. From a view of the present public circumstances; the State of the these lands, and the terms of Cession by which the United States have become possessed of them your Committee are induced to think, that it is the duty of Congress to adopt measures for disposing of them, which may be, not only practicable; but Speedy in their operation. The debts of the Union are already so great that all the efforts of the people towards their extinguishment, fall far short of paying the interest, and of consequence the public burthens must be daily increasing. These lands are lying in an unproductive State; from a Variety of

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circumstances it is reasonably to supposed they will now sell higher than at any distant period; and they have been ceded to, and accepted by the United States, as a fund for the common relief, to be faithfully disposed of for that purpose; these considerations operate with your Committee, as sufficient to justify the opinion they have advanced; but they beg leave to add that any considerable delay in disposing of the lands in this territory would very probably be attended with the entire loss of that fund. Some discontented and adventurous people have already encroached upon them, and the Actual operation of the Troops Stationed there, hath become necessary to remove them. The numbers disposed to make these encroachments are manifestly increasing, and it appears to your Committee, that the Troops in the service of the United States, are more likely to be reduced than increased in number. From these circumstances your Committee think that the loss of the lands is seriously to be apprehended, unless early measures are pursued for Vesting a better kind of people with rights there.

Upon the second reason your Committee beg leave to observe that long experience hath taught that private adventurers in lands with great alarcrity and chearfulness submit to the dangers of exploring, and the additional expence of surveying them, when they are indulged in their choice as to situation and quality, And your Committee are of Opinion that this indulgence may be allowed under such restrictions as to avoid all the evils to be apprehended from loose indiscriminate locations.

Upon the foregoing considerations your Committee beg leave to Report,

That in their opinion the Ordinance [of the 20th day of May 1785] for disposing of the Western Territory [ought, saving the completion of] the seven ranges of Townships now surveying, provided that the same shall not cross the Muskingum, to be repealed, and another established upon the following principles Viz.

Such parts of the said Territory as Congress shall from time to time direct to be sold, to be divided by the Geographer into convenient districts bounded by the Ohio, the navigable rivers running into the same, and lines extending due North from the sources of such rivers.

A Surveyor to be appointed by the Geographer for each district whose duty it shall be to receive the locations of Individuals and to Survey their lands for certain fees, and under certain regulations to be prescribed.

The board of Treasury, or a Register, to issue warrants or rights for any quantity of land not less than ___ acres to any person applying for the same and paying ___ per acre, directed to any Surveyor in the Western territory. The purchasers of the said rights, their Heirs or assigns to be entitled to locate the same in any district which may be ordered for Sale, by an entry or entries with the Surveyor of such district within ___ months from the date thereof, under the following restrictions, every Location to be a square bounded by lines running due North and South, and

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other equal lines crossing them at right Angles as nearly as may be, except when the boundaries of the district, or prior locations, shall render the same impracticable and then this rule to be departed from no farther, than such particular circumstances may require.

The Locations to be made whenever the locators shall direct; provided that every such location which shall contain a number of Acres less than ___ miles Square, shall be bounded wholly on one side by some former entry or entries, and provided also that no interstice shall be left than half a mile in breadth.

Every location to be surveyed upon the request of the Locator within ___ months from the entry and for enabling the Surveyors to compleat their works, in due time, the Geographer to appoint as many Assistant Surveyors as may from time to time be necessary.

Proper Books to be kept by the Surveyors, in which shall be fairly and fully entered all entries for land and also the plats thereof after they have been surveyed.

The Surveyors to make returns of all their proceedings to the Geographer once in every ___ months, and the Geographer to keep the like Books and the like records as may be prescribed [to] the Surveyors, to be open as well as those of the Surveyors, to the inspection of all persons whatever.

All disputes which may arise to be determined by the Surveyor in whose district the same may happen, with right of Appeal to the Geographer.

Grants to be issued by the Geographer, upon the surveys being compleating, and all fees fully discharged.

The Geographer to extend a line from each Capital survey to some known point, so as to ascertain its true situation, and as he shall from time to time be possessed of sufficient materials, to divide the Territory into Townships of ___ Miles square by designating the same on paper by lines running due North and South, and other equal lines crossing these at Right Angles as nearly as may be, and also to designate in like manner every Survey.

<u>April 26, 1787</u> –

1) [Plan of a temporary government for the western territory]

[The report of the committee consisting of Mr. William Johnson, Mr. Charles Pinckney, Mr. Melancton Smith, Mr. Nathan Dane and Mr. William Henry, to prepare a plan of a temporary government for such districts, or new states, as shall be laid out by the United States, which was appointed September 17, 1786 and reported on September 19, was, according to indorsement, under consideration on this day and was assigned for tomorrow, April 27, on

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which day no business was transacted. This report had been left as unfinished business on September 21, 1786. It was read a second time on May 9, 1787.]

May 7, 1787 –

1) Congress resumed the consideration of the Ordinance for settling the Accounts between the United States and Individual States, and the following clause being under debate, viz.

"And be it further ordained that whenever it shall appear to the said board of Commissioners that advances or disbursements of the description aforesaid have been made by any of the States, that the said Commissioners be, and they are hereby vested with full power and Authority to make such allowance for the same as they shall think consistent with the principles of general equity."

A motion was made by Mr. [Egbert] Benson seconded by Mr. [Melancton] Smith to amend the clause, so that it read as follows,

And be it further ordained, that whenever it shall appear to the said board of Commissioners, that advances or disbursements have been made by any of the States for Articles or Services for the use of the United States, that the said Commissioners be and they are hereby vested with full power and Authority to make such allowance for the same, as they shall think consistent with the principles of general equity, although such advances or disbursements may not be sanctioned by the resolves of Congress, or supported by regular vouchers.

On the question to agree to this Amendment, the Yeas and Nays being required by Mr. Grayson.

So it was resolved in the Affirmative.

The following clause being under debate (viz) "And whereas it is essential to the welfare of the confederacy, that the Accounts of the several States should be speedily adjusted; that this adjustment should be effected on uniform principles and that provision should be made for allowing such disbursements as may have been made by the respective States for the benefit of the Union, although the same be not sanctioned by the resolves of Congress or supported by regular vouchers."

A motion was made by Mr. [Egbert] Benson to strike out "benefit", and in lieu thereof to insert, "use".

On the question to agree to this amendment the Yeas and Nays being required by Mr. [William] Grayson,

So it was resolved in the Affirmative.

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The Ordinance being amended and read a third time; on the question, shall this Ordinance pass the Yeas and Nays being required by Mr. [Abraham] Clarke, so it passed unanimously as follows

An Ordinance for settling the Accounts between the United States and Individual States

(See pages 262-266 for the passed Ordinance)

2) [Report of Committee on Post St. Vincents and Illinois]

The Committee consisting of Mr. [James] Madison, Mr. [Abraham] Clarke, and Mr. [Nathan] Dane to whom was referred sundry papers relative to the settlements of post St. Vincents and the Illinois, report,

That in the settlements of post St. Vincents the Kaskaskias and Illinois there are a large number of Inhabitants, principally descendants of the Antient French settlers who have for seventy or eighty years past been governed by French laws usages and Customs. Your Committee find the Inhabitants of those places disposed to submit to Government and good order, and solicitous to receive their laws and protection from the United States, that for want of criminal laws and magistrates among them to administer their existing laws and customs they are subjected to very great inconveniences, and many mere land Jobbers are induced to intrude on their lands and disturbe their possessions, wherefore the Committee are clearly of opinion that Congress ought without delay to provide for the administration of Government and for forming some additional laws in those settlements, and therefore they submit the following resolves,

Resolved that a Commissioner be appointed by Congress, whose commission shall continue in force three years unless sooner revoked, for the Settlements of post St. Vincents Kaskaskias and Illinois whose duty it shall be to divide the said settlements into proper districts containing not more than eight nor less than four hundred inhabitants each, and as soon as may be to summon the Inhabitants of each to meet and elect as near as may be for each two hundred Inhabitants one magistrate.

Resolved that the magistrates of each district or the major part of them shall have full power and authority to hear and determine all Controversies not relating to property in lands, according to the laws, usages, and *customs that prevail in such district.*

Resolved that the said commissioner and the major part of the said magistrates of the district, (the whole being summoned to attend the Court) shall have full power and authority to examine into the titles and possessions of the Inhabitants thereof or persons claiming lands therein, to give judgment concerning them and to award execution according to the laws and customs prevailing in such district and on complaint or information to consider the same and the evidence and award such sentence and punishments as are by the laws of Virginia annexed

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to like crimes and offences and it shall immediately be made know in said districts what punishments are annexed by the criminal laws of Virginia to the several species of crimes and offences.

Resolved that the said Commissioner and two thirds of the said magistrates of all the districts duly Assembled shall have full power by the consent of the commissioner and a major part of the magistrates present to make laws and to alter the laws of the said districts for the better government thereof reporting the same to Congress which shall be in full force unless disapproved of by Congress and the said Commissioner in all Courts or Assemblies, in which he shall be a member shall preside.

Resolved that the said Commissioner with the advice and Consent of the major part of the said Magistrates of the district shall appoint executive officers therein respectively to carry their decrees into execution, and also a register in each district and the said magistrates executive officers and registers shall continue in Office four years unless sooner removed therefrom by Congress or those who appointed them respectively.

Resolved that the register of the District shall keep in some convenient place in it a registry in which there shall be recorded by him all deeds and Instruments conveying lands or any estate therein and also all executions extended on lands. It shall also be the duty of the register of the district to act as Clerk to and carefully record and preserve the proceedings of the Judicial Courts held therein.

Resolved that no property in lands after the first day of September next shall be transferred but by bargain and agreement fairly and openly made by the parties before some magistrate of the District in which the lands may be by deed in writing duly executed and acknowledged in his presence attested by him and two other witnesses and registered within twelve months after the execution thereof, or by executions duly extended and registered within six months from the time of extending the same.

Resolved that the Commissioner be and he is hereby empowered to organize, regulate and command the militia of the said Districts and to establish suitable posts of defence against the savages. It shall be his duty to preserve peace with the Indian nations and to permit no settlements on their lands or Intrusions on lands of the United States in that part of the Country. It shall be his duty and the duty of the magistrates to prevent by all proper means unfair and fraudulent purchases of the lands of the said Inhabitants. It shall be his duty also to explain to them the laws of the United States and to inform Congress from time to time of the situation and Interesting concerns of those districts. It shall be his duty constantly to reside among the said Inhabitants and to promote Justice harmony and industry among them.

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Resolved that the said Commissioner and all officers appointed in said districts previous to their entering on the duties of their respective offices shall take an oath for the faithful discharge thereof and an oath of fidelity to the United States the said Commissioner before ___ and the other officers before the said Commissioner certificates of all which oaths shall be lodged in the office of the Secretary of Congress.

Resolved that the Salary of the said Commissioner be at the rate of ___ Dollars per annum and the register shall have reasonable fees established as also the other magistrates and officers for their services by the said Commissioner and magistrates authorised to make laws.

Resolved that the secretary at war furnish the said Commissioner with ___ men of the troops of the United States for the protection of said Inhabitants and preservation of order among them and for the prevention of intrutions on public lands.

<u>May 10, 1787</u> –

1) A motion was made by [Mr. William] Pierce, seconded by Mr. [William] Few for replacing the order passed Sept. 1st, and on the Question to agree to the motion, the Yeas and Nays being required by Mr. William] Pierce,

So it was,

Resolved, That the order passed on the first day of Sept. 1786 in the words following, viz. "that when a Question is set aside by the previous question, it shall be in order afterwards, formally or substantially to move the same, unless there shall be the same, or as many States represented in Congress", be, and the same is hereby repealed.

<u>July 6, 1787</u> –

1) [Report of committee on device for copper coin]

The Committee, consisting of Mr. [William] Pierce, Mr. [John] Kean, and Mr. [Samuel] Holten to whom was referred a Letter from the Board of treasury, dated the 11th May 1787, report

That they have examined the several Devices sent for the copper coinage of the United States, are of opinion that the numbers 3 and 4 ought to be adopted. Therefore

Resolved that the board of Treasury direct the contractor for the copper coinage, to stamp on one side of each piece the following device, viz. thirteen circles linked together, a small circle in the middle with the words, "*American Congress*" flowing round it: and in the centre of that circle, the words "WE ARE ONE".

[Motion for amendment]

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Strike out from the word [together] to ye words [a small circle] Instead of American Congress say U.S. Strike out the work flowing.

2) On the report of a committee consisting of Mr. [William] Pierce, Mr. [John] Kean and Mr. [Samuel] Holten to whom was referred a letter of the 11 May from the board of treasury.

Resolved That the board of treasury direct the contractor for the copper coinage to stamp on one side of each piece the following device, viz Thirteen circles linked together, a small circle in the middle with the words [United States] round it, and in the centre the words "We are one".; On the other side of the same piece the following device, viz A Dial with the hours expressed on the face of it. A Meridian sun above on one side of which is to be the word "Fugio" and on the other the year in figures "1787" below the dial the words "Mind your business".

3) On motion of Mr. [John] Kean seconded by Mr. [Samuel] Holten

Ordered That the Secretary of Congress write to the Executives of the States not represented in Congress and request them to urge the immediate attendance of their delegates, as business of the greatest importance is neglected through their non Attendance.

July 11, 1787 –

1) The Committee consisting or Mr. [Edward] Carrington, Mr. [Nathan] Dane, Mr. R[ichard] H[enry] Lee, Mr. [John] Kean and Mr. [Melancton] Smith to whom was referred the report of a committee touching the temporary government of the western territory reported an Ordinance for the government of the territory of the United States North West of the river Ohio, which was read a first time.

(See pages 314-320 for the draft of the Ordinance)

Ordered That to morrow be assigned the 2d reading.

2) [Report of Secretary at War on Indian hostilities]

The Secretary of the United States for the department of war to who was referred sundry papers and letters respecting the hostilities on the frontiers of Virginia

Reports

That the frontiers of Virginia bordering on the Ohio have been in the course of the present year and probably still are involved in the greatest distress, by parties of hostile Indians who plunder and murder the inhabitants.

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That the facts are authenticated by the letters and papers transmitted by the Executive of Virginia the letter of John Cleve Symmes Esq. and the letter of the commanding officer of the troops, all of which accompany this report.

That from the representations contained in the aforesaid letters and other information prior thereto, it appears most probable that the depredations have been committed by the Shawanose and the Wabash Indians. That the measures necessary to put a stop to said enormities and effectually to prevent them in future demand the most serious attention of the United States.

But your Secretary apprehends that the deep rooted prejudices, and malignity of heart, and conduct reciprocally entertained and practiced on all occasions by the Whites and Savages will ever prevent their being good neighbours. The one side anxiously defend their lands which the other avariciously claim. With minds previously inflamed the slightest offence occasions death, revenge follows which knows no bounds. The flames of a merciless war are thus lighted up which involve the innocent and helpless with the guilty. Either one or the other party must remove to a greater distance, or Government must keep them both in awe by a strong hand, and compel thme to be moderate and just.

The right that each party assumes of being judges and prompt executioners in their own cause prevents all effectual interference, excepting by a legal coercive power, which shall make the necessary sacrifices to Justice, let them belong to which side they may.

But the small corps of troops on the Ohio would feebly support such a system, even were it not to interfere in its execution with the state governments.

The number of the troops are about five hundred. These are employed in garrisons and in the field to prevent intrusions on the public lands, to cover the surveyors and to protect the inhabitants of the frontiers. One third of the force is employed directly for the latter object. For which purpose one company is stationed at Venango, part of a company at Fort McIntosh and two companies at the falls of the Ohio. But besides these detachments, the troops protecting the surveyors, and preventing usurpations, have the effect, to cover a very large district of country south of the Ohio, from the depredations of the Savages.

But as the surveys appear to be nearly suspended; and as it is probable that Congress may sell the country in a body from the seven ranges already surveyed to the river Scioto; the disposition of the troops may with propriety be changed, so as more immediately, to conform to the protection of the inhabitants.

In the opinion of your Secretary the complete protection of the frontiers, and the other objects of the United States in the western territory, would require a body of fifteen hundred men. The

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Subjects of Spain have been plundered, And the whole western territory is liable to be wrested out of the hands of the Union by lawless adventurers, or by savages whose imperfect perceptions render them unable to distinguish between the aforesaid description of persons, and the regular authority of the United States.

Were it practicable to raise and maintain such a body of troops, a chain of posts might be establish['d], which at once would awe the savages, cover the surveyors and prevent intrusions. The Chain to commence with a small garrison at Fort Pitt, to be connected by others established at Le Boeuf at the head of French Creek; thence a portage of twelve miles over to Presqu' Isle on Lake Erie; at Presqu' Isle; at Cuyahoga or the mouth of Sandusky Lake, whichever on examination should be found to be best calculated to secure boats and shipping; at the mouth of the Miami emptying into Lake Erie. The Miami Village, at the head of the River, a strong post of two hundred and fifty or three hundred men. The head of the Wabash. Post St. Vincents on the Wabash. The mouth of the Wabash. The mouth of the Ohio. This post would serve as well to curb the professed designs of the lawless, against our Spanish allies, as to evince to the world the dispositions and power of the United States to govern and control their own citizens. The chain would be continued from the mouth of the Ohio to Fort Pitt by small garrisons, at proper intervals, in order to prevent intrusions on the public lands.

But however dignified and important to the character and interests of the United States such a body of troops might be, it is to be regretted that the depressed state of the finances will not admit of the measure. It remains only therefore, that the troops actually in service on the Ohio, be so posted and ordered, as best to restrain the incursions of the savages and prevent usurpations of the public lands.

Your Secretary submits the following general dispositions of the troops, giving however at all times full permission to the commanding officer, to make such changes, and alterations therein, as he shall judge the good of the service may require.

The tribes of Indians who inhabit the south western and eastern parts of Lake Erie, seem peaceably inclined. The Shawanoes who were expelled from the Scioto last autumn, have removed to White Creek on the Wabash, and join'd the Wabash Indians in their hostilities on the inhabitants of Kentucky. The greater part of the troops should therefore be advanced further down the Ohio. Small garrisons to be retained at Venango, Fort Pitt and Fort McIntosh. Once company at Muskinghm part of which to be posted high up at its mouth. Three companies to be establish'd at St. Vincents on the Wabash. The remaining troops amounting to two companies and upwards to be stationed at the post already established at the rapids in order as well to cover the settlements, as to afford succor to any posts that may want it.

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A strong post being established at St. Vincents will probably either curb the hostile Indians, or induce them to remove to a greater distance, or incline them to peace.

In addition to this arrangement to will be necessary that a treaty be held at St. Vincents with the Shawanoes and other Wabash Indians in order to effect a peace. This business would particularly belong to the Superintendant. But as the misfortune of breaking his leg will probably incapacitate him for the present, if so, the business might with propriety be delegated to the commanding officer of the troops. That he should be empowered to make peace with the said Indians on the terms prescribed to him by Congress. That he should also be empowered to maintain the said peace as far as the authority or interests of the United States should be concerned. That for this purpose he should have the power and try all persons who should within the jurisdiction and territory of the United States injure or kill any of the Indians or otherwise infract the treaty.

That such presents as Congress shall direct for the treaty be provided by the board of treasury.

That if after proper efforts a peace with the Indians could not be obtained by reason of their wicked and blood thirsty dispositions the commanding officer should endeavor by force to expel them from their towns or extirpate them.

That for this purpose he should collect the whole of his force excepting small garrisons for the respective posts. That he should have power to call upon the district of Kentucky and the frontier counties of Pennsylvania for a sufficient force for such time as would be necessary to effect his object. Provided that the force so required should not exceed one thousand men from the counties of Virginia and five hundred from those of Pennsylvania.

That the commanding officer of the troops of the United States should have the sole direction and command of the expedition. And that the expences thereof should be borne by the Union.

That the Board of Treasury should concur with the Secretary at War in providing the rations, means of transportation and other supplies which should be necessary for such an expedition.

That the pay of the militia so called into service should be the same as the pay of the regular troops.

That the States of Virginia and Pennsylvania should pay their respective militia and that the same should be allowed to the said states out of the requisitions of ___ provided however that no charge for pay rolls for said service be valid unless the said pay rolls be corroborated of by a field officer of the troops of the United States agreeably to the orders of the commanding officer.

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In the present embarrassed state of public affairs and entire deficiency of funds an indian war of any considerable extent and duration would most exceedingly distress the United States. The great distance by land which the stores and supplies must be transported would render the expences intolerable.

If in the event it should be found necessary to commence with an attack on the Wabash Indians it will be very difficult it not impracticable to prevent the other tribes from joining them. The Officers or traders at the British posts would use every art and intrigue for that purpose.

The expedients herein proposed of posting the troops so as to awe the savages and endeavoring by treaties and presents to incline them to peace are the most rational that can be devised by your Secretary.

An Attempt to treat appears to be indispensable even if a war should be the result. As at present the disputes between the Indians and whites seem to be involved in such a reciprocity of injuries and murders that it may be difficult for the public to judge impartially which in in the wrong. It will be necessary to examine before we strike. Whenever the United States declare war it is to be hoped that it will be war founded on the immediate principles of Justice.

All of which is humbly submitted.

H. KNOX

WAR OFFICE July 10, 1787

July 12, 1787 –

1) According to Order the Ordinance for the government of the territory of the United States North west of the river Ohio was read a second time.

Ordered that to morrow be assigned for the third reading of the said Ordinance.

July 13, 1787 –

1) According to Order the Ordinance for the government of the territory of the United States North West of the river Ohio was read a third time and passed as follows

An Ordinance for the government of the territory of the United States North West of the river Ohio.

Be it ordained by the United States in Congress Assembled that the said territory for the purposes of temporary government be one district, subject however to be divided into two districts as future circumstances may in the Opinion of Congress make it expedient.

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Be it ordained by the authority aforesaid, that the estates both of resident and non resident proprietors in the said territory dying intestate shall descend to and be distributed among their children and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand child to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants them in equal parts to the next of kin in equal degree and among collaterals the children of a deceased brother or sister in the intestate shall have in equal parts among them their deceased parent's share and there shall in no case be a distinction between kindred of the whole and half blood; saving on all cases to the widow of the intestate her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as herein after mentioned estates in the said territory may be devised or bequeathed by wills in writing signed and sealed by him or her in whom the estate may be, being of full age, and attested by three witnesses, and real estates may be conveyed by lease and release or bargain and sale signed, sealed and delivered by the person being of full age in whom the estate may be and attested by two witnesses provided such wills be duly proved and such conveyances be acknowledged or the execution thereof duly proved and be recorded within one year after proper magistrates, courts and registers shall be appointed for that purpose and personal property may be transferred by delivery saving however to the French and Canadian inhabitants and other settlers of the Kaskaskies, Saint Vincents and the neighbouring villages who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them relative to the descent and conveyance or property.

Be it ordained by the authority aforesaid that there shall be appointed from time to time by Congress a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district and have a freehold estate therein, in one thousand acres of land while in the exercise of his office. There shall be appointed from time to time by Congress a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district and have a freehold estate therein in five hundred acres of land while in the exercise of his office; It shall be his duty to keep and preserve the acts and laws passed by the legislature and the public records of the district and the proceedings of the governor in his executive department and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress. There shall also be appointed a court, who shall have a common law jurisdiction and reside in the district and have each thereon a freehold estate in five hundred acres of land while in the exercise of their offices, and their commissions shall continue in force during good behaviour.

The governor, and judges or a majority of them shall adopt and publish in the district such laws of the original states criminal and civil as may be necessary and best suited to the

circumstances of the district and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being shall be Commander in chief of the militia, appoint and commission all officers in the same below the rank of general Officers; All general Officers shall be appointed and commissioned by Congress.

Previous to the Organization of the general Assembly the governor shall appoint such magistrates and other civil officers in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers, not herein otherwise directed shall during the continuance of this temporary government be appointed by the governor.

For the prevention of crimes and injuries the laws to be adopted or made shall have force in all parts of the district and for the execution of process criminal and civil, the governor shall make proper divisions thereof, and he shall proceed from time to time as circumstances may require to lay out parts of the district in which the indian titles shall have been extinguished into counties and townships subject however to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants of full age in the district upon giving proof thereof to the governor, they shall receive authority with time and place to elect representatives from their counties or townships to represent them in the general assembly, provided that for every five hundred free male inhabitants there shall be one representative and so on progressively with the number of free male inhabitants shall the right of representation increase until the number of representatives shall amount to twenty five after which the number and proportion of representatives shall be regulated by the legislature; provided that no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years and be a resident in the district or unless he shall have resided in the district three years and in either case shall likewise hold in his own right in fee simple two hundred acres of land within the same; provided also that a freehold in fifty acres of land in the district having been a citizen of one of the states and being a resident in the district; or the freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

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The representatives thus elected shall serve for the term of two years and in case of death of a representative or removal from office, the governor shall issue a writ to the county of township for which he was a member, to elect another in his stead to serve for the residue of the term.

The general assembly or legislature shall consist of the governor, legislative council and a house of representatives. The legislative council shall consist of five members to continue in Office five years unless sooner removed by Congress any three of whom to be a quorum and the members of the council shall be nominated and appointed in the following manner, to wit; As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met they shall nominate ten persons residents in the districts and each possessed of a freehold in five hundred acres of Land and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council by death or removal from office, the house of representatives shall nominate two persons qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term, and every five years, four months at least before the expiration of the time of service of the Members of Council, the said house shall nominate ten persons qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as Members of the council for five years, unless sooner removed. And the Governor, legislative council, and house of representatives, shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and Articles in this Ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the Governor for his assent; but no bill or legislative Act whatever, shall be of any force without his assent. The Governor shall have power to convene, prorogue and dissolve the General Assembly, when in his Opinion it shall be expedient.

The Governor, Judges, legislative Council, Secretary, and such other Officers as Congress shall appoint in the district shall take an Oath or Affirmation of fidelity, and of Office, the Governor before the President of Congress, and all other Officers before the Governor. As soon as a legislature shall be formed in the district, the Council and house assembled in one room, shall have authority by joint ballot to elect a Delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary Government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws constitutions and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of States and permanent government therein, and for their admission to a share in the federal Councils on an equal

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footing with the original States, at as early periods as may be consistent with the general interest,

It is hereby Ordained and declared by the authority aforesaid, That the following Articles shall be considered as Articles of compact between the Original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, *to wit*,

Article the First. No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

Article the Second. The Inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by Jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable unless for capital offences, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any persons property, or to demand his particular services, full compensation shall be made for the same; and in the just preservation of rights and property it is understood and declared; that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide and without fraud previously formed.

Article the Third. Religion, Morality and knowledge being necessary to good government and the happiness of mankind, Schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorised by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Article the Fourth. The said territory, and the States which may be formed therein shall forever remain a part of this Confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the Acts and Ordinances of the United States in Congress Assembled, conformable thereto. The Inhabitants and Settlers in the said territory, shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expences of Government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the

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districts or districts or new States, as in the original States, within the time agreed upon by the United States in Congress Assembled. The Legislatures of those districts, or new States, shall never interfere with the primary disposal of the Soil by the United States in Congress Assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non resident proprietors be taxed higher than residents. The navigable Waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the Inhabitants of the said territory, as to the Citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost or duty therefor.

Article the Fifth. There shall be formed in the said territory, not less than three nor more than five States, and the boundaries of the States, as soon as Virginia shall later her act of cession and consent to the same, shall become fixed and established as follows, to wit: The Western State in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and post Vincents due North to the territorial line between the United States and Canada, and by the said territorial line to the lake of the Woods and Mississippi. The middle State shall be bounded by the said district line, the Wabash from post Vincents to the Ohio; by the Ohio, by direct line drawn due North from the mouth of the great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pensylvania, and the said territorial line; provided however, and it further understood and declared, that the boundaries of these three States, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east west line drawn through the southerly bend or extreme of lake Michigan; and whenever any of the said States shall be admitted by its Delegates into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government, provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these Articles; and so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be less number of free Inhabitants in the State than sixty thousand.

Articles the Sixth. There shall be neither Slavery nor involuntary Servitude in the said territory otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; provided always that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

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Be it ordained by the Authority aforesaid, that the Resolutions of the 23d of April 1784 relative to the subject of this ordinance be, and the same are hereby repealed and declared null and void.

Done &c.

On passing the above Ordinance the yeas and nays being required by Mr. [Abraham] Yates

So it was resolved in the affirmative.

July 18, 1787 –

1) On a report from the Secretary for foreign Affairs to whom was referred a treaty lately concluded with the Emperor of Morocco, Congress ratified the said treaty in the manner and form following.

The United States of America in Congress assembled to all who shall see the presents, Greeting

Whereas the United States of America in Congress assembled by their commission bearing the date the twelfth day of May one thousand seven hundred and eighty four thought proper to constitute John Adams, Benjamin Franklin and Thomas Jefferson their Ministers plenipotentiary giving to them or a majority of them full powers to confer treat and negociate with the Ambassadors, Minister or Commissioner of his Majesty the emperor of Morocco concerning a treaty of amity and commerce to make and receive propositions for such treaty and to conclude and sign the same transmitting it to the United States in Congress assembled for their final ratification; and by other commission bearing date the eleventh day of March one thousand seven hundred and eighty five did further empower the said Ministers plenipotentiary or a majority of them by writing under their hands and seals to appoint such agent in the said business as they might think proper with authority under the directions and instructions of the said ministers to commence and prosecute the said negociations and conferences for the said treaty, provided that the said treaty should be signed by the said Ministers; And whereas the said John Adams and Thomas Jefferson two of the said Ministers plenipotentiary (the said Benjamin Franklin being absent) by writing under the hand and seal of the said John Adams at London October the fifth one thousand seven hundred and eighty five and of the said second commission they were authorised to give and the said Thomas Barclay in pursuance thereof hath arranged Articles for a treaty of amity and commerce between the United States of America and his Majesty the Emperor of Morocco which Articles written in the Arabic language confirmed by his said Majesty the emperor of Morocco and sealed with his royal seal being translated in the language of the said United States of America together with the attestations thereto annexed are in the following words, to wit,

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"In the name of Almighty God

This is a treaty of peace and friendship established between Us and the United States of America which is confirmed and which we have ordered to be written on this book and sealed with our royal seal at our court of Morocco on the twenty fifth day of the blessed Month of Shaban, in the year one thousand two hundred trusting in God it will remain permanent

(See pages 357-365 for treaty details)

2) [Report of Secretary at War relative to Southern Indians]

The Secretary of the United States for the department of war to whom was referred the papers relative to the Southern indians

Reports

That the papers relative to the Creek and Cherokee nations of indians, state certain encroachments on the lands claimed by said indians.

That the State of Georgia is involved in a serious dispute with the Creek nation, respecting certain lands on the river Oconnee. That the ill temper on this subject has risen to such an height, as to render it highly probable, that the said indians have commenced, or soon will commence hostilities on the frontiers of said State, unless some unexpected compromise should be effected.

That however important to the interests of humanity it may be, that expedients should be devised, to prevent the effusion of blood, yet circumstanced as the case is, an interference by the United States, seem to be attended with peculiar embarrassments. The power given by the Confederation, to the United States "of regulating the trade and managing all affairs with the indians not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated" is perhaps, too inexplicit to be applied as a remedy in the present case. The Creeks are an independent tribe, and cannot with propriety be said to be members of the State of Georgia, yet the said State exercises legislative jurisdiction over the territory in dispute. Therefore as the claims of lands are the great source of difference and hostility between the Whites and Indians the before recited power, appears to be entirely unavailing, according to state constructions, in all cases within the jurisdiction of an individual state.

Indeed all effectual interference of the United States, seems excluded in any territorial disputes, between the independent indians, and inhabitants of North Carolina and Georgia, excepting by virtue of one or the other of the following principles.

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1st. Such an explanation by Congress, of the before mentioned part of the Confederation, as would enable the United States to regulate the necessary boundaries for the independent tribes of indians, notwithstanding they might be comprehended within the limits of any State.

2nd. An interference at the request of a state, authorizing the United States, to act as judges in any existing dispute, and to enforce their judgement on the parties.

3rd. Or a liberal cession of a part of territory claimed by the states of Georgia and North Carolina, for the use of the United States, whereby they might powerfully enabled to restrain the indians within due bounds.

Waving the discussion of the constitutional propriety of any other principle of interference, Your Secretary conceives, that the latter is the only one, which would probably be acceded to by the said States. He therefore submits to Congress the consideration of their again pressing on the said States the several recommendations of Congress on the subject of ceding territory to the United States. And that the business might have the greatest possible weight, he further suggests the propriety if appointing commissioners to represent the legislatures of said States, the necessity and importance of such cessions, for their individual interest and happiness, as well as for the interest and happiness, of the Union in general.

Should Congress think proper to adopt any mode as a basis of negociation with Georgia, and North Carolina, an expedient might be devised, which perhaps would dissipate the cloud that seems impending over Georgia. Provided that the legislature of said State, should express their approbation of the proceedings of Congress on the subject, and pledge themselves to make a liberal cession to the United States as soon as the nature of the case would admit.

The Superintendant might be instructed to repair to the Creek nation, and to inform them that Congress were pursuing every constitutional method in their power, in order to adjust amicably, as soon as possible, the differences between the State of Georgia and the said Creeks. But that while the negociations should be depending, that it would be the just expectations of Congress that they abstained from all acts of violence. That if however notwithstanding this intimation, they should commit hostilities on the frontiers of Georgia they may be assured that Congress will make the war that should ensue the common cause of the United States.

That the commissioners to be appointed as aforesaid represent forcibly to the legislature, of North Carolina that their repeal of their act of the 2d June 1784 ceding a certain portion of their western claims has involved the United States as a Sovereign nation in the deepest disgrace and humiliation. That the treaty made by the Commissioners of the United States at Hopewell on the Keowee November 28, 1785 has been flagrantly violated by the usurpation of the land assigned by the said treaty as the hunting grounds of the Cherokees.

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That Congress have received strong complaints from the said indians on the Subject and requests for redress. That the Chickesaws and Choctaws have also expressed their uneasiness and apprehensions on the same subject, all of which tribes have sent some of their own chiefs to Congress. That the Creeks are about the commence hostility and that there is the greatest reason that a general hostile confederacy of the Southern indians will be speedily formed.

That Congress have already received indisputable evidence that a general confederacy has been formed of nearly all the indians to the Northward of the Ohio within limits of the United States. That this is headed and directed by Joseph Brandt a man of great influence and reputed abilities.

That it is apparent from every representation that unless the United States do in reality possess the power "to manage all affairs with the independent tribes of Indians" to observe and enforce all treaties made by authority of the union that a general indian war may be expected.

That to avert a calamity so ruinous to the States which should be immediately involved therein as well as injurious to the United States in general, and also to produce the benefits pointed out by the acts of Congress of the 6th September 1780 Congress do solemnly request an immediate attention to the subject of the cessions.

That in case the state of North Carolina comply with the said recommendation Congress will take the most vigorous measures by the troops of the Union to carry into full effect the true intent and meaning of the treaty made at Hopewell on the Keowee November 28, 1785 and establish the boundary therein specified.

On the Subject of the papers respecting the Chickesaw and Choctaws Your Secretary is of opinion, that it is highly politic and proper that the treaty and the expectations of said Indians of being supplied with goods by the citizens of the United States should be fully complied with.

That therefore the Superintendant of the Southern district be directed to report immediately the measures that have been taken to supply the Choctaws and Chickesaws with articles of merchandize.

Your Secretary is also of opinion that the United States would derive considerable strength in the minds and affections of the indians by complying with their requests for medals gorgets wrist and arm bands with the arms of the United States impressed or engraved thereon. The expence of the measure would not amount to a very large sum as all the tribes now possessing those heretofore were presented by Great Britain are willing to deliver them up to the United States on their receiving others. On this point the following resolve is submitted.

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That the Board of Treasury have completed immediately for the Southern and Northern tribes of indians, silver medals, gorgets, wrist and arm bands with the arms of the United States impressed or engrav'd thereon agreeably to the descriptions and numbers which shall be required by the Superintendants of the indian Affairs for the northern and southern districts.

All which is humbly submitted

WAR OFFICE July 18 1787 H. KNOX

July 19, 1787 –

1) The committee consisting of Mr. [Nathan] Dane, Mr. [Benjamin] Hawkins, Mr. [Melancton] Smith, Mr. [John] Bull, Mr. [John] Kean and Mr. [Edward] Carrington to whom was referred a report of the Secretary at War relative to incursions and depredations on the frontiers of Virginia by the Wabash Indians the Shawanese and other hostile tribes having reported "That the superindentant of Indian affairs for the northern department and in case he be unable to attend then col Josiah Harmar immediately proceed to post St. Vincents or some other place more convenient in his opinion for holding a treaty with those indians, inform Congress is sincerely disposed to promote peace and friendship between their citizens and the Indians and has determined to pursue effectual measures for punishing with strict justice impartiality the aggressors on either side.

A motion was made by Mr. [Melancton] Smith seconded by Mr. [Abraham] Yates to strike out the words "has determined to pursue effectual measures for punishing with strict justice and impartiality the aggressors on either side" and on the question shall those words stand the yeas and nays being required by Mr. [William] Grayson

So the question was lost and the words were struck out.

The report being further amended to read as follows

"That the Superintendant of Indian affairs for the Northern department and in case he be unable to attend then col Josiah Harmar immediately proceed to post St. Vincents or some other place more convenient in his Opinion for holding a treaty with those Indians, inform, that Congress is sincerely disposed to promote peace and friendship between their citizens and the Indians and that to this end he is sent to invite them in a friendly manner to a treaty with the United States to hear their complaints to know the truth and the cause of their quarrels with those frontier settlers and having invited those Indians to the treaty he shall make strict enquiry in to the causes of their uneasiness and hostile proceedings and form a treaty of peace with them if it can be done on terms consistent with the honor and dignity of the United States.

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That the Secretary at War place the troops of the United States in such positions as shall afford the most effectual protection to the frontier inhabitants of Pensylvania and Virginia from the incursions and depredations of the Indians, for preventing intrusions of the federal lands and promoting a favourable issue to the intended treaty.

That the executive of Virginia be requested to give orders to the militia in the district of Kentucky to hold themselves in readiness to unite with the federal troops in such Operations as the Officer commanding them may judge necessary for the protection of the frontiers; and that on the application of the commanding Officer of the federal troops the said executive be requested to give orders that a part of the said militia not exceeding one thousand embodied and take such positions as the said officer shall direct for acting in conjunction with the federal troops in protecting and defending the frontier inhabitants and in making such expeditions against the Indians in case they continue hostile as Congress shall order and direct. And in case the militia shall be called into the actual service of the United States for the defence of the said frontier inhabitants or the purposes of such expeditions, their pay and rations while so employed shall be the same as the pay and rations of the regular troops, and the expences thereof shall be borne by the Union. That the State of Virginia shall pay and support their militia and be allowed therefor in the requisition of the current year provided the price of the ration shall not exceed the allowance made for the ration to the federal troops and provided that no charges for the said service shall be valid unless supported by actual musters of the said militia made by the inspector or by a field Officer of the troops of the United States agreeable to the Orders of the commanding Officer.

And to prevent wanton Attacks upon the Indians by lawless men which so essentially tend to destroy all peace and friendship with the indian Nations and to expose to their merciless revenge not only the few guilty but all the innocent and industrious inhabitants of the frontiers, that no person shall be allowed to pass within the jurisdiction and territory of the United States north west of the river Ohio without a permit from the said Superindentant, the Commander of the troops, the geographer of the United States or the commanding officer of a separate post; And any person unlawfully passing in the same with such permit or who shall therein murder any indian or injure him in his person or property shall be arrested by the Officers commanding the troops and tried and punished in all cases prior to the establishment of civil law in the said territory for the prevention of offences, by law martial in the same manner as the regular soldiers are tried and punished for the like offences."

A motion was made by Mr. [William] Irwine seconded by Mr. [Abraham] Yates that the further consideration of the report be postponed. And the question to postpone the yeas and nays being required by Mr. [William] Irwine

So it passed in the negative

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A motion was then made by Mr. [Nathan] Dane seconded by Mr. [Samuel] Holten to amend the report further by striking out the sentence "And in case the militia shall be called into actual service &c to federal troops inclusive and in lieu thereof inserting

And the militia which shall be called in the actual service of the United States for the defence of the said frontier inhabitants or the purposes of such expeditions shall be paid supported and equipped by the state, and the state shall be credited in the requisition of the current year the amount of their pay and rations only, computed on the federal establishment. And on the question to agree to this Amendment the yeas and nays being required by Mr. [Nathan] Dane

So the question was lost.

July 20, 1787 –

1) Congress resumed the consideration of the report under debate yesterday and a motion was again made by Mr. [Nathan] Dane which was seconded by Mr. [Edward] Carrington to amend it by striking the words "and in case the militia shall be called &c to federal troops inclusive, and inserting the words proposed yesterday and on the question to agree to this Amendment the yeas and nays being required by Mr. [William] Grayson

So it was resolved in the Affirmative.

Other amendments being made to the report.

On motion of Mr. [William] Irwine seconded by Mr. [Melancton] Smith

Ordered That the further consideration of the report be postponed till to Morrow.

July 21, 1787 –

1) Congress resumed the consideration of the report of the Committee on the report of the Sec. at War relative to incursions and depredations on the frontiers of Virginia by the Wabash Indians, the Shawanese and other hostile tribes and thereupon

Resolved That the Superintendant of Indian Affairs for the Northern department and in case he be unable to attend then col Josiah Harmar immediately proceed to post St. Vincents or some other place more convenient in his Opinion for holding a treaty with the Wabash Indians, the Shawanese and other hostile tribes, that he inform those Indians that Congress is sincerely disposed to promote peace and friendship between their citizens and the Indians; that to this end he is sent to invite in a friendly manner to a treaty with the United States to hear their complaints, to know the truth and the causes of their quarrels with those frontier settlers and having incited those Indians to the treaty he shall make strict enquiry into the causes of their

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uneasiness and hostile proceedings and form a treaty of peace with them of it can be done on terms consistent with the honor and dignity of the United States.

Resolved That the Superintendant of Indian Affairs for the Northern department inform the five Nations, the Hurons and other Indian nations who joined in the representation made to Congress dated 18th day of December 1786 that Congress on the 18th of the present month July 1787 received their said representation and have taken it into their serious consideration and in due time will send them an answer.

Resolved That the Secretary at War place the troops of the United States in such positions as shall afford the most effectual protection to the frontier inhabitants of Pensylvania and Virginia from the intrusions on the federal lands and promoting a favourable issue to the intended treaty; to this end one company and a half shall remain at Venango, Fort Pitt and fort McIntosh, one to be posted on the Muskinghum, one on the Miami; three at post St. Vincents and the remaining troops at the rapids of the Ohio, subject however to such changes and alterations as the commanding officer shall judge the good of the service may require.

Resolved That the executive of Virginia be requested to give orders to the militia in the district of Kentucky to hold themselves in readiness to unite with the federal troops in such operations as the Officer commanding them may judge necessary for the protection of the frontiers; and that on the application of the commanding Officer of the federal troops, the said executive to be requested to give orders that a part of the said militia not exceeding one thousand be embodied and take such positions as the said commanding Officer shall direct for acting in conjunction with the federal troops in protecting and defending the frontier inhabitants and in making such expeditions against the Indians in case they continue hostile as Congress shall hereafter order and direct. And the militia which shall be called into actual service of the United States for the defence of the said frontier inhabitants or the purposes of such expeditions shall be paid supported and equipped by the state, and the state shall be credited in the requisition of the current year the Amount of their pay and rations only, computed on the federal establishment for similar service; provided that no charges for the said service shall be valid unless supported by actual musters of the said Militia made by the inspector or by a field Officer of the troops of the United States agreeable to the orders of the commanding officer.

Resolved That the board of treasury take Order for providing for the subsistence of the Indians during the treaty and for defraying the incidental expences attending it, provided the incidental expences shall not exceed one thousand dollars.

On the question to agree to the foregoing Resolutions as one entire Act the yeas and nays being required by Mr. [Abraham] Yates

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So it was resolved in the Affirmative.

2) [Report of the Secretary at War on Indian Affairs]

The Secretary of the United States for the department of War, to whom was referred certain papers transmitted by the Superintendant of Indian Affairs for ye Northern department

Reports,

That the message to Congress, from the chiefs of the several tribes of Indians who assembled near Detroit in December last, and the other papers transmitted by the Superintendant of Indian Affairs, for the Northern district, are so authentic and conclusive, as to leave no doubt that a confederacy has been formed by most of the tribes to the northward of the Ohio.

That numerous tribes of savages being thus bound together by a league, liable to be brought into active hostility by a single impulse of caprice, or any other cause, is a ground of serious apprehension to the United States; and which requires the exercise of the highest wisdom, and policy, in order to counteract the same.

That the design is so comprehensive and perplexing to the United States, as reasonably to excite a well grounded suspicion, that it has been dictated by the subtle policy of the british chief, in Canada, for purposes that are yet to be developed. But, however this conjecture may be founded, or whatever may be the influence, or motives which effected the confederation, your Secretary apprehends, that it now has assumed a form, and power, which renders a war, or a treaty inevitable. A slight consideration of the subject will enable the mind to form a satisfactory result of the measure which ought to be pursued.

Independent of the general but strong principles of humanity which ever forbid a war for an object which may obtained by peacable and honorable means; it is to be apprehended that the finances of the United States are such at present as to render them utterly unable to maintain an Indian war with any dignity or prospect of success. If it be true that the public treasury is so exhausted as to prevent efficient and economical arrangement, the United States must have recourse to the expedient of requisition for the militia of the several States and of distributing the public Arms to them which will be totally lost. Specific supplies must also be requested of the several States which, besides incompetent to the object, will form an enormous addition to the national debt.

But even supposing that everything could be obtained in order to make a successful war, a peace must ultimately take place with the Indians by a treaty, and equal or superior sums expected therein to those which now might be effectual.

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The invitation to the treaty is so artfully drawn that unless it be attended to by the United States, and a war should ensue, it will operate as a manifesto, by which it will appear that we preferred War to Peace. The appeal being made, the United States may have the verdict of mankind against them; for men are ever ready to espouse the cause of those who appear to be oppressed provided their interference may cost them nothing; But the consequence may fix a stain on the national reputation of America.

In every point of view which your Secretary has been able to place this subject, the result has been clearly and decidedly in favor of complying with the propositions for a treaty. He is aware that the territory then fixed, may be again discussed. But even in this case it may be wise to extinguish with a small sum of money, a claim which otherwise may cost much blood and infinitely more money. A recurrence to the custom of Britain on this point will evince, that they thought a treaty and purchase money for land, was the most prudent measure and in no degree dishonorable to the nation, In some cases however they expended great sums to carry expeditions into the indian country, but afterwards were compelled to effect by treaty the objects that were found too expensive or too impracticable to effect by arms.

Although no data can be assumed to calculate with any precision the duration of a war with the confederated Indians yet it is presumed that it ought not to be estimated less than two campaigns with 2500 or 3000 men to be employed in each. The expence of such an armament if successful for the two years could not be estimated less than two millions of dollars, one million for each year, besides the invaluable lives which could be sacrificed on the occasion, and the immense distress and loss to the nation by the abandonment of the frontiers. It is presumed that a treaty might be made, the whole expences of which including the total extinguishment of all indian claims to the territory out by the treaties heretofore made, would not exceed the sum of twenty thousand dollars.

As the treaty, if Congress should think proper to adopt the idea, would be extremely important and probably serve as a basis to all future treaties, your Secretary submits the propriety of two commissioners being appointed who with the Superintendant should be authorised to hold the treaty at such time, place and manner as should be mutually agreed on.

That Congress, by instructions to be prepared for the purpose should define the objects on which the Commissioners should treat, and how far the treaties already made should in any degree be re-considered, or any gratuities be given to the tribes in whom the right to lands, contained in the boundaries defined by said treaties were formerly vested; and also an instruction to endeavor by all proper measures to dissipate the confederacy.

That a sum, not exceeding ___ dollars, be expended on said treaty.

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That the Secretary at War direct one or two companies of the troops of the United States to receive the orders of the Commanders during the said treaty.

Agreeably to these ideas the following resolves are submitted

Whereas it appears that most of the Indian tribes to the northward of the Ohio, and inhabiting the country about the Southern parts of Lake Erie, have associated themselves together into one confederacy, and whereas the said tribes by their message to the United States in Congress assembled dated at the Huron Village, near the mouth of the Detroit river, on the 18th day of December 1786, have requested that a treaty may be held, in order to settle and amicably terminate all disputes between them and the United States, and whereas it is the firm determination of the United States, not only to act with the most perfect good faith and justice to all nations and tribes, but to attend to their reasonable requests, in order to avert the miseries of war, therefore

Resolved, That a general treaty be held with the tribe of Indians, within the limits of the United States, inhabiting the country northward of the Ohio, and about lake Erie.

Resolved, That there by two Commissioners appointed who shall in conjunction with the Superintendant of the northern district be authorised to hold a treaty with the Northern indians agreeably to the commission and instructions which shall be given them for that purpose.

Resolved, that a sum not exceeding ___ dollars, be appropriated for the said treaty, which sum shall include all the objects thereof.

Resolved, That the board of treasury purchase such articles of Indian goods in addition to those now in possession of the Superintendant, as shall in the opinion of the Commissioners be proper and adequate to the holding of said treaty, provided that the total amount of the goods so the be purchased do not exceed in value the sum of ___.

Resolved, That the Secretary at War direct, one or two companies of the troops of the United States to receive the orders of the Commissioners for treating with the Northern Indians during the said treaty.

All which is humbly submitted

H. KNOX

WAR OFFICE

July 20th 1787.

July 23, 1787 –

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1) On motion of Mr. [Nathan] Dane seconded by Mr. [Samuel] Holten

Resolved That all persons having unliquidated Claims against the United States pertaining to the late Commissary's Quartermaster's, hospital Cloathier's or marine department shall exhibit particular abstracts if such claims to the proper commissioner appointed to settle the accounts of those departments within eight Months from the date hereof; And all persons having unliquidated claims against the United States shall exhibit a particular abstract thereof to the Comptroller of the treasury of the United States within one year from the date hereof; And all accounts not exhibited as aforesaid shall be precluded from settlement or allowance.

2) On a report of the Secretary for foreign affairs

Resolved That Congress are well pleased with the Conduct of Thomas Barclay eqr. In the course of the Negociations on the part of the United States with his imperial Majesty of Morocco, as detailed and represented in his and other letters and papers transmitted to them.

3) On a report of the Secretary for foreign Affairs, Congress agreed to the following Letter to the Emperor of Morocco

GREAT AND MAGNANIMOUS FRIEND,

We have received the letter which your imperial Majesty did us the honor to write dated the first of the Month of Ramadan 1200.

We have likewise received the treaty concluded on our behalf with your Majesty, and we have expressed our perfect approbation of it, by ratifying and publishing and ordering it to be faithfully observed and fulfilled by all our Citizens.

It gives is great pleasure to be on terms of peace and Amity with so illustrious a sovereign, and we flatter ourselves that the commerce of these distant regions with your Majesty's dominions will gradually become more and more beneficial to both; especially after our Navigation shall cease to be interrupted by the hostilities of the Neighboring States in Africa.

Your Majesty's early and friendly attention to these new and rising States, the obliging manner on which you received and treated our Negotiator Thomas Barclay, and the liberal and disinterested terms in which your Majesty entered into Treaty with us, are strong and shining proofs of a great mind; proofs which will remain recorded in our Annals, and which will always render your Majesty's Name respected and glorious in these western Countries.

These distinguished marks of your Majesty's good will towards us, inspire us with perfect confidence in your friendship, and induce us to request your favorable interposition to incline

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Algiers, Tunis and Tripoli, to peace with us on terms as may consist with our honor and with the circumstances of our new and distant States.

Should your Majesty's mediation be the means of putting the United States at peace with their only remaining enemies, it would be an event so glorious and memorable, that your majesty's reign would thence derive additional lustre, and your name not only become more and more dear to our Citizens, but more and more celebrated in our histories.

We your Majesty's friends pray God to bless you.

Done by the United States in Congress Assembled at the City of New York the twenty third day of July in the year of our Lord one thousand seven hundred and Eighty seven.

The Secretary having further reported that from paper No 5, being a translation of a letter from the Emperor of Morocco to the King of Spain and from Mr. Barclay's letter of the 15th of November 1786 as well as from various other documents it appears that his Catholic Majesty has in the most friendly and effectual manner interposed his good Offices in behalf of the United States of America with the Emperor of Morocco and that to this interposition the success of their Negotiations with his imperial Majesty is in a great degree to be ascribed;

Thereupon

Resolved That Congress entertain a high sense of the friendship which his Catholic Majesty has manifested for the United States of America on various occasions and particularly in the decided, kind and effectual manner in which he facilitated and promoted their Negociations for a treaty of peace and Commerce with his imperial Majesty of Morocco, as well by writing directly to the Emperor in their favour as by affording such Collateral Countenance and aid as circumstances rendered expedient, and his desire of promoting the success of the Negociation prompted.

Resolved Therefore that the thanks of the United States are justly due to his Catholic Majesty, that they be conveyed in a letter from Congress expressing their acknowledgements in the most explicit terms, and assuring his Majesty of their earnest desire to cultivate his friendship, by such attentions as occasions may put in their power, and as may best evince the high respect, esteem and attachment with which such repeated marks of his friendship have impressed them.

That the letter be in the following terms

GREAT AND BELOVED FRIEND,

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Various circumstances having long delayed our receiving and ratifying the treaty concluded in our behalf with the emperor of Morocco, we take the earliest opportunity of manifesting to your Majesty the high and grateful sense we entertain of that kind, decided and effectual interposition of your Majesty with the Emperor in our favor, to which we are so greatly indebted for the successful issue of our Negotiations with him. Permit us therefore to present to your Majesty our sincere and Unanimous thanks for that important mark of your friendship, as well as for the many other friendly office with which your Majesty has on various occasions been pleased to favor us, and to assure you of our earnest desire to embrace every opportunity of evincing the respect, esteem and attachment with which your Majesty's kind attentions to the United States have impressed us.

We pray God to bestow the best blessings on your Majesty, your family and people.

Done by the United States in Congress Assembled at the City of New York the twenty third day of July in the year of our Lord one thousand seven hundred and eighty seven.

The Secretary having further reported that from the paper No. 6, and others it appears that Thomas Barclay Esq. has in the conduct of the Negociation with the Emperor of Morocco manifested a degree of prudence, address and disinterestedness which in the Opinion of the Secretary merit, the approbation of Congress, Thereupon

Resolved that Congress are well pleased with the conduct of Thomas Barclay Esq. in the course of the Negociations on the part of the United States with his Imperial Majesty of Morocco, as detailed and represented in his and other letters and papers transmitted to them.

The Secretary having further reported that in his Opinion Copies of the paper No. 6 which contains the Signals agreed upon between the United States and Morocco by which their respective Vessels are to be known to each other at Sea should be sent to the Executives of the different States to the end that Copies may be given to such American masters of Vessels as may thence make Voyages in the course of which they may expect to meet with cruisers from Morocco.

Resolved That Congress agree to this part of the report and that the same, together with the papers No. 6 be referred to the Secretary for foreign Affairs to take order thereon.

The Secretary having further reported that the paper No. 11 contains Mr. Barclay's Commission to Don Francisco Chiappi at Morocco constituting him the American agent at that place until the will and pleasure of Congress shall be known; and also the Names of the other agents to whom he gave Similar Commissions for Mogador and Tangier, and that in his Opinion these Commissions should be confirmed.

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Resolved That Congress approve the appointment made in their behalf by Thomas Barclay Esq. with the approbation of his Imperial Majesty of Morocco of Don Francisco Chiappi to be their agent at Mogador, and of Don Girelamo Chiappi to be their agent at Tangier, and that they respectively hold the said places during the pleasure of Congress, notwithstanding the resolution of the 18th March 1784.

4) [Report of committee on transportation of mails]

The Committee consisting of Mr. [Nathan] Dane, Mr. [Benjamin] Hawkins and Mr. [William] Pierce to whom was referred the post master's letter report the following resolves.

Resolved that the post master General be, and he is hereby authorised and instructed to enter into contracts with sufficient security for the conveyance of the mails for one year, commencing on the first day of January next from Portland in Massachusetts, to Savannah in Georgia, by Stage carriages, if practicable, and that the same be done for four or more Separate contracts; And in Case of only four contracts the first to extend from Portland to New York the second from New York to Philadelphia; the third from Philadelphia to Suffolk in Virginia and the fourth from Suffolk to Savannah, by such route as the Post master General may find most convenient.

Resolved that the said Post master General be *further* authorised and instructed to make arrangements for the transportation of the mail for one year from the first day of January next on the cross roads mentioned in the resolve of Congress passed September the 4th 1786 and [also for] on the principles *provided* [in the resolution of feb. 15 1787.]

<u>July 26, 1787</u> –

1) The delegates for Georgia having moved as follows to wit

"Whereas by information from the Superintendant of Indian Affairs for the southern department there is reason to apprehend that the Creek Indians are meditating a serious blow against the inhabitants of the state of Georgia; and whereas it is the wish of Congress to preserve peace and harmony with the said Indians and to prevent as far as may be consistent with the honor and dignity of the United States the necessity of appealing to arms to repel any attack made on the citizens of the Union be it therefore resolved that it be recommended to the state of Georgia to use every possible means to preserve peace and friendship between the citizens of that State and the upper and lower Creek Indians. That the Superintendant of Indian Affairs in the southern department be directed to inform the said Indians should that if any misunderstanding should happen or the said Indians should think themselves aggrieved the same ought to be communicated to the legislature of that state or made known through him the Superintendant to Congress for redress, That Congress are bound to draw forth a sufficient

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number of the forces of the Union to punish any nation or tribe of Indians that shall attempt to make war on either of the United States by attacking or killing any of their citizens."

A motion was made by Mr. [Melancton] Smith seconded by Mr. [Nathan] Dane that the said motion be committed. And on the question for commitment the yeas and nays being required by Mr. [William] Pierce

So it was resolved in the affirmative.

2) [Report of committee on motion of Mr. Grayson]

The Committee consisting of [Mr. William Few, Mr. William Grayson and Mr. Benjamin Hawkins,] to whom was referred a motion of Mr. [William] Grayson

Reports the following Resolve

That it be recommended to the different States to pass laws inflicting punishment on all coiners of money, not authorised by law, and to prohibit the importation of Copper coin from any foreign Country.

3) [Report of committee on unjust attacks on Indians]

The Committee consisting of [Mr. Nathan Dane, Mr. William Grayson, and Mr. Abraham Clark] to whom was referred a Clause in a report of a Committee relative to making provision for preventing wanton and unjust attacks upon the Indians, report that on carefully examining the subject referred to their consideration, they are fully convinced, that some early and effectual measures must be adopted by Congress, and the several States, whose frontiers are contiguous to the Indians, to prevent the further progress of the mutual depredations and hostilities between the Indians and some of the frontier Inhabitants of those States; the Committee are fully Opinion, that unless a Stop be put to those mutual Injuries, they must soon produce a strong confederacy of the Indians on the frontiers, and all the calamities of a general Indian war and expose to the merciless revenge of the Savages, not only the few guilty, but all the innocent Inhabitants of the frontier settlements, as on the part of the Wabash and several other tribes, that mutual Injuries and apprehensions have produced so great and deep rooted animosities that no peace or cessation of hostilities can, reasonably be expected to subsist between the parties, while an opportunity remains t lawless persons to attack the Indians with impunity, but as there is, at present, no system of civil law established in the territory of the United States North west of the river Ohio, whereby the conduct of individuals can be controuled, or their offences or Crimes prevented or punished therein, the committee conceive, that, however it ought, in general, to be an object with Governments to try and punish Offenders, not in military service, according to the Course of the civil laws of the land, yet, until such laws can be

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established in that territory, it is highly expedient, in the present state of things there, to try and punish offenders, who shall make unauthorized attacks upon the Indians, by such laws as can be carried into effect [and with such decision] as to stop the further progress of the lawless proceedings of individuals towards the Indians.

Wherefore the Committee submit the following resolves

Resolved, That no person, not an inhabitant of, or an officer or soldier stationed in the territory of the United States North west of the river Ohio, shall, after the first day of September next, and until the first day of September 1788, be allowed to pass through any part of the said territory, without a permit, Signed by the Secretary at War, the Superintendant of Indian Affairs in the Northern Department the commander of the federal troops [or commander of a separate post] the geographer of the United States, or by some other officer named for that purpose, by the Secretary at war; and any such person found in any part of the said territory, during the period aforesaid [without such permit] or not licensed to be among the Indians according to the Ordinance for regulating Indian Affairs passed August the 7th 1786, shall be arrested by the officers commanding the federal troops, confined not exceeding 8 days, and sent to the frontiers of one of the States [and for a second or third offence shall be liable to be whipped not exceeding forty Stripes.]

And if any person in the said territory not otherwise liable to be punished for his or her offences shall kill, wound, assault or beat any Indian; destroy, secretly, or foreceably take away his or her property without lawful authority such person shall be arrested, confined, tried and punished in the same manner as the soldiers in the actual service of the United States in the said territory, may be arrested confined, tried, and punished for like Offenses, and this law for punishing wrongs done to the Indians shall remain in force until other laws shall be made for trying and punishing the same.

Resolved, that it be recommended to the States of New York, Pennsylvania, Virginia, North Carolina, and Georgia to pay particular attention to the execution of their respective laws for preventing their Citizens respectively, from wrongfully invading the rights of the Indians, and to the revision of those laws where the same may be inadequate to the purposes of preventing Injuries being done to them when within the limits of the respective States.

4) [Report of Board of Treasury on loan]

The Board of Treasury to whom was referred a Letter of the 23d May last, from the Honble. Mr. Adams, together with two Copies of Letters of the 15th and 18th of the same Month, from Messers. Wilhelm and Jan Willink, and Nicholas and Jacob Van Staphorst, Commissioners of the Loans in Holland,

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Beg leave to Report,

That it appears by the said Letters, that in consequence of a disappointment in the Funds destined for the payment of the Interest, which became due on the Dutch loans, in the Month of June last, the Commissioners had effected a Loan in Holland, with the approbation and concurrence of the Honorable Mr. Adams, for One Million of Florins.

That the Letters of the said Commissioners state, that the said Loan will cost the United States Eight per Cent, including Premium, Brokerage, &c; but as it is observed by these Gentlemen, that the Loan was opened on the same Terms with the five per Cent Loan, it must be presumed, that the meaning of the said Commissioners is, that the Interest for the first Year, including the charges &c. will be Eight per Cent; that is, the rate of Interest five per Cent; Premium and Charges Three per Cent.

On the above Reference, two questions present themselves, The first, whether the opening the said Loan was, under the circumstances stated by the Hon'ble. Mr. Adams and the Commissioners of the Dutch Loans, necessary. The second, whether the terms are such, as the United States ought from the same considerations to ratify.

In order to shew the necessity of the said Loan, it is stated by the said Commissioners,

1st. That certain Bill of Exchange remitted by the Commissioners of the Board of Treasury, for the payment of the June Interest had not been accepted, amounting to 75,000 Florins, and 2d, That the considerable Drafts made on them by the Hon'ble. Mr. Jefferson and Mr. Adams, had reduced the Balance, at that time in their hands, much below the Statement made by the Board of Treasury. What the amount of these Drafts are, the Board cannot ascertain, no Account Current having accompanied these Letters.

Florins

The Interest which became due on the 1st June last was
250,000

When the Remittance of the above Bills was made there appeared to be a

Balance in the hands of the Commissioners of Loans, of
15,015:16:-

Since which the following Remittances were made Viz –

Cargoe of the Brigantine New York with 250 Hhds. Of Tobacco
29,720

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Robert Morris Bill of Exchange on Wilhelm and Jan Willink, payable 1st

June last and accepted by that House
50,000

Constable, Rucker, & Co.'s Bills, not accepted (owing to Mr. Rucker leaving Europe)
75,000

Supposed Deficiency
80,174: 4:-

As above
250,000

By this Statement it appeared to the Board, that the deficiency including what Mr. Adams might probably have occasion to draw for, would not exceed 100,000 Florins, or 40,000 Dollars, and as the Commissioners of the Loans had before appropriated 60,000 Florins of the Monies in their hands, towards the payment of Premiums of the former Loan, (which might have been discharged agreeably to Contract by New Bonds,) the Board did not doubt, but on their assurance of providing for the balance the Commissioners would make up the Sum necessary for the June Interest.

The assurance, the Board gave to the Commissioners, relying on the Specie Tax of the State of Virginia in a particular manner, for enabling them to fulfill their promises. A resource, which for the present, is at least suspended, if not diverted to other purposes than those of the Union.

When this Statement was made, the Board had no reason to suppose, that any considerable Disbursements on account of the Barbary Treaties, would diminish the Monies in the hands of the Commissioners of Loans; because they knew the Treaty with Morocco was concluded; that considerable Sums appeared to have been drawn from the Commissioners which they presumed was for that purpose; and that there was no probability of concluding a Treaty with Algiers, which was judged the most expensive object.

From the disappointment which attended the remittance of Messers. Constable, Rucker, & Co. Bills, added to the Drafts made by Mr. Adams and Mr. Jefferson, we presume, that instead of One hundred thousand Florins, which on calculations of the Board, the Commissioners of Loans would have had to Advance, on the first of June last, in order to complete the June interest, the Sum necessary for that purpose could not be less than twice that amount.

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Under such circumstances, a further Loan became in the opinion of the Board necessary, to prevent the total ruin of our Public Credit with the Money Lenders in Holland; And as no States in the Union, except those of Virginia and New York, have past Acts in pursuance of the Requisitions of the 2d of August 1786, it is probably fortunate, that the Commissioners have been able to succeed in extending it to a Million of Florins. By these means the credit of the United States in Holland may be preserved for one Year more; an object which could not otherwise have been hoped for by means of the Requisitions, which in all probability will not produce in that period, more than what will be sufficient for the support of the Civil Establishment.

At to the Terms, which are said to be those of the Five Million Loan, the Board are of Opinion, that considering the present situation of these States, the scarcity of Money in Europe, and the short time which Mr. Adams had to complete the Negotiation in, that they are as favorable as could have been reasonably expected. The rate of Interest for the first Year, including charges & c. appears high; but when it is considered, that this Sum was absolutely necessary for Foreign Remittances in the course of eighteen Months; and that the Remittance of the same at the current rate of Exchange, together with the loss of Interest on Monies, from time to time, they could be invested in Bills of Exchange, and those Bills paid in Europe, would exceed the rate of Interest and Charges for the first Year, the Negotiation will not appear disadvantageous to the United States; for if Funds could have been raised to an equal amount in this Country, the reverse of which is the case, the state of Negotiations would have been as follows, viz.

The rate of Exchange may be estimated above par	6-1/2
Loss of Interest for four Months, at 6 p Ct.	2
	8-1/2

Congress will observe, that notwithstanding the embarrassments which the General treasury have been subjected to for the space of more than Eighteen Months, from an almost total stagnation in the receipt of Taxes, that this board have not thought it advisable to recommend an augmentation of the Foreign Debt; A circumstance which from the present unfavorable state of the Finances of this Country, as well as its Commerce, ought by every possible means to be avoided.

The United States in Congress have on their part done every thing within the present powers of the General Constitution to induce the several States to comply with their respective Quota's, so as not only to render an augmentation of the Foreign Debt unnecessary, but to provide for its reduction; The States, therefore, and particularly those which have been most delinquent in the payment of their several Quotas into the General Treasury, are responsible for the ill consequences, as well as the expence, accruing on the augmentation of the Foreign Debt.

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On the whole, it is the Opinion of this Board, that the conduct of the Honorable Mr. Adams, and of the Commission of the Dutch Loans, in completing a Loan for One Million of Florins, on the terms of the former Loan of Five Millions, should be approved of; And that a ratification of the same in the usual form, should be transmitted without delay.

All which is humbly Submitted.

SAMUEL OSGOOD

July 25th 1787. ARTHUR LEE

5) [Report of Secretary for Foreign Affairs on return of Mr. Adams]

The Secretary of the United States for the Department of foreign Affairs, to whom was referred two Letters from the Honorable Mr. Adams of the 24th and 27th January last,

Reports,

The first of these Letters gives Occasion to several Questions.

> Shall Mr. Adams return after the Expiration of his commission to the Court of London, viz 24th February 1787?

Your Secretary is persuaded that Mr. Adams really wishes and means to return next Spring, and therefore thinks it would be proper for Congress to Resolve, that the Hon'ble John Adams Esq., the Minister Plenipotentiary of the United States at the Court of London, be permitted (agreeably to his Request) to return to America at any Time after the 24th February in the Year of our Lord 1788; and that his Commission of Minister Plenipotentiary to their High Mightinesses do also then determine.

Resolved, that Congress entertain a high Sense of the Services which Mr. Adams has rendered to the United States in the Execution of the various important Trusts which they have from time to time committed to him, and that the Thanks of Congress be presented to him for the Patriotism, Perseverance, Integrity and Diligence with which he has ably and faithfully served his Country.

> The second Question arising from his Letter is, whether it will be expedient for the United States to appoint another Minister to take the place of Mr. Adams at the Court of London?

On this Head your Secretary is of Opinion that it will be expedient to appoint another, because there do exist Differences between the United States and the Court of London which cannot

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too soon be adjusted, which must become the Subject of occasional Explanations and Negociations, and which on the part of the United States cannot be so well managed and conducted, as by means of an intelligent and discreet Minister on the Spot. Your Secretary's Feelings strongly prompt him to retaliate the neglect of Britain in not sending a Minister here; but as he conceives that such Retaliation would eventually produce more Inconveniences than Advantages, he thinks it had better be omitted; especially as he is persuaded that his neglect will cease the Moment that the American Government and the Administration of it shall be such as to impress other Nations with a Degree of Respect, which various Circumstances sent to Congress the Means of imposing at present. He thinks it should be the Policy of the United States at present to keep all Things as smooth and easy, and to expose themselves to as few embarrassments as possible, until their Affairs shall be in such a Posture as to justify and support a more nervous Stile of Conduct and Language.

Britain disputes the Eastern Boundary of the United States, she holds important Posts and Territories on the Frontiers, and she complains that the Treaty of Peace has been violated by America. These Affairs are important, and the Management of them requires Prudence and Temper, especially considering how little the actual State of our national Affairs tends to repress the Influence, either of unfriendly Dispositions and Passions, or of that kind of Policy which the Weakness of Neighbours is very apt to suggest and promote. If Congress should concur in the Opinion that a Minister to succeed Mr. Adams should be appointed, a Resolution like the following would perhaps be the most proper.

Whereas divers important Affairs still remain to be arranged and adjusted between his Britannic Majesty and the United States, which on their part cannot be so well conducted as by means of a Minister Plenipotentiary at the Court of London, therefore

Resolved, that a Minister Plenipotentiary to reside at that Court be appointed, and that his Commission take Effect on the 25th day of February 1788 and continue in Force for the Space of three Years thereafter unless sooner revoked.

Your Secretary conceives it would be best that this Minister should be appointed so early as that he might have Time to reach London by the first of February, in Order that he may have an Opportunity of receiving Information from Mr. Adams respecting Characters and Affairs, and the Progress of the Business of the Legation may not be stopped by the Expiration of Mr. Adams Commission.

But if Congress should either not incline to appoint another Minister, or should think proper to postpone it so long as that he will not probably be in London in February, then he thinks it would be right to consider another Question arising from the Letter, viz.

Whether it would be expedient to constitute Col. Smith Charge des Affairs?

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On this Head your Secretary finds himself embarrassed; for on the one Hand he esteems Col. Smith as a Gentleman of acknowledged Merit, who has uniformly deserved well of his Country; and on the other, the Light in which the Duties of his Office have hitherto been viewed, gives the Colour of Propriety only to his reporting on the Expediency of *Appointments*, and not on the *Persons* most proper to be appointed. And as the Letter referred to him and now under Consideration, does nevertheless raise the Question relative to the *Person* as well as the *Place*, he thinks it proper to make these Remarks, lest, (if not adverted to) his remitting to report on the *former* as well as the *latter*, might be ascribed to other than the true Reason. He thinks that, if when Mr. Adams quits the Affairs of the Legation, they are not to pass immediately into the Hands of a Successor, there can be little Doubt of the Expediency of appointing a proper Person to *take Charge* of them.

In that Case therefore, it would in his Opinion be proper to *Resolve*, That a Person be appointed to take Charge of the Affairs of the American Legation at the Court of London, from the Expiration of the Commission of the present Minister, to the Arrival there of another Minister to succeed him, or until the further Order of Congress.

> The next Question that arises on this Letter is, what should be done respecting the Commissions granted jointly to Mr. Adams and Mr. Jefferson?

One of two Things may be done, viz either appoint a Successor to Mr. Adams and associate him with Mr. Jefferson, or commit the Execution of those Commissions solely to Mr. Jefferson.

Your Secretary further reports, that the Courts of London and the Hague will naturally be desirous to now the Intentions of Congress relative to their appointing Ministers to succeed Mr. Adams at both; and he wishes to be directed on this Subject, in order that his Letters to Mr. Adams may perfectly correspond with the Views of Congress.

All which is submitted to the Wisdom of Congress.

JOHN JAY.

<u>July 27, 1787</u> –

1) Congress resumed the consideration of the report of the committee on the letter from the postmaster general and thereupon

Resolved That the postmaster general be and he is hereby authorised and instructed to make arrangements for the transportation of the mail for one year from the first day of January next on the cross roads mentioned in the resolve of Congress passed the 4th Sept. 1786 and also for the establishment of a cross post from Fredericksburg in Virginia to Hobb's Hole on the Rappahanock river and from thence to the port of Entry on Yeocomico upon Potomac river And

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from thence to Urbanna the port of entry on Rappahancock river, On the principles provided in the resolution of the 15th of February 1787.

2) A Motion being made by Mr. [William] Grayson seconded by Mr. [John] Kean "That the Minister plenipotentiary of the United States at the Court of France be directed to form a Confederacy with the powers of Europe who are now at War with the piratical States of Algiers, Tripoli and Tunis or may be disposed to go to War with them for the purpose of protecting and securing the Citizens and Subjects of the contracting parties in the free navigation of the Mediterranean Sea. That it be an Article in the said Confederation that none of the contracting parties shall make peace with any of the said piratical States in which the whole Confederacy shall not be included and in case a general peace shall be concluded between the belligerent powers that the whole Confederacy shall be guaranties of the same, and in case of an aggression on the part of the said piratical States they shall be obliged to have justice done by recommencing hostilities and continuing the same until this end is effected. That there be an Article stipulating the quotas of the different powers in Men and Shipping ascertaining their stations at different periods and fixing the general Command in such manner as may best secure the desired object." They at the same time moved that the above Motion be referred to the Secretary for Foreign Affairs to report.

And on the question for reference the yeas and nays being required by Mr. [William] Grayson

So it was resolved in the Affirmative.

CHARLES THOMSON *Secretary*

3) The Secretary of the United States for the department of Foreign Affairs to whom was referred a Letter of 14th February last from the hon'ble Mr. Jefferson, having reported

That he presumes the following paragraph in this Letter gave occasion to its being referred to him, viz "The Workman who was to make that of General Greene brought me yesterday the Medal in Gold, twenty three in Copper and the Die. I must beg leave through you to ask the pleasure of Congress as to the number they would chuse to have struck. Perhaps they might be willing to deposit one of each person in every College of the United States, perhaps they might chuse to give a series of them to each of the Crowned head in Europe, which would be an acceptable present to them. They will be pleased to decide. In the mean time I have sealed up the die, and shall retain it till I am honored with their Orders as to this Medal and the others also when they shall be finished." As these Medals were directed to be struck in order to signalize and commemorate certain interesting events and Conspicuous Characters, the distribution of them should in his opinion be such as may best conduce to that end. He therefore thinks that both of Mr. Jefferson's hints should be presented to each of the Crowned heads in Europe and that one of each set be deposited in each of the American Colleges. He

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presumes that Mr. Jefferson does not mean that any should be presented to the King of Great Britain; for it would be not delicate; nor that by Crowned heads he meant to exclude free States from the Compliment, for to make discriminations would give Offence. In the judgment of the Secretary it would be proper to instruct Mr. Jefferson to present in the name of the United States one silver Medal of each denomination to every Monarch (except his Britannic Majesty) and to every Sovereign and independent State without exception in Europe and also to the Emperor of Morocco; that he also be instructed to send fifteen silver Medals of each set to Congress to be by the presented to the thirteen United States respectively and also to the Emperor of China with an explanation and a Letter and one to General Washington; that he also be instructed to present a copper Medal of each denomination to each of the most distinguished Universities except the British in Europe and also to Count de Rochambeau, to Count d'Estaing and to Count de Grasse. And lastly two hundred copper ones of each set together with the dies.

The Secretary thinks that of these it would be proper to present one to each of the American Colleges, one to the Marquis de la Fayette and one to each of the other Major Generals who served in the late American Army. And that the residue with the dies be deposited in the Secretary's Office of the United States subject to such future Orders as Congress may think proper to make respecting them. It might be more magnificent to give golden Medals to Sovereigns, silver ones to distinguished persons and copper to the Colleges &c but in his opinion the nature of the American Governments as well as the state of their finances will apologize for their declining the Expence.

Ordered, That this report be referred back to the Secretary for Foreign Affairs to take Order.

CHARLES THOMSON *Secretary*

4) The Secretary of the United States for the department of Foreign Affairs to whom was referred that part of Mr. Jefferson's Letter of the 9th February last which relates to the Consular convention Viz "I will certainly do the best I can for the reformation of the consular convention, being persuaded that our States would be very unwilling to conform their laws either to the Convention or to the scheme; but it is too difficult and too delicate to form sanguine hopes' however that there may be room to reduce the convention as much as circumstances will admit will it not be expedient for Congress to give me powers in which there shall be no reference to the scheme? The powers sent to me oblige me to produce that scheme, and certainly the moment it is produced they will not abate a tittle from it. If they recollect the scheme and insist on it we can but conclude it; but if they have forgotten it (which may be) and are willing to reconsider the whole subject perhaps we may get rid of something the more of it. As the delay is not injurious to us, because the convention whenever and however made is to put us in a worse state than we are in now, I shall venture to defer saying a word on the subject till I can

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hear from you in answer to this. The full powers may be sufficiently guarded by private instructions to me not to go beyond the former scheme. This delay may well be well enough ascribed (whenever I shall receive new powers) to a Journey I had before apprized the Minister that I should be obliged to take to some Mineral Waters in the South of France to see if by their aid I may recover the use of my right hand of which a dislocation about four Months ago threatens to deprive me in a great measure. The Surgeons have long insisted on this measure. I shall return by Bordeaux, Nantes and L'Orient to get the necessary information for finishing our commercial regulations here. Permit me however to ask as immediately as possible an answer either affirmative or negative as Congress shall think best."

Having reported

That in his opinion the Court of France regard the Consular convention in its present form as an interesting object and that no Article or provision in it will escape their recollection. He nevertheless thinks that the policy of yielding to such circumstances as cannot without risqué and hazard be neglected or controuled will induce the at least to consent to the proposed Article for limiting the duration of the Convention. And as he perceives no inconvenience likely to result from giving Mr. Jefferson a commission authorizing him in general terms to negotiate and conclude a Convention with this Most Christian Majesty for ascertaining the authority and powers of french and American Consuls, he thinks it will be adviseable to send him such a Commission, that he may thereby have an opportunity of endeavouring to realize the advantages he expects from it and which under a new administration (perhaps not advised of what has passed) may be attainable" Whereupon

Resolved, That a Commission of the following tenor be sent to Mr. Jefferson.

We the United States of America in Congress Assembled at the City of New York to Our well beloved Thomas Jefferson Esquire, our Minister plenipotentiary at the Court of his Most Christian Majesty &c. &c. send Greeting.

Being desirous to promote and facilitate the Commerce between our States and the Dominions of his said Majesty and for that purpose to conclude with him a convention for regulating the privileges, powers and duties of our respective Consuls, Vice Consuls, Agents and Commissaries; and having full confidence in your Abilities and integrity, We do by these presents authorise and empower you the said Thomas Jefferson in our name and behalf, to treat with any person having equal powers from his Most Christian Majesty of and concerning such a convention, and the same in our name and behalf to conclude, sign and seal; And we do promise to ratify and confirm whatever convention shall in virtue of this commission be by you so concluded, provided the duration of the same be limited to any term not exceeding twelve years. Witness our Seal and the signature of his Excellency Arthur St. Clair our president this 27th day of July in

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the Year of our Lord one thousand seven hundred and eighty seven and of our Independence the Twelfth.

Ordered That the following Letters be written to Mr. Jefferson by the Secretary for Foreign Affairs.

SIR: Congress being desirous that the Commerce between the United States and France may be promoted by every reciprocal regulation conducive to that end, wish that no time may be lost in ascertaining the privileges, powers and duties of their respective Consuls, Vice Consuls, and Commercial Agents and Commissaries.

They regret the circumstance which calls you to the South France, but are perfectly satisfied that you should make that or any other journey which your health may require. It is their wish and instruction that on your return to the Court, your attention may be immediately directed to the above mentioned subject. Considering that Conventions of this nature however apparently useful in theory may from some defects or unforeseen circumstances be attended with inconveniencies in practice, they think it best that they should be probationary at least in the first instance, and therefore that the term to be assigned for the duration of the one in question should not exceed twelve years. They also think it adviseable, in order to obviate any difficulties that might arise from your not having been more formally authorized to complete this business, to give you an express and special Commission for the purpose, which I have now the honor to enclose.

SIR: You will herewith receive another Letter from me of this date, together with the Commission mentioned in it, both of them are in pursuance of the Ideas suggested in your Letter of the 9th January last. If the whole subject should be reconsidered, and a new convention formed, it is the pleasure of Congress that the duties, powers and privileges of Consuls, Vice-Consuls, Agents and Commissaries be accurately delineated, and that they be as much circumscribed and limited as the proper objects of their appointment will admit and the Court of France will consent to. How far it may be in your power to obtain a convention perfectly unexceptionable, must depend on several circumstances not yet decided. Congress confide fully in your talents and discretion, and they ratify any Convention that is not liable to more objections than the one already in part concluded, provided that an Article limiting its duration to a term not exceeding twelve years be inserted.

CHARLES THOMSON *Secretary*

July 31, 1787 –

1) On the letter of 24 Jan. last from his Exc. The governor of Virginia stating that "in the course of last summer the inhabitants of Kentucky were compelled for their own preservation to

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commence expeditions against the Indians on both sides of the Ohio, that these have been recognized by the State of Virginia" and submitting to Congress "the propriety of Virginia taking credit for the expenditures against the United States and consigning to the direction of Congress the prisoners made by the troops,"

The Sec. of Congress reports

That the letter of 24 Jan. from his Ex, the Gov of Virg with the papers accompanying be referred to a Committee.

August 1, 1787 -

1) [Motion of Mr. Varnum respecting public printer]

Resolved That a printer be employed by the United States, whose duty it shall be to publish the Journals of Congress, and other documents of the U.S.

That he also publish a paper on Tuesday's and Saturdays weekly at such place where Congress shall hold its sessions to be denominated "The N. American Journal" and conclude with "by authority of the United States."

That "the N.A.J.", be [published] under the inspection of the Secretary of Foreign Affairs [or under the inspection of such other person or persons as Congress may hereafter direct.] foreign and domestic; - Sentiments, moral, philosophical, and elegant; - Strictures, political, literary and historical; - And that [there] from be excluded [all advertisements], not immediately connected with the public interest, and also whatever may tend to slander and detraction.

That from and after the commencement of the next federal year "The Union" only be received at public expence.

2) [Report regarding a confederacy against the Barbary States]

OFFICE FOR FOREIGN AFFAIRS

2d August 1787

The Secretary of the United States for the Department of foreign Affairs, to whom was referred a Motion made the 27th of last Month in the Words following, Viz

"That the Minister Plenipotentiary of the United States at the Court of France be directed to form a Confederacy with the Powers of Europe, who are now at war with the piratical States of Algiers, Tripoli and Tunis, or may be disposed to go to war with them, for the Purpose of

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protecting and securing the Citizens and Subjects of the contracting Parties in the free Navigation of the Mediterranean Sea. That it be an Article on the said Confederation, that none of the contracting Parties shall make Peace with any of the said piratical States, in which the whole Confederacy shall not be included; and in Case a general Peace shall be concluded between the belligerent Powers, that the whole Confederacy shall be Guaranties of the same, and in Case of an Aggression on the part of the said piratical States, they shall be obligated to have Justice done by recommencing Hostilities and continuing the same until this End is effected. That there be an Article stipulating the Quotas of the different Powers in Men and Shipping, ascertaining their Stations at different Periods, and fixing the general Command in such Manner as may best secure the desired Object."

Reports,

That in his Opinion it would always be more for the Honor and Interest of the United States to prefer War to Tribute.

That his sentiments on this Subject are stated in a Report he had the Honor to make to Congress on the 20th October, 1785, to which he refers.

That the Measures proposed in that Report were founded on an Opinion, that the Resources of the United States in Seamen and Money were sufficient to execute and support them; but from Causes originating in the Inefficiency of the national Government our Navigation has since rapidly declined, and the Public Revenue, depending on the Effect of Requisition, has become inadequate to the ordinary Exigencies of the Union.

That in his Judgment a vigourous Effort to revive our Navigation and meliorate our Finances should at least accompany any Exertions to establish naval Force; for otherwise that Force will be languid and incompetent to it Object.

It is with great Regret therefore that he is obliged to consider the Motion in Question as rendered unseasonable by the present State of our Affairs.

It the Nations at War with the three States of Barbary should agree to confederate in the Manner proposed, he thinks it highly probable that the Quota of Force expected from the United States will be much greater than it would be in their Power to supply – nor would it become their Dignity to take the Lead in forming such a Confederation, unless they were prepared to support such spirited Propositions by spirited and important Operations

As Things now are your Secretary much doubts whether Congress could find the Means of building and keeping even three Frigates well manned and provided in that Service; and if such be the Case, he thinks it will be the most prudent for Congress to delay entering into the

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proposed, or indeed any other Engagements, until the Means of executing them appear clearly to be within their Reach.

All of which is submitted to the wisdom of Congress

JOHN JAY

August 3, 1787 –

1) A motion was made by Mr. [William] Few seconded by Mr. [William] Blount in the following words, whereas it appears by information received from the Superintendant of Indians Affairs for the southern department, that some misunderstanding prevails among the Creek Indians which it is necessary should be investigated in order that Justice may be done and such measures taken as will establish peace and friendship with the said Indians, *Resolved* that the Superintendant of Indian Affairs for the southern department be directed to invite the Kings and Headmen of the Creek Nation to a conference to be held at ___ on the ___ day of ___ or at such other time and place as he in conjunction with the Executive of the State of Georgia or in its recess, the Executive of the said State be requested to appoint a commissioner to act with the Superintendant, who are hereby authorised and instructed to inform the Creek Indians that Congress wish to hear and redress all their grievances and to establish such principles as will be best secure the tranquility peace and friendship of that nation. That the Superintendant and commissioner be directed to enquire fully into the causes of all complaints and differences that may have arisen with the said Indians, to explain and confirm all former treaties and fix the line circumscribing the Indians hunting ground, and to use all the means in their power to satisfy and do them ample Justice, and report to Congress in all cases where it may so happen that their powers will not extend, to fully effect those purposes. That the State of Georgia be requested to furnish suitable goods to the amount of ____ and the late commissioners for treating with the Indians of the southern department be directed to deliver to the Superintendant all the Merchandize in their hands belonging to the United States to be distributed among the said Indians in such manner as may be thought most expedient by the said Superintendant and Commissioner.

A motion was then made by Mr. [Nathan] Dane seconded by Mr. [Richard Henry] Lee to postpone that motion in order to take up the report of a committee on the subject of Indian Affairs in the Southern department. Viz.

The committee consisting of Mr. [Dyre] Kearny, Mr. [Edward] Carrington, Mr. [William] Bingham, Mr. [Melancton] Smith and Mr. [Nathan] Dane to whom was referred the report of the Secretary at War, and sundry papers relative to Indian Affairs in the southern department, and also a motion of the Delegates from the State of Georgia, report, That the said papers referred to them state, first, that certain encroachments are made on the lands of the Creek

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and Cherokee nations, by the people of Georgia and North Carolina. Secondly, that there is no regular trade between our citizens and the Indian Nations in that department, by which those nations can obtain a certain supply of goods, arms, &c. that those nations wish to have connections with the United States only that their necessities however, are such, that if they cannot be regularly supplied by our traders, they must listen to the repeated invitations made them to turn their trade to, and to seek supplies from another quarter. That the said motion among other things, states, that there is reason to apprehend the Creek Indians are meditating a serious blow against the Inhabitants of Georgia; and proposes that it be recommended to that State to use every possible means to preserve peace between her citizens and those Indians; and that Congress resolve, they are bound to draw forth a sufficient number of the forces of the Union to punish any nation or tribe of Indians that shall attempt to make war on either of the United States, by attacking or killing any of their citizens. On these subjects the committee observe, that the encroachments complained of appear to demand the serious attention of Congress, as well because they may be unjustifiable as on account of their tendency to produce all the evils of a general Indian war on the frontiers. The committee are convinced that a strict enquiry into the causes and circumstances of the hostilities often committed in and near the frontier settlements ought to be made; that it is become necessary for government to be explicit and decisive, and to see that impartial justice is done between the parties; that Justice and policy as well as the true interests of our citizens, evince the propriety of promoting peace and free trade between them and the Indians. Various circumstances shew that the Indians, in general, within the United States want only to enjoy their lands without interruption, and to have their necessities regularly supplied by our traders, and could these objects be effected, no other measures would, probably trade with those Indians. The committee are not informed what measures have been adopted by the Superintendants to promote a regular trade between our people and the Indian nations or for preventing intrusions upon the lands of the latter; several tribes complain that their land is taken from them, and that they suffer very much for want of such trade. As information relative to these subjects must principally come from the frontier settlers the Indians and traders residing among them, the committee are sensible that facts cannot always be well ascertained, but in the present case, there is sufficient evidence to shew that these tribes do not complain altogether without cause. An avaricious disposition in some of our people to acquire large tracts of land and often by unfair means, appears to be the principle source of difficulties with the Indians. There can be no doubt that settlements are made by our people on the lands secured to the Cherokees, by the late treaty between them and the United States; and also on lands near the Oconee claimed buy the Creeks, various pretences seem to be set up by the white people for making those settlements, which the Indians tenacious of their right, appear to be determined to oppose. From these contrary claims, difficulties arise which are not easily removed. The respective titles cannot readily be investigated: but there is the clause in the confederation relative to managing all affairs with

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the Indians, &c. is differently construed by Congress and the two States within whose limits the said tribes and disputed lands are. The construction contended for by those States, if right, appears to the committee, to leave the federal powers, in this case, a mere nullity; and to make it totally uncertain on what principle Congress is to interfere between them and the said tribes; The States not only contend for this construction, but have actually pursued measures in conformity to it. North Carolina has undertaken to assign land to the Cherokees, and Georgia has proceeded to treat with the Creeks concerning peace, lands, and the objects, usually the principle ones in almost every treaty with the Indians. This construction appears to the committee not only to be productive of confusion, disputes and embarrassments in managing affairs with the Independent tribes within the limits of the States, but by no means the true one The clause referred to is, "Congress shall have the sole and exclusive right and power of regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the Legislative right of any State within its own limits be not infringed or violated". In forming the clause, the parties to the federal compact, must have had some definite objects in view; the objects that come into view principally, in forming treaties or managing Affairs with the Indians, has been long understood and pretty well ascertained in this country. The committee conceive that is has been long the opinion of the country, supported by Justice and humanity, that the Indians have just claims to all lands occupied by and not fairly purchased from them; and that in managing affairs with them, the principal objects have been those of making war and peace, purchasing certain tracts of their lands, fixing the boundaries between them and our people, and preventing the latter settling on lands left in possession of the former. The powers necessary to these objects appear to the committee to be indivisible, and that the parties to the confederation must have intended to give them entire to the Union, or to have given them entire to the State; these powers before the revolution were possessed by the King, and exercised by him nor did they interfere with the legislative right of the colony within its limits; this distinction which was then and may be now taken, may perhaps serve to explain the proviso, part of the recited clause. The laws of the State and have no effect upon a tribe of Indians or their lands within the limits of the state so long as that tribe is independent, and not a member of the state, yet the laws of the state may be executed upon debtors, criminals, and other proper objects of those laws in all parts of it, and therefore the union may make stipulations with any such tribe, secure it in the enjoyment of all or part of its lands, without infringing upon the legislative right in question. It cannot be supposed, the state has the powers mentioned without making the recited clause useless, and without absurdity in theory as well as in practice; for the Indian tribes are justly considered the common friends or enemies of the United States, and no particular state can have an exclusive interest on the management of Affairs with any of the tribes, except in some uncommon cases. The committee find it difficult to reconcile the said construction of the recited clause made by the two States, and their proceedings before mentioned, especially those of Georgia, with what

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they conceive to be the intentions of those who made the said motion for the committee presume that the delegates of Georgia do not mean that Congress is bound to send their forces to punish such nations as the State shall name, to act in aid of the state authority; to send her forces and recall them as she shall see fit; to make war or peace; such an Idea cannot be consistent with the dignity of the Union, and the principles of the federal compact. But the committee conceive that it is the opinion of the honorable movers, and also the general opinion, that all wars and hostile measures against the Creeks, or any other Independent tribe of Indians, ought to be conducted under the authority of the union, at least where the forces of the union are employed; that the power to conduct a war clearly implies the power to examine into the justice of the war, to make peace and adjust the terms of it; and that, therefore, the terms or words of the said motion, if it be adopted by Congress at all, must be varied accordingly. But whatever may be the true construction of the recited clause, the committee are persuaded that it must be impracticable to manage Affairs with the Indians within the limits of the two States, so long as they adhere to the opinions and measures they seem to have adopted. The difficulties in fact exist; the State think it is their duty to counteract the powers of Congress when carried, in conducting Affairs with those Indians, beyond those narrow limits which the said States prescribe. The question therefore is, how shall these difficulties be avoided in a manner most agreeable to both Congress and the States. The committee discern but two ways practicable; the one is for the two states to make liberal cessions of territory to the United States, the other is for those States to accede to Congress's managing, exclusively, all affairs with the Cherokees, Creeks, and other independent tribes within the limits of the said States, so that Congress in either case may have the acknowledged power of regulating trade, and making treaties with those tribes, and of preventing on their lands, the intrusions of the white people. That of making liberal cessions of territory, all things considered, appears to be the most eligible and likely to meet the approbation of the two States. Several circumstances induce the committee to think this the best mode; they presume the two States will act on liberal principles, and adopt measures founded in sound policy and calculated to promote the national interest; they will consider that the lands proposed to be ceded were arrested from Great Britain by the common exertions of the confederacy, and that other states have ceded lands to the Union in a similar situation, which are now selling for the common benefit of all the States. The committee conceive that several other considerations cannot escape the observation of the two States which may be urged in favor of the cessions; among them other things of importance to those States, as well as to the Union, must be their advantages arising from putting the management of Indian Affairs in the hands of Congress alone, and preventing irregular and dispersed settlements on the lands proposed to be ceded. The committee believe that the two States upon reconsidering the subject will be disposed to follow the liberal examples of the other States in a similar situation, and especially, as it will probably appear to the two states, that by making the proposed cessions, those difficulties they now experience

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will be removed, that is, the controversies respecting Indian Affairs, and those dispersed settlements which tend to render the governments weak and feeble, and to produce expensive and calamitous wars with the Indians. The committee further observe on the subjects referred to them, that it is probable the Indians in the southern department will turn their trade to Florida unless regularly supplied by our citizens, and traders; and that the attention of the Superintendant in that department and promotion of a regular trade between our citizens and those Indians. That the dispute between Georgia and the Creeks is become so serious, that it is probable a war will ensue, and the interference of the Union become necessary, unless early measures be adopted for settling the controversy respecting the said Oconee lands. The committee think therefore, that it should be recommended to that State to use all possible means for preserving peace with the creeks, and that they and the Cherokees be informed that Congress are pursuing measures for adjusting all disputes about their lands. That Georgia be informed that Congress consider the union bound by the federal compact to protect every part of the nation, as well as against the unjust and unprovoked attacks of the independent tribes of Indians within the United States as against foreign powers. That Congress however can never employ the forces of the union in any cause, of the justice which they are not fully informed and convinced of, nor constitutionally interfere in behalf of the State against any such independent tribe, but on the principle that Congress shall have the sole direction of the war, and the settling of all the terms of peace with such Indian tribe. Whereupon the Committee suggest the following resolutions.

Resolved, that is be, and it hereby is earnest recommended to the States of North Carolina and Georgia, respectively to make liberal cessions of territory to the United States, for their common benefit, to be governed and disposed of in the same manner as the territory of the United States, north west of the river Ohio, is and shall be governed and disposed of. *Resolved*, That it be recommended to the State of Georgia to use all possible means to preserve peace and friendship between the citizens of that State and the upper and lower Creek Indians, consistent with the principles of the confederation. *Resolved*, That Congress esteem it their duty to consider the causes and circumstances of any dispute or hostile proceedings between any State, or the citizens thereof, and any Indian tribe or tribes of Indians within the limits of the United States, not members of any of the States, and that Congress is bound to employ the forces of the Union to punish any such tribe or tribes, which shall make unjust and unprovoked attacks upon any part of the United States. *Resolved* That the Superintendant of Indian Affairs in the southern department be directed without delay to inform the Creeks and Cherokees, that Congress are pursuing measures for settling all disputes about the lands claimed by them and the white people. That he be directed to inform the Indians in his department, that Congress is always disposed to hear their complaints, which must be made through the Superintendant, to redress their grievances, and to preserve peace and lasting friendship with

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them; and that he be directed to report the measures that have been adopted for supplying those Indians with merchandize.

On the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. [William] Few

So the question was lost.

2) [Report of committee on a public printer]

The committee [consisting of Mr. James Mitchel Varnum, Mr. Benjamin Hawkins and Mr. William Grayson] to whom was referred a Motion from Mr. [James Mitchel] Varnum, recommend the following Resolutions

Resolved That a printer be employed whose duty it shall be to publish the Journals of Congress and other documents of the United States.

That he also publish a paper on tuesdays and Saturdays weekly, at such place where Congress shall hold their Session, to be denominated "The North American journal, and conclude with "By authority of the United States."

That the North American journal be published under the inspection of the Secretary of Foreign affairs, or such other person or persons as Congress may hereafter direct.

That from this paper be excluded all advertizements not immediately connected with the public interest, and also, whatever may tend to scandal and detraction.

That "the North American journal" only be received at public expence and that the Treasury board take order for carrying these resolutions into effect.

August 9, 1787 –

1) The delegates of South Carolina having laid before Congress An Act of the legislature of that state empowering the delegates thereof to cede to the United State the claim of the said state to a certain tract of Western territory and the said delegates having presented to Congress a draught of a deed which they were ready to sign in compliance with the said Act provided Congress are willing to accept the said cession,

Resolved That Congress are ready to accept the cession of the claim of the State of South Carolina to the tract of Country described in the Act of the said state whenever the delegates will execute a deed conformable to the said Act.

2) A motion having been made by the delegates of South Carolina.

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That the Convention held and concluded between the Commissioners of the States of South Carolina and Georgia at Beaufort in the State of South Carolina on the 28th day of April in the year of Our Lord 1787 in the words following to wit "Convention between the States of South Carolina and Georgia concluded at Beaufort in the State of South Carolina on the twenty eighth day of April in the year of our Lord one thousand seven hundred and eighty seven and in the eleventh year of the Independence of the United States of America. To all to who these presents shall come the unwritten Charles Cotesworth Pinckney, Andrew Pickens and Pierce Butler esquires Commissioners appointed by the State of South Carolina of the one part and the underwritten John Habershal and Lachlan McIntosh Esquires a majority of the Commissioners appointed by the State of Georgia of the other part, send greeting. Whereas the State of South Carolina is heretofore present a petition to the United States in Congress Assembled and did therein set forth that a dispute and difference had arisen and subsisted between the States of South Carolina and Georgia, concerning boundaries; the said States claiming respectively the same territories, and that the case and claim of the State of South Carolina was as follows, that is to say, "Charles the second King of Great Britain by charter dated the twenty fourth day of March, in the fifteenth Year of his reign, granted to eight persons therein named, as lords proprietors thereof all the lands lying and being within his dominions of America, between the thirty one and thirty six degrees of North Latitude, in a direct west line to the South Seas, stiling the lands so described the province of Carolina. That on the thirtieth day of June in the seventeenth Year of his reign the said King, granted to the said Lords Proprietors a second charter enlarging the bounds of Carolina, viz. from twenty nine degrees North Latitude, to thirty six degrees thirty minutes, and from those points on the sea coast west, in a direct line to the South Seas. That seven of the said proprietors of Carolina, sold and surrendered to George the second late King of Great Britain, all their title and Interest in the said province; and the share of the remaining proprietor was separated from the Kings and allotted to him in the north part of North Carolina. That Carolina was afterwards divided into two provinces call North and South Carolina. That by a charter dated the ninth day of June one thousand seven hundred and thirty two, George the second, King of Great Britain granted to certain persons therein named all the lands lying between the rivers Savannah and Alatamaha and between line to be drawn from the heads of those rivers respectively to the South Sea, and stiled the said Colony of Georgia. That by the treaty of peace concluded at Paris on the tenth day of February one thousand seven hundred and sixty three, the river Mississippi was declared to be the western boundary of the north American Colonies; that the Governor of South Carolina in the Year on thousand seven hundred and sixty two, conceiving that the lands to the Southward of the Alatamaha, still belonged to South Carolina, granted several tracts of the said lands. That the Government of Georgia complained to the King of Great Britain; respecting those grants, as being for lands within its limits, and thereupon his Majesty by proclamation dated the seventh day of October, one thousand seven hundred and sixty three, annexed to Georgia all the lands

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lying between the rivers Alatamaha and St. Mary, the validity of the grants passed by the Governor of South Carolina as aforesaid, remaining however acknowledged and uncontested, and the grantees of the said land or their representative still holding it as their legal estate. That South Carolina claims the lands lying between the North Carolina line, and the line run due west from the mouth of Tugoloo river to the Mississippi; because as the said State contends the river Savannah loses that name at the confluence of Tugoloo and Keowee Rivers, consequently that spot is the head of Savannah river. The State of South Carolina also claims all the lands lying between a line to be drawn from the head of the River St. Mary, the head of Alatamaha, the Mississippi and Florida, being as the said State contends within the limits of its charter, and not annexed to Georgia by the said proclamation of one thousand seven hundred and sixty three. The State of Georgia on the other hand contends that the tract of country last mentioned is a part of that State. The State of South Carolina did therefore by their said petition pray for a hearing and determination of the differences and dispute subsisting as aforesaid between the said State and Georgia, agreeable to the Articles of confederation and perpetual Union between the United States of America. And whereas the State of Georgia were duly notified of the said Petition, and did by their lawful Agents appear in order to establish their right to the premises in the manner directed by the said Articles of confederation; and proceedings were thereon had in Congress in order to the appointment of Judges to constitute a court for hearing and determining the said matter in question. And whereas it appeared to be the sincere wish and desire of the said States of South Carolina and Georgia that all and singular the differences and claims subsisting between the said States, relative to boundary should be amicably adjusted and compromised. And whereas the legislature of the State of South Carolina did elect the above named Charles Cotesworth Pinckney, Andrew Pickens, and Pierce Butler Esquires, Commissioners, and did invest them, or a Majority of them with full and absolute power and Authority, in behalf of that State, to settle and compromise all and singular the differences, controversies, disputes and claims which subsist between the said State and the State of Georgia, relative to boundary and to establish and permanently fix a boundary between the two States. And the said State of South Carolina did declare that it would at all times thereafter ratify and confirm all and whatsoever the said commissioners or a majority of them should do in, and touching the premises, and that the same should be forever binding on the said State of South Carolina. And whereas the Legislature of the State of Georgia did appoint John Houstoun, John Habersham and Lachlan McIntosh Esquires Commissioners and did invest them with full and absolute power and authority on behalf of that State to settle and compromise all and singular the differences, controversies, disputes and claims, which subsist between the said State and the State of South Carolina, relative to boundary and to establish and permanently fix a boundary between the two States. And the said State of Georgia did also declare that it would at all times thereafter ratify and confirm all and whatsoever the said last mentioned commissioners or a majority of

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them should do in and touching the premises, and that the same should be forever binding on the said State of Georgia. Now therefore know Ye, that the underwritten Commissioners on the part of the States of South Carolina and Georgia respectively having by mutual consent, assembled at the town of Beaufort in the State of South Carolina, on the twenty fourth day of this present mouth of April in order to the due execution of their respective trusts, and having reciprocally exchanged and considered their full powers and declared the same legal and forever binding on both states, and having conferred together on the most effectual means of adjusting the differences subsisting between the two States and of establishing and permanently fixing a boundary between them, have agreed and by these presents for and in behalf of their respective States, do mutually agree to the following Articles, that is to say. Article the first. The most northern branch or stream of the River Savannah from the Sea or Mouth of such stream to the fork or confluence of the Rivers now called Tugoloo and Keowee, and from thence the most northern branch or stream of the said River Tugoloo till it intersects the northern boundary line of South Carolina, if the said branch or stream of the said River Tugoloo does not extend to the north boundary line of South Carolina, then a west line to the Mississippi to be drawn from the head spring or source of the said branch or stream of Tugoloo river, which extends to the highest northern latitude, shall forever hereafter form the separation limit and boundary between the States of South Carolina and Georgia. Article the second. The navigation of the river savannah at and from the bar, and mouth along the north east side of Cockspur Island, and up the direct course of the main northern channel along the northern side of Hutchinson's Island opposite the town of Savannah to the upper end of the said Island, and from thence up the bed or principal stream of the said River, to the confluence up the channel of the most northern stream of Tugoloo river to its source, and back again by the same channel to the Atlantic Ocean, is hereby declared to be henceforth equally free to the citizens of both States, and exempt from all duties, tolls, hinderance, interruption or molestation whatsoever attempted to be enforced by one State on the citizens of the other, and all the rest of the river Savannah to the Southward of the foregoing description is acknowledged to be the exclusive right of the State of Georgia. Article the third. The State of South Carolina shall not hereafter claim any lands to the eastward southward, south eastward or west of the boundary above established, but hereby relinquishes and cedes to the state of Georgia all right title and claim which the said State of South Carolina hath to the government, sovereignty and jurisdiction in and over the same and also the right or pre-emption of the soil from the native Indians and all other the estate, property and claim which the state of South Carolina hath in or to the said land. Article the Fourth. The State of Georgia shall not hereafter claim any lands to the Northward or Northeastward of the boundary above established, but hereby relinquishes and cedes to the state of South Carolina all the right title and claim which the said State of Georgia hath to the government, sovereignty and jurisdiction in and over the same and also the right of pre-emption of the soil from the native Indians and all other the

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estate property and claim which the state of Georgia hath in or to the said lands. Article the Firth. The Lands heretofore granted by either of the said states between the forks of Tugaloo and Keowee shall be the private property of the first grantees and their respective heirs and assigns and the grantees of any of the said lands under the state of Georgia shall within twelve months from the date hereof cause such grants or authentic copies thereof ratified under the seal of the State of Georgia to be deposited in the Office of the secretary of the state of South Carolina, to the end that the same may be recorded there, and after the same shall have been so recorded, the grantees shall be entitled to receive again from the said secretary their respective grants or the copies thereof, whichsoever may have been so deposited without any charge or fee of Office whatsoever and every grant which shall not, or of which the copy certified as above mentioned shall not be so deposited shall be adjudged void. Article the sixth. The Commissioners on the part of the State of South Carolina do not by any of the above articles mean to cede, relinquish or weaken the right title and claim of any of the individual citizens of the State of South Carolina to any lands situated in Georgia particularly to the lands situated to the south or southwest of the river Alatamaha and granted during the Administration of Governor Boone on the year one thousand seven hundred and sixty three and they do hereby declare that the right and title of the said citizens to the same is and ought to remain as full strong and effectual as if this Convention has not been made. The Commissioners on the part of the state of Georgia do decline entering into any negociation relative to the lands mentioned in this Article as they conceive they are not authorised so to do by the powers delegated to them. In testimony whereof the said Charles Cotesworth Pinckney, Andrew Pickens and Pierce Butler for and in behalf of the State of South Carolina and the said John Habersham, and Lachlan McIntosh for and in behalf of the state of Georgia have to these presents and a duplicate thereof both indented interchangeably set their hands and affix their seals. Done at Beaufort in the state of South Carolina the twenty eighth day of April in the year of our Lord one thousand seven hundred and eighty seven and in the eleventh year of the Independence of the United States of America,

(Signed) CHARLES COTESWORTH (LS) PINCKNEY

ANDREW (LS) PICKENS

P. (LS) BUTLER

JOHN (LS) HABERSHAM

LACHLAN (LS) MCINTOSH

be ratified and confirmed and that the lines and limits therein specified shall hereafter and received as the boundaries between the said states of South Carolina and Georgia for ever.

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A motion was made by Mr. [Nathan] Dane seconded by Mr. [Samuel] Holten that the foregoing motion be committed; and on the question for commitment the yeas and nays being required by Mr. [John] Kean

So it was resolved in the affirmative.

3) In Virtue of the powers in them vested the Delegates of the state of South Carolina for and in behalf of the said State executed the following deed of cession to the United States of America,

To all who shall see these presents, we John Kean, and Daniel Huger the underwritten Delegates for the State of South Carolina in the Congress of the United States, send greeting,

Whereas the general Assembly of the State of South Carolina on the eighth day of March in the Year of our Lord one thousand seven hundred and eighty seven passed an Act in the words following, viz. An Act to authorize the delegates of this State in Congress convey to the United States in Congress Assembled all the right of this State to the territory herein described.

"Whereas the Congress of the United States did on the sixth day of September in the Year one thousand seven hundred and eighty, recommend to the several States in the Union having claims to western territory to make a liberal cession to the United States of a portion of their respective claims for the common benefit of the Union; And Whereas the State is willing to adopt every measure which can tend to promote the honor and dignity of the United States and strengthen their federal Union: Be it therefore enacted by the honorable the Senate and house of Representatives in General Assembly met and sitting and by the authority of the same, That it shall and may be lawful for the Delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and they are hereby fully authorised and empowered for and on behalf of this State by proper deeds or instruments in writing, under their hands and seals, to convey transfer, assign and make over unto the United States in Congress Assembled, for the benefit of the said States all right, title and claim, as well of soil as jurisdiction which this State hath to the territory or tract of country within the limits of the Charter of South Carolina, situate lying and being within the boundaries and lines hereinafter described, that is to say, all the territory or tract of country included within the river Mississippi and line beginning at that part of the said River which is intersected by the southern boundary line of the State of North Carolina, and continuing along the said boundary line, until it intersects the ridge or chain of Mountains which divides the eastern from the western waters, then to be continued along the top of the said ridge of mountains, until it intersects a line to be drawn due west from the head of the southern branch of Tugaloo river to the said Mountains, and thence to run a due west course to the River Mississippi. In the Senate house the eighth day of March, in the Year of our Lord one thousand seven hundred and eighty seven, and in the

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eleventh Year of the Independence of the United States of America. John Lloyd, President of the Senate. John Julius Pringle, Speaker of the house of Representatives." And whereas the said John Kean, and Daniel Huger were on the sixth day of March, one thousand seven hundred and eighty seven elected Delegates to represent the State of South Carolina, according to the law of the said State in the Congress of the United States until the first Monday in November in the said Year, one thousand seven hundred and eighty seven, which election remains in full force, and the said John Kean and Daniel Huger are the lawful Delegates of the said State in the Congress of the United States. Now therefore know Ye, that we the said John Kean and Daniel Huger by virtue of the power and authority in us committed by the said Act of the General Assembly of South Carolina before recited, in the name and for and in behalf of the State of South Carolina, do by these presents, assign, transfer, quit claim, cede and convey to the United States of America for their benefit, (South Carolina inclusive) all the right, title, interest Jurisdiction, and claim which the State of South Carolina hath in and to the before-mentioned and described territory or tract of country, as the same is bounded and described in the said Act of Assembly for the uses in the said recited Act of Assembly declared. In witness whereof We have hereunto set our hands and seals this ninth day of August in the Year of our Lord one thousand seven hundred and eighty seven, and the Sovereignty and Independence of America the twelfth. John Kean (LS) Daniel Huger (LS) signed, sealed and delivered in presence of Charles Thomson, Roger Alden, Benjamin Bankson.

4) [Report of committee on Indian Affairs]

The Committee consisting of Mr. [Nathan] Dane, Mr. [Benjamin] Hawkins, Mr. [John] Kean, Mr. [William] Irvine, and Mr. [Edward] Carrington, to whom were referred the report of the Secretary at war, and sundry papers relative to Indian Affairs in the Northern Department, report in part,

That from the papers and evidence before them, it appears, first, that several tribes in the said Department, express much uneasiness about the surveys undertaken North West of the Ohio and discover a hostile disposition to oppose them, as well as to revenge what they seem to consider unprovoked attacks on some of their people by the frontier settlers. Secondly, that an extensive Confederacy of many of the tribes on that Department, has been formed, with much labor and attention, under the influence of Brant and his adherents, and for purposes not fully disclosed. Thirdly that the Indians are dissatisfied with the forms, in which, treaties between them and the United States, have been lately conducted, and fourthly, that the confederated tribes are desirous of treating collectively with the United States.

On these subjects the Committee Observe that treaties have been lately concluded at different times between the United States and any of the said tribes; and that the tribes which possessed the lands North West of the Ohio, now supposed to belong to the United States by purchase,

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relinquished them for a stipulated consideration. That the Confederated tribes now complain that these lands were not purchased of the Indian Nations, the proper proprietors of them. The Committee conceive that Indians claims, especially to large tracts of hunting grounds, must often be undefined, and interfere with each other. Nor do they discover, in the present Case, any evidence, by which it can be determined, what tribes can Justly set up Claims to the lands in question. To Discuss these Claims, if possible, must, probably be difficult and expensive; but to quiet them in some form or other appears to the Committee, to be highly expedient, and necessary as a previous measure to the advantageous disposition of the Western lands. The Committee discern but two ways practicable to effect this object, the one is to silence the Indians by making a vigorous war upon them, the other is by holding a general treaty with the tribes which make claims to those lands, and adjusting all disputes about them, holding all former treaties good and valid between the parties to them.

Various circumstances evince that a war, or measures for such a treaty must, [soon] take place. The uneasiness and restless disposition of those tribes appear to be increasing; great pains are taken to excite their Jealousy against the United States, and especially to alarm their fears and to increase enmity towards the settlements near them, whether there are Causes or not for this hostile temper in the Indians, cannot be material; they will be governed by their feelings and what they are induced to believe, and the United States must guard against those disagreeable events which appear probable. There are the strongest reasons for preferring peace with the Indians to war, especially, in the present situation of public affairs. The Indians appear to act a natural part for men in the situation, they express a concern about their lands and their desire of peace with the United States, in whose power and limits they are, and the Committee are not convinced that a war, under present circumstances, would be consistent with Justice or humanity, but whether so or not, clear it is, that it cannot be consistent with the interest and policy of the Union. A war with the Confederated tribes must be expensive, and attended with many evils, however, favourably it may terminate for the United States. It may be followed by connections and events injurious to them, and in any event, [no] object [can] be obtained by it which may not [probably] be obtained by measures leading to peace and friendship at one hundredth part of the trouble and expence. While the United States can preserve peace with the Indians, within their limits, those Indians may be of real advantage to them. Peace therefore, on the most effectual and economical plan, and a regular trade, are clearly the objects to be pursued. The Committee convinced, however, that the forms and measures lately adopted in treating with the Indians are not the most eligible, or at all calculated for effecting the objects in view, but these may easily be changed, and probably, the connections formed among the tribes may be promotive of a better system.

Instead of holding frequent treaties with tribes, separately, which can have no permanent effect upon the temper of the Indians, or tendency to produce a general acquiescence in them

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to the cessions made of any of their lands, the Committee submit to the consideration of Congress the propriety or promoting general treaties, and collecting the Chiefs of many tribes to the same treaty, where all Interests relative to the same subject may be adjusted. Treaties in this case may become less frequent, and less expensive. Instead of lavishing presents upon all kinds of people in tribes, may it not be eligible to select out carefully the chief and respectable men in them and bestow on the more durable presents, commissions and mark of their rank and distinction; and tolls of husbandry upon the more industrious tribes who may be disposed to live by agriculture? Instead of a language of superiority and command; may it not be politic and Just to treat with the Indians more on a footing of equality, convince them of the Justice and humanity as well as power of the United States and of their disposition to promote the happiness of the Indians? And instead of attempting to give lands to the Indians to proceed on the principle of fairly purchasing of them and taking the usual deeds? In conformity to these facts and reasonings the Committee submit the following Resolutions

Resolved that a general treaty be held with the tribes of Indians within the limits of the United States inhabiting the Country North west of the Ohio and About Lake Erie, as soon after the first of April next as conveniently may be and at such place, and at such particular time, as the Commissioners on the part of the United States, shall agree upon, for the purposes of knowing the Causes of uneasiness among the said tribes, and hearing their complaints; of regulating trade and amicably settling all affairs concerning lands and boundaries between them and the United States

Resolved that two Commissioners be appointed, who in conjunction with the Superintendant of the Northern Department, shall be authorised to hold said treaty, agreeable to such instructions as shall be given them for that purpose.

Resolved, that sum not exceeding ___ Dollars, be appropriated for the said treaty, which sum shall include all the objects thereof.

Resolved, that the board of Treasury purchase such articles of Indian goods, not exceeding in value ___ Dollars, in addition to those now in possession of the Superintendant, as shall, in the opinion of the Commissioners be proper for holding the said treaty.

Resolved, that Secretary at war direct one or two companies of the troops of the United States to receive the orders of the said Commissioners.

Resolved that the Superintendant for the Northern Department be directed to communicate to the chiefs of the tribes who joined in the representation to Congress dated in ___ day of December last, and to the chiefs of such other tribes, in his Department, as can conveniently be assembled to a general treaty the contents of the first and second resolves aforesaid, and to inform the said chiefs that Congress have duly considered all they have heard from the Indians

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and to give all parties time to prepare for a general treaty for settling all affairs, and fully to convince the Indians of the Justice, and sincere friendship, for them of the United States that Congress have proposed to hold the treaty early next Spring, and wish the Indians to meet their Commissioners accordingly. That he be directed, in discharging the duties of his office, to pay particular attention to the ascertaining who are the true chiefs and most respectable and influential men in the said tribes, and in their principal towns, their names and rank, in order that medals, gorgets, Commissions, and rifles may be presented to them, on proper occasions, according to their distinctions and also what tribes there are to which it may be proper to give tools of husbandry.

5) [Report of committee respecting treasury department]

The Committee consisting of Mr. [Nathan] Dane, Mr. [Abraham] Clark, Mr. [James Mitchel] Varnum, Mr. [Richard Henry] Lee, and Mr. [William] Grayson to whom it was referred to consider what officers in the Civil Department are become unnecessary and to whom also was referred a motion of Mr. [Nathan] Dane respecting the Department of the Treasury, report the following resolutions.

Resolved that the board of Treasury, consisting of three Commissioners, instituted and appointed by and in pursuance of the ordinance of Congress passed May 28th 1784 for putting the Department of finance into Commission, with all the powers and duties pertaining to the said board and Commissioners be, and the same are hereby continued to the tenth day of November A.D 1789.

Resolved that the Offices of Comptroller and Auditor, and the Clerkships pertaining thereto, from and after the first day of September next, shall cease and determine, and the powers and duties thereof shall be transferred to the board of Treasury, and after the same period shall vest in, and be exercised and discharged by the said board and by persons appointed by the said board; and the said board, for the dispatch of the business thus transferred, shall have authority to employ an accountant [whose] salary [shall not] exceeding the rate of 800 Dollars per annum, and not more than two Clerks.

Resolved that when the said offices shall cease as aforesaid, that all the books and papers pertaining thereto shall be lodged in the office of the said board of Treasury.

Resolved that the said accountant and Clerks shall respectively take an oath of fidelity to the United States and the oath of office and the Commissioners of the said board shall, severally, before the tenth day of November next, renew their bonds given to the United States in pursuance of the resolutions of Congress of February the 3rd and March 15th 1785, or give bonds and security to the United States of the same tenor force and effect as those directed by the said Resolutions for the faithful execution of the trust reposed in them by these resolves or

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any other Acts of Congress; and shall also take an Oath of fidelity to the United States and the Oath of Office certificates of which shall be filed with the Secretary of Congress.

Resolved that not more than two Clerks be employed after the first day of September next and in the Office of the Secretary at War.

September 20, 1787 –

1) [Payment of expences of the convention]

In Convention Wed. Sept. 5th 1787 *Resolved*, That the United States in Congress be requested to allow and cause to be paid to the Secretary and other Officers of this Convention such sums in proportion to their respective times of service as are allowed to the Secretary and similar Officers of Congress.

Ordered that the Secretary make out and transmit to the treasury Office of the United States an account for the said services and for the incidental expences of this Convention.

G. WASHINGTON, *President*

Board of Treasury take Order to settle with and pay the Officers and incidental charges mentioned in the resolution of the Convention, conformable to the recommendation therein contained.

2) [Report of the Convention of the States]

(See pages 488-500 for the proposed Constitution)

3) In Convention Monday September 17th 1787.

Present The States of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Resolved, That the proceeding Constitution be laid before the United States in Congress assembled, that is should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of it Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled.

Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which the Electors should be appointed by the States which shall have ratified the same,

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and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution. That after such Publication the Electors should be appointed, and the Senators and Representatives elected: that the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President should, without Delay, proceed to execute this Constitution.

By the Unanimous Order of the Convention

G. WASHINGTON, *President*

W. JACKSON *Secretary*

4) In Convention Monday September 17th 1787.

SIR: We have now the honor to submit to the consideration of the United States in Congress Assembled, that Constitution which has appeared to us the most adviseable.

The friends of our Country have long seen and desired, that the power of making war, peace and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities should be fully and effectually vested in the general government of the Union: but the impropriety of delegating such extensive trust to one body of men is evident. Hence results the necessity of a different organization.

It is obviously impracticable in the federal government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was encreased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid

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on points of inferior magnitude, than might have been otherwise expected; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State is not perhaps to be expected, but each will doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is as liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect,

We have to honor to be

Sir

Your Excellency's

Most Obedient and humble servant

GEORGE WASHINGTON, *President*

By Unanimous Order of the Convention.

His Excellency

THE PRESIDENT OF CONGRESS.

<u>September 21, 1787</u> –

1) On the report of a committee consisting of Mr. [Nathan] Dane, Mr. [Abraham] Clark, Mr. [James Mitchel] Varnum, Mr. R[ichard] H[enry] Lee and Mr. [William] Grayson to whom it was referred to consider what officers in the civil department are become unnecessary and to whom was also referred a motion of Mr. [Nathan] Dane,

Resolved Unanimously that Samuel Osgood, Walter Livingston and Arthur Lee, Commissioners of the board of treasury appointed in pursuance of the Ordinance of Congress passed May 28, 1784 for putting the department of finance into commission with all the powers and duties appertaining to the said board and commissioners be and the same are hereby continued to the tenth day of November 1789.

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Resolved That the Officers of the comptroller and Auditor and the clerkships pertaining thereto from and after the first day of November next shall cease and determine And the powers and duties thereof be transferred to the board of treasury and after the same period shall vest in and be exercised and discharged by the said board and by persons appointed by the said board; and the said Board for the dispatch of the business this transferred shall have authority to employ an Accountant, whose salary shall not exceed the rate of eight hundred dollars per annum and not more than two clerks.

Resolved That when the said Offices shall cease as aforesaid, that all the books and papers pertaining thereto shall be lodged in the Office of the board of treasury and that all the returns directed to be made to the said comptroller and auditor shall after the said first day of November be made to the said board.

Resolved That the said Accountant and clerks shall respectively take an oath of fidelity to the United States and the oath of Office. And the commissioners of the said board shall severally before the tenth day of November next renew their bonds given to the United States in pursuance of the resolutions of Congress of February 3rd and March the 15th 1785, or give bonds and security to the United States, of the same tenor and force and effect, as those directed by the said resolutions, for the faithful execution of the trust reposed in them by these resolves, or any other Acts of Congress; and shall also take an Oath of fidelity to the United States and the Oath of Office, certificates of which shall be filed with the Secretary of Congress.

September 24, 1787 –

1) On a letter of the 22 from the board of treasury stating that in the sales which they have made of lands in the western territory a declaration had been made by them previous to the sale that the interest on the securities to be received in payment was not to be computed and requesting to be favoured with the sense of Congress whether in payment of purchases made under the Ordinance of the 20 May 1785 interest should be computed on the principal of the securities and received in payment on the same terms with the principal.

Resolved That Congress approved of the Declaration made by the board of treasury at the time of selling the public lands, that the interest on the securities to be received in payment should not be computed; and direct the to proceed in the same manner in future sales, issuing certificates or indents of interest due on the certificates paid conformably to the authority given them for the sale of the lands between the seventh range of townships and the Scioto on the 23 day of July last.

On passing the foregoing resolution a division was called for and on the question to agree to the first clause as far as “computed” inclusive the yeas and nays being required by Mr. [Dyre] Kearny

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So it was resolved in the affirmative.

The second clause was passed without division.

2) [Report of committee on protest of the United Netherlands]

The Committee consisting of Mr. [Nathan] Dane, Mr. [James Mitchel] Varnum, Mr. [John] Kean, Mr. [Abraham] Clark, and Mr. [William] Grayson, to whom were referred a report from the Secretary for the Department of foreign affairs, and a note from the minister of the United Netherlands, report,

That the said minister, in his note aforesaid, complains that, by an Act of the State of Virginia, French brandies imported into that State, in French or American vessels, are exempted from certain Duties, to which the like Commodities imported in Dutch vessels are left liable, as being contrary to the Second Article in their treaty with the United States.

The Committee find that the State of Virginia, in her last Session, by a legislative Act, made the distinction complained of; and tho the reasons, that induced her to make the distinction, are not recited in the Act, yet, from various circumstances it appears, that the State granted the exemptions of favors complained of to France, in compensation, for certain favors and exemptions in commerce, enumerated in Mr. Calonne's letter to Mr. Jefferson dated the 22d of October 1786, which, in the Opinion of the State, France had liberally granted to the United States, and especially to Virginia.

These proceedings of Virginia do not appear to have a precedent in the affairs of the United States, and give rise to several important questions, they bring into view Articles in the treaties, which are not easily understood, as well as parts of our national system which hitherto appear only to have come generally into consideration.

The second and third Articles in the treaty with France, and the second in the treaty with the United Netherlands respect this subject. The second in the treaty with France is "The Most Christian King and the United States engage mutually not to grant any particular favor to other nations in respect of Commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favor freely, if the concession was *freely* made, or on allowing the same compensation if concession was conditional."

By the second Article in our treaty with the United Netherlands, it is stipulated, that their subjects shall pay in our ports, &c. no other nor greater duties or imposts, than those which the Nations, the *most favored* are or shall be obliged to pay; and that they shall enjoy thereon all the rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce which the said nations do or shall enjoy, but this Article takes no notice of Cases where

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compensation is granted for privileges. The Committee conceive however that reason and equity will give both Articles exactly the same Operation. Where a privilege is gratuitously granted, the Nation to whom it is granted, becomes in respect to that privilege, a favored Nation, and from that circumstance *both* the Articles in question deduce claims to the like favor, but where the privilege is yielded by one party as a consideration, or as a compensation for a privilege yielded by the other, the favor, if any there be, consists only in the power of making the compact, or the exchange of privileges, and the favor, in this Case, due to the third Nation entitled to the benefits of the most favored Nations from either party, consists only in the right if such third Nation has to make a compact or exchange of privileges with the party so in treaty with her, on the same terms as that party stipulated from the other. This construction is, in the opinion of the Committee, founded in the highest reason and propriety, and the contrary doctrine must be productive of confusion and Injustice. If France should, therefore, purchase at a certain price, a privilege of the United States, it would be evidently unreasonable that the Dutch should have a like privilege without any price at all. The Dutch would in this Case have better terms than the most favored nation, France; and, therefore, more than is stipulated for, in the treaty, and France clearly would have no reason to complain, that she was not treated on so good terms as the most favored Nation, the Dutch.

But another question arises in this Case, and that is, in what manner shall a privilege gratuitous or not, be granted.

It is to be observed that the extent of most Commercial privileges granted by modern treaties, must be ascertained by a reference to those yielded by grantors, to the most favored Nations, and, therefore, a variation in the privileges allowed by any one Nation to another, may Justly give occasion to vary the privileges allowed by the former to all other Nations may become immediately interested, and each entitled to claim for itself whatever may be yielded to any one by such change or variation. The terms also of national treaties are, in general indefinite and ought to receive a liberal and rational construction. The Committee, on carefully considering this part of the subject, are clearly of opinion, that whenever a privilege is yielded by a Nation which has stipulated to yield to other Nations the benefits allowed to the most favored, that the nature of the privilege, whether gratuitous or to be paid for, ought to be known and expressed at the time it is yielded; and if such privilege be intended as a compensation from the inseparable parts of a compact, which, in the nature of things, must stand connected together. A little attention to this subject must fully evince that when a treaty has been formed by parties circumstanced as above supposed, that no privilege not merely gratuitous, can with propriety, pass from one to the other, without compact; and that in nature of an additional Article to the subsisting treaty. The contrary position must be absurd both in Theory and practice, if France, for instance, which has stipulated with several Nations to allow each of them the benefits of the most favored, can yield a privilege to any one of them, and it

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can remain uncertain for any longer or shorter time, whether that privilege was yielded gratuitously or not, how are the said other Nations to come at their rights in the mean time, but the Case in question goes further, France seems to have yielded the privileges and exemptions mentioned in the said Note, without herself knowing whether they would be gratuitous, or eventually be paid for; for it appears to have been left to the option of the United States to make them the one thing or the other, besides if among Nations, all put on an equal footing by treaty, every privilege loosly granted is to be the foundation of distinction, most modern treaties will be useless, and a total uncertainty must take place in the system of commerce.

Thus it appears clear that even the nation itself can make no such distinctions in so loose and uncertain a manner.

But a third question arises, and that is, what constitutional power has a State, a part of the nation, to Judge of the privileges yielded to her, or to the United States, and to deal out compensation for them? By the Articles of Confederation, it is agreed, that Congress shall have the sole and exclusive right and power of entering into treaties and alliances; provided that no treaty of Commerce shall be made, whereby the legislative powers of the respective States shall be restrained from imposing such imposts and Duties on foreigners, as their own people are subject to, or from prohibiting the exportation or importation of any Species of goods. It is also agreed that no State, without the consent of the United States, shall enter into any Conference, agreement, alliance or treaty with any king, prince or State.

This by the federal compact, it is wisely and properly established that no State, or part of the nation, shall have any part in making a treaty, &c. between the nation and a foreign power, but by its Delegates in the national Council. The power of Congress to bind the Nation by treaty can authorize a foreigner to pay less duties than the Citizens of the State pay. 2d no treaty can prevent the State from prohibiting the importation and exportation of goods, and whatever treaty, therefore, is made by Congress, not infringing these rights of the several States, is binding on all parts of the Nation; and it appears that the States in all Cases, except the present, have in laying duties, making commercial regulations, &c. regarding treaties accordingly, and in this, they have conducted according to the obvious dictates of reason and propriety. The contrary conduct, the Committee conceive would be attended with infinite inconveniences, if one State can at discretion make distinctions between the subjects or powers put on an equal footing by national treaties, Judge of privileges yielded, and of compensation for them, another State may make other distinctions, and hereby these subjects be put into various situations totally different.

Contemplating this subject in every point of view it appears to the Committee so clear that a state cannot constitutionally make the distinctions alluded to that they should think it unnecessary to adduce any arguments, had not the Act complained of been passed by a very

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respectable State in the Union. The Committee are inclined to believe that it passed not having received the attention which that State usually pays to important laws which may effect the national system and public treaties, and that on the earliest notice the said state will do away the distinction complained of. Whereupon the Committee submit the following Resolutions,

Resolved That no individual State can constitutionally, without the Consent of the United States in Congress Assembled, make any compensation for privileges or exemptions granted in trade Navigation or Commerce by any foreign power to the United States or any of them, and that whenever any of the States shall think proper to grant any privileges or exemptions in trade, Navigation, and Commerce, to any foreign Nation gratuitously, such State ought to extend them to such other foreign Nations as by treaties with the United States are to be treated as the most favored Nation.

Resolved That a copy of the above resolution and the representation of the minister of the United Netherlands be transmitted to the State of Virginia, to the end that the legislature of that State may take the earliest Opportunity of revising the Act of which the said Minister complains, and rendering the same perfectly consistent with the treaty subsisting between the United States and the United Netherlands; and of causing to be repaid whatever extra Duties may by virtue of the said Act, be exacted on brandies there *imported in Dutch vessels, during the Operation of the same.*

Resolved That copies of the foregoing resolutions be given to the minister of the United Netherlands and that he be requested to assure their High Mightinesses that Congress are well persuaded that the Omission of Virginia, in not extending to the favor granted to France, was entirely inadvertent and not designed; and they flatter themselves that the said resolutions, and the respect with which they will be treated by Virginia, will fully manifest to their High Mightinesses the good faith and friendship of the United States in General and of Virginia in particular.

September 27, 1787 –

1) ~~According to Order Congress resumed the Consideration of the form of a Constitution for the United States of America framed and transmitted to Congress by the Convention of the States held at Philadelphia pursuant to the Resolve of the twenty first day of February last. And a motion being made by Mr. R[ichard] H[enry] Lee seconded by Mr. [Melancton] Smith in the words following "Resolved That Congress after due attention to the Constitution under which this body exists and acts find the said Constitution in the thirteenth Article thereof limits the power of Congress to the amendment of the present confederacy of thirteen states, but does not extend it to the creation of a new confederacy of nine states; and the late Convention having been constituted under the authority of twelve state in this Union it is deemed~~

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~~respectful to transmit and it is accordingly ordered that the plan of a new federal constitution laid before Congress by the said convention be sent to the executive of every state in this Union to be laid before their respective legislatures."~~

~~A motion was made by Mr. [Abraham] Clark seconded by Mr. [Nathaniel] Mitchel to postpone the consideration of that Motion in order to take up the following "That a copy of the Constitution agreed to and laid before Congress by the late Convention of the several states with their resolutions and the letter accompanying the same be transmitted to the executives of each state to be laid before their respective legislatures in order to be by them submitted to conventions of delegates to be chosen agreeably to the said resolutions of the Convention".~~

~~On the question to postpone for the purpose above mentioned the yeas and nays being required by Mr. R[ichard] H[enry] Lee.~~

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

~~On motion of Mr. [Edward] Carrington seconded by Mr. [William] Bingham the motion of Mr. [Abraham] Clark was postponed to take into consideration the following motion viz "Congress proceeded to the consideration of the Constitution for the United States by the late Convention held in the City of Philadelphia and thereupon resolved That Congress do agree thereto and that it be recommended to the legislatures of the several states to cause conventions to be held as speedily as may be to the end that the same may be adopted ratified and confirmed.~~

2) [Motion or Mr. Dane on new Constitution]

Whereas Congress sensible that there were defects in the present Confederation; and that several of the States were desirous that a Convention of Delegates should be formed to consider the same, and to propose necessary alterations in the federal Constitution; in February last resolved that is was ~~in their opinion~~ expedient that a Convention of the States should be held for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as should when agreed to in Congress, and be confirmed by the States, render the federal Constitution adequate to the exigencies of Government, and the preservation of the Union.

And whereas it appears by Credentials laid before Congress, that twelve States appointed Delegates who assembled in Convention accordingly, and who did on the 17th instant, by the unanimous consent of the States then present in convention agree upon, and afterwards lay before Congress, a Constitution for the United States, to be submitted ~~with the~~ to a convention of Delegates, chosen in each State by the people thereof, under the recommendation of its legislature, for their Assent and ratification which constitution appears to be intended as an entire system in itself, and not as any part of, or alteration in the Articles of Confederation; to

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alterations in which Articles, the deliberations and powers of Congress are, in this Case, constitutionally confined, and whereas Congress cannot with propriety proceed to examine and alter the said Constitution proposed, unless it be with a view so essentially to change the principles and forms of it, as to make it an additional part in the said Confederation and the members of Congress not feeling themselves authorised by the forms of Government under which they are assembled, to express an opinion respecting a System of Government no way connected with those forms; but conceiving that the respect they owe their constituents and the importance of the subject require, that the report of the Convention should, with all convenient dispatch, be transmitted to the several States to be laid before the respectful legislatures thereof therefore

Resolved that there be transmitted to the supreme executive of each State a copy of the report of the Convention of the States lately Assembled in the City of Philadelphia signed by their deputies the seventeenth instant including their resolutions, and their letter directed to the President of Congress.

3) [Letter of Secretary at War regarding troops]

SIR: I have the honor to submit to Congress a return of the number of noncommissioned officers and privates in the service of the United States, and a statement of the periods of their services.

As the greater part of the force on the Ohio will be discharged in the course of the ensuing year it is proper that Congress should be apprized thereof in order that such seasonable measures may be taken on the occasion as they shall judge necessary.

The troops on the frontiers possess a considerable degree of discipline, and a knowledge of the country which render their services more valuable than any new levies; therefore it would be advantageous to the public interest to retain as many of them in service as possible.

But perhaps the measure could be effected only by a new requisition on the same states which furnished the requisition of April 1785, namely, Connecticut, New York, New Jersey and Pennsylvania.

The spirit of desertion has deeply infected the two companies of artillery raised in Massachusetts forty eight having deserted since the latter part of April. The officers ascribe this unworthy conduct to a discontent on being retained in service while the other recruits engaged on the same conditions were disbanded by the resolve of the 9th April. To jealousies infused into their minds by bad citizens, and to an apprehension of being ill paid.

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It may be observed that should Congress decide on a number of troops nearly equal to the present establishment, perhaps it might not be necessary during the next year to raise any more than would replace the men whose service would terminate.

I have the honor to be, etc.

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS

September 28, 1787 –

1) Congress having received the report of the Convention assembled in Philadelphia

Resolved unanimously that the said Report with the resolutions and letter accompanying the same be transmitted to the several legislatures in Order to be submitted to a convention of Delegates chosen in each state by the people thereof in conformity to the resolves of the Convention made and provided in that case.

2) On a report from the Secretary for foreign Affairs

Whereas doubts have in certain instances arisen whether foreign consuls residing in the United States are entitled to an exemption from such legal imposts and duties on Merchandizes by them imported for their own use as are payable by other subjects of their respective Nations

Resolved That no consuls of any Nation are entitled to such exemptions in the United States.

3) [Report of Board of Treasury on the requisition for 1787]

"The Board of Treasury, to whom it was referred to Report a *Requisition* for the current Year, including one Years Interest on the Foreign Debt, and such part of the Principal as may become due in the ensuing Year; and providing for the Payment of one Years Interest on the Domestic Debt, in a mode most convenient to the States, and advantageous to the Union",

Beg leave with great Deference to represent to Congress,

That on an attentive Investigation of the modes, which have been hitherto proposed for the Payment of the Interest of the domestic Debt, it appears altogether impracticable, in the present state of the Federal Government to make the Interest, or Honor of the Union coincide with what the several States appear to judge for their convenience in this respect. The propriety of this remark will, we presume appear from a statement of the subsequent facts, and the interferences obviously resulting from them.

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The first attempt made by the United States in Congress to induce the several States, to provide means for paying part of the Interest on the domestic Debt, was the Requisition of the 4th and 10th September 1782; by this, the States are required to furnish their several Quotas of *One Million Two Hundred Thousand Dollars* to be applied for the purpose abovementioned; and license given to appropriate, in the first Instance, their respective Quotas towards the Payment of the Interest of such part of the Debt, as was due to their Citizens, previous to any part thereof being paid into the Public Treasury.

Without entering into a discussion how far the license given to the several States, by the foregoing Requisition, is warranted by the Confederation (a point which is probably very Questionable) we shall only observe, that notwithstanding the completion of it was again urged on the States, by the Act of Congress of the 12th of October 1785, nor more than Four hundred and Thirty five Thousand, Five hundred and Forty one Dollars was paid on it, to the 31st of March last; and that only by the States of Massachusetts, Pennsylvania, Connecticut and Delaware.

The second experiment for this purpose is the Requisition of the 27th and 28th April 1784; by which (although the Estimate on Account of Interest on the Domestic Debt to the end of the Year 1783 was 1,970,760 Dollars,) the Sum actually called for on the Account was Six hundred, and Seventy seven Thousand, Seven hundred, and Forty four Dollars, forty three ninetieths: This Sum the States had a right to pay in Indents of Interest on the Domestic Debt, certified to the end of the Year 1782.

(See pages 571-585 for the rest of the report)

<u>October 2, 1787</u> –

1) The Board of Treasury to whom was referred an extract of a Letter from the honorable Mr. Jefferson Minister plenipotentiary to the Court of France, having reported,

That the Minister states, “That a proposition has been made to Monsieur de Calonne, Minister of the Finances of France, by a company of Dutch Merchants to purchase the debt due from the United States to the Crown of France; giving for the said debt, amounting to Twenty four million of Livres, the sum of Twenty million of Livres. That information of this proposition has been given to him by the Agent of the said Company, with the view of ascertaining whether the proposed Negotiation should be agreeable.

That the said Minister suggests “That if there is a danger of the public payments not being punctual, whether it might not be better that the discontents which would then arise should be transferred [from] a Court, of whose good will we have so much need, to the breasts of a private Company.”

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"That the credit of the United States is sound in Holland; and that it would probably not be difficult to borrow in that Country, the whole sum of money due to the Court of France; and to discharge that debt without any deduction, thereby doing what would be grateful to the Court, and establishing with them confidence in our honor."

On a mature consideration of the circumstance above mentioned, the Board beg leave to observe,

That at the time the debt due from the United States to the Crown of France was contracted, it could not have been foreseen, that the different Members of the Union, would have hesitated to make effectual provision for the discharge of the same; since it had been contracted for the security of the Lives, Liberties and property of their several citizens, who had solemnly pledged themselves for its redemption; and that therefore the honor of the United States cannot be impeached for having authorized their Minister at the Court of France to enter into a formal Convention acknowledging the amount of the said debt, and stipulating for the reimbursement of the principal and interest due thereon.

That should the United States at this period, give any sanction to the transfer of this debt, or attempt to make a Loan in Holland for the discharge of the same, the persons interested in the transfer or loan would have reason to presume that the United States in Congress would make effectual provision for the punctual payment of the principal and interest.

That the prospect of such provision being made within a short period, is by no means flattering; and though the credit of the United States is still sound in Holland, from the exertions which have been made to discharge the interest due to the Subscribers to the Loans in that Country; yet in the opinion of this Board it would be unjust, as well as impolitic, to give any public sanction to the proposed negociation. Unjust, because the Nation would contract an engagement, without any well grounded expectation of discharging it with proper punctuality. Impolitic, because a failure in the payment of interest accruing from this negociation (which would inevitably happen) would justly blast all hopes of credit with the Citizens of the United Netherlands, when the exigencies of the Union might render new Loans indispensably necessary.

The Board beg leave further to observe, that although a grateful sense of the services rendered by the Court of France would undoubtedly induce the United States in Congress to make every possible exertion for the reimbursement of the Monies advanced by his Most Christian Majesty; yet that they cannot presume, that it would tend to establish in the mind of the French Court, an idea of the National honor of this Country, to involve Individuals in a heavy Loan at a time when Congress were fully sensible, that their resources were altogether inadequate to discharge even the interest of the same; much less the installments of the principal which

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would from time to time become due. How far the idea of transferring the discontents which may prevail in the French Court, for want of the punctual payment of interest to the breast of the private Citizens of Holland would be consistent with sound policy, the Board forbear to enlarge on.

It may be proper however to observe that, the public integrity of a Nation, is the best shield of defence, against any calamities, to which in the course of human events, she may find herself exposed.

This principle so far as it reports the conduct of the United States in contracting the Loans with France cannot be called in question. The reserve would be the case, should the sanction of the United States be given, either to the transfer of the French debt, or to the Negocaition of a Loan in Holland for the purpose of discharging it.

If it be further considered, that the consequences of a failure in the punctual payment of interest on the Monies borrowed by the United States, can by no means be so distressing to a Nation (and one powerful in resources) as it would be to Individuals, whose dependence for support is frequently on the interest of the Monies loaned, the Board presume that the proposed negociation cannot be considered at the present juncture in any point of view, either as eligible or proper. Under these circumstances they submit it as their Opinion.

That it would be proper without delay to instruct the Minister of the United States at the Court of France not to give any sanction to any negociation which may be proposed from transferring the debt due from the United States, to any State or company of Individuals who may be disposed to purchase the same.

Resolved That Congress agree to the said report.

CHARLES THOMSON *Secretary*

October 3, 1787 –

1) On a report of the secretary at War to whom was referred his letter of the 26th of Sept., Congress came to the following resolutions

Whereas the time for which the greater part of the troops on the frontiers are engaged will expire in the course of the ensuing year

Resolved That the interests of the United States require that a corps of seven hundred troops should be stationed on the frontiers to protect the settlers on the public lands from the depredations of the Indians, to facilitate the surveying and selling of the said lands in Order to reduce the public debt and to prevent all unwarrantable intrusions thereon.

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Resolved That in Order to save the great expence of transporting new levies to the distant frontiers of the United States and also to avail the public of the discipline and knowledge of the country acquired by the troops on the frontiers it is highly expedient to retain as many of them as shall voluntarily reengage in the service.

Resolved That seven hundred non commissioned Officers and privates be raised for the term of three years unless sooner discharged and that the same be furnished in the proportion herein specified by the states which raised the troops agreeably to the requisitions of Congress of April 1785

Connecticut	one hundred and sixty five
New York	one hundred and sixty five
New Jersey	one hundred and ten
Pennsylvania	two hundred and sixty

That the commissioned Officers for the said troops be furnished by the States agreeably to the present proportions.

That the Organization of the said troops together with the two companies of Artillery raised by virtue of the resolves of Congress of the 20th of October 1786 be according to the present establishment; to wit, One regiment of infantry of eight companies, each company four sergeants, four corporals two musicians and sixty privates. And one battalion of Artillery of four companies each company four battalion of Artillery of four companies each company four sergeants four corporals two musicians and sixty privates.

That the secretary at war make the necessary arrangements from time to time to replace the men on the frontiers whose engagements shall expire.

That the said troops shall be governed by such rules and Articles of War as are or shall be established by Congress or a committee of the States.

That the pay and allowances of the said troops be the same as directed by the resolve of Congress of April 12th 1785.

That the board of treasury make the necessary provisions of Clothing and rations from time to time at such places as the secretary at war shall judge necessary.

<u>October 5, 1787</u> –

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1) Congress proceeded to the election of a governor for the western territory pursuant to the Ordinance of the 13th of July last and the ballots being taken

The honorable Arthur St Clair was elected.

Congress proceeded to the election of a secretary pursuant the said Ordinance and the ballots being taken

Mr. Winthrop Sargent was elected.

2) On a report of the Secretary for foreign Affairs to whom were referred two letters from the honorable John Adams of the 24 and 27 January last.

Resolved That the honorable John Adams the Minister plenipotentiary of the United States at the court of London be permitted, agreeably to his request, to return to America at any time after the 24 day of February in the year of our Lord 1788 and that his Commission of Minister plenipotentiary to their High Mightinessess do also then determine.

Resolved That Congress entertain a high sense of the services which Mr. Adams has rendered to the United States in the execution of the various important trusts which they have from time to time committed to him and that the thanks of Congress be presented to him for the patriotism, perseverance, integrity and diligence with which he has ably and faithfully served his country.

3) On the report of a committee consisting of Mr. [Nathan] Dane, Mr. [Benjamin] Hawkins, Mr. [John] Kean, Mr. [William] Irvine and Mr. [Edward] Carrington to whom were referred a report of the secretary at War and sundry papers relative to Indian Affairs in the Northern department.

Resolved That a general treaty be held with the tribes of Indians within the limits of the United States inhabiting the country North west of the Ohio and about lake Erie as soon after the first of April next as conveniently may be and at such place and at such particular time as the governor of the Western territory shall appoint for the purposes of knowing the causes of uneasiness among the said tribes and hearing their complaints; of regulating trade and amicably settling all affairs concerning lands and boundaries between them and the United States.

That the said governor of the Western territory hold the said treaty agreeably to such instructions as shall be given him for that purpose.

4) The Secretary of the United States for the department of Foreign Affairs to who, was referred two Letters from the honorable John Adams of the 24th and 27th of January last, having reported as follows,

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"The first of these Letters give occasion to several questions. 1st. Shall Mr. Adams return after the expiration of his Commission to the Court of London, viz. 24th February 1788? Your Secretary is persuaded that Mr. Adams really wishes and means to return next spring and therefore thinks it would be proper for Congress to Resolve, that the honorable John Adams the Minister plenipotentiary of the United States at the Court of London be permitted (agreeably to his request) to return to America at any time after the 24th February in the Year of our Lord 1788, and that his Commission of Minister plenipotentiary to their High Mightinesses do also then determine". And having also reported a resolution approving his conduct and giving him the thanks of Congress. Both resolutions were agreed to as follows,

Resolved, that the honorable John Adams the Minister plenipotentiary of the United States at the Court of London be permitted agreeably to his request, to return to America at any time after the 24th day of February in the Year of our Lord 1788, and that his Commission of Minister plenipotentiary to their High Mightinesses do also then determine.

Resolved, That Congress entertain a high sense of the services which Mr. Adams has rendered to the United States in the execution of the various important trusts which they have from time to time committed to him and that the thanks of Congress be presented to him for the patriotism, perseverance, integrity and diligence with which he has ably and faithfully served his Country.

The Secretary having further reported.

The second question arising from this Letter is, Whether it will be expedient for the United States to appoint another Minister to take the place of Mr. Adams at the Court of London? On this head the Secretary is of opinion that it will be expedient to appoint another, because there do exist differences between the United States and the Court of London which cannot too soon be adjusted, which must become the subject of occasional explanations and negotiations and which on the part of the United States cannot be so well managed and conducted as by means of an intelligent and discreet Minister on the spot. Your Secretary's feelings strongly prompt him to retaliate the neglect of Britain in not sending a Minister here; but as he conceives that such retaliation would eventually produce more inconveniences than advantages, he thinks it had better be omitted, especially as he is persuaded that this neglect will cease, the moment that the American Government and the administration of it shall be such as to impress other Nations with a degree of respect which various circumstances deny to Congress the means of imposing at present. He thinks it should be the policy of the United States at present to keep all things as smooth and easy and to expose themselves to as few embarrassments as possible, until their affairs shall be in such a posture as to justify and support a more nervous stile of conduct and language. Britain disputes the eastern boundary of the United States; she holds important posts and territories on the frontiers and she complains that the treaty of peace has

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been violated by America. These Affairs are important and the management of them requires the influence either of unfriendly dispositions and passions or of that kind of policy which the weakness of Neighbours is very apt to suggest and promote. If Congress should concur in the opinion that a Minister to succeed Mr. Adams should be appointed, a resolution like the following would perhaps be the most proper. Whereas divers important Affairs still remain to be arranged and adjusted between his Britannic Majesty and the United States which on their part cannot be so well conducted as by means of a Minister plenipotentiary at the Court of London, therefore resolved that a Minister plenipotentiary to reside at that Court be appointed and that his Commission take effect the 25th day of February 1788, and continue in force for the space of three Years thereafter unless sooner revoked. Your Secretary conceives it would be best that this Minister should be appointed so early as that he might have time to reach London by the first of February in order that he may have an opportunity of receiving information from Mr. Adams respecting Characters and Affairs and that the progress of the business of the legation may not be stopped by the expiration of Mr. Adam's Commission.

On the Question

Resolved that this part of the report be postponed.

The Secretary having proceeded in his report.

"But if Congress should either not incline to appoint another Minister or should think proper to postpone it so long as that he will not probably be in London February, then he thinks it would be right to consider another Question arising from the Letter viz. Whether it would be expedient to constitute Col. Smith Charge des Affaires? On this head Your Secretary finds himself embarrassed. For on one hand he esteems Col. Smith as a gentleman of acknowledged merit who has uniformly deserved well of his Country. And on the other the light in which the duties of his Office have hitherto been viewed gives the Colour of propriety only in his reporting on the expediency of appointments and not on the persons most proper to be appointed. And as the Letter referred to him and now under consideration does nevertheless raise the question relative to the person as well as the place he thinks it proper to make these remarks lest if not adverted to, his omitting to report on the former as well as the latter might be ascribed to other than the true reasons. He thinks that if when Mr. Adams quits the Affairs of the legation they are not to pass immediately into the hands of a Successor there can be little doubt of the expediency of appointing a proper person to take charge of them. In that case therefore it would in his opinion be proper to Resolve, That a person be appointed to take charge of the Affairs of the American legation at the Court of London from the expiration of the Commission of the present Minister to the arrival there of another Minister to succeed him or until the further Order of Congress.

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On this part of the report a question was taken to agree thereto and was lost.

CHARLES THOMSON *Secretary*

October 8, 1787 –

1) A motion being made by Mr. [Nathan] Dane seconded by Mr. [Melancton] Smith as follows,

Whereas it appears by the Journals of Congress that a federal Court has been instituted pursuant to the articles of Confederation and perpetual Union to hear and determine a controversy respecting territory between the states of Massachusetts and New York. And whereas it appears by the representations of the delegates of the said states in Congress that the said controversy has ceased and that the same has been settled and determined by an Agreement entered into on the sixteenth day of December last by the agents of the said states in the words following to wit . . . any further proceedings therefore in or relative to the aforesaid court having become unnecessary *Resolved* that all further proceedings in and relative to the said federal court as also the commissions of the judges thereof cease and determine."

A motion was made by Mr. [James] Madison seconded by Mr. [Abraham] Clark to strike out the words "in the words following to wit," and on the question shall those words stand the yeas and nays being required by Mr. [Melancton] Smith

So the question was lost and the words were struck out and on the question the motion being amended was agreed to as follows

Whereas it appears by the journals of Congress that a federal court has been instituted pursuant to the Articles of Confederation and perpetual Union to hear and determine a controversy respecting territory between the States of Massachusetts and New York; and whereas it appears by the representations of the delegates of the said states in Congress that the said controversy has ceased and the same has been settled and determined by an Agreement entered into on the sixteenth day of December last by the agents of the said states and any further proceedings in or relative to the aforesaid court having become unnecessary.

Resolved That all further proceedings in and relative to the said federal court as also the commissions of the judges thereof cease and determine.

A motion was then made by Mr. [Nathan] Dane seconded by Mr. [Abraham] Yates that the attested copy of the aforesaid agreement laid before Congress by the delegates of the two states filed in the secretary's Office the same being in the words following,

(See pages 619-629 for the agreement)

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2) [Report of committee respecting the requisition of 1787]

Report of a Committee consisting of Mr. [John] Kean, Mr. [James] Madison, Mr. [Nathan] Dane, Mr. [Melancton] Smith and Mr. [William] Grayson, to whom was referred the report of the Board of Treasury and a Motion of Mr. [John] Kean's respecting the requisition for 1787.

That from the several papers referred to them it appears, That there is wanting for the services of the Year 1787, the payment of One Year's Interest on the foreign debt and such part of the principal as becomes due in the year 1788 And the payment of One Year's Interest on the domestic debt the sum of 3,009,798.64 dollars.

That of the aforesaid sum 1,309,391.64 dollars, is absolutely necessary in Specie.

That there has been demanded from the States in years 1784, 1785, and 1786 a greater sum in specie than was necessary for the services of those Years, which surplus amounts by the annexed Schedule marked C. to 1,200,000 dollars.

That there are large sums due from the States on former requisitions, both in Specie and in Indents for Interest.

The Committee have carefully examined the Opinion of the Board of Treasury with respect to making a demand upon the States for the whole sum in Specie, but after mature consideration are of opinion that the good consequences hoped by the Board will not flow from the measure, and that the domestic Creditors will not be benefited so much by the change as the other parts of the community will be distressed, therefore as Congress is the common guardian of the whole, Your Committee cannot recommend the measure, but considering the present situation of the Union would recommend as great a forbearance in the demand for Specie as the nature of the case will admit.

Your Committee also beg leave to remark that in their opinion many difficulties have arisen from the restrictions made in former requisitions, in the issuing of the Indents of Interest, the making them receivable only for the year in which they were issued and then only when accompanied by a proportion of Specie and declaring that after a certain period they should not be received from the States at the Federal Treasury, all which has served to check the exertions of the States and to keep back the Specie payments.

Nor have they had those beneficial effects expected from them of stopping the issue of Indents where States had not passed Legislative Acts to call the in or keeping up their value and preventing depreciation, but on the contrary have opened a new scene of speculation in transferring the property of a Citizen of a State who has, in addition to which your Committee observe that the Acts of Congress empowering the Board of Treasury to contract for the sale of

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Western territory also empowers them to issue Indents of interest to the purchasers so that to continue such restriction would operate only to the injury of a few and be no public benefit, impressed with these ideas the Committee submit the following Resolves.

Resolved That for the services of the year 1787, for the payment of one years interest on the Foreign debt and such part of the principal as becomes due in the year 1788, and for the payment of one years interest on the domestic debt it will be necessary that 3,009,798.64 dollars be paid into the Treasury of the United States on or before the first day July next to be appropriated to the following purposes viz.

For the Civil department	124,161.85
Military Department	176,757.17
Geographical Department	9,964
Invalid Pensions	88,000
Contingencies	19,000

Foreign debt, for the payment of Interest on the French and dutch Loans,

and two instalments of principal on the French Loans, becoming

due 1788	871,022.87
Spanish Loan, one year's Interest due thereon	8,700
Debt due to Foreign Officers, one years Interest thereon	11,185.55

891,508.52

Domestic Debt; one years Interest thereon
1,700,407

Making in the whole the sum of
3,009,798.58

And as there has been demanded from the States in the years 1784, 1785, and 1786 1,200,000 dollars in Specie more than was necessary for the services of those years.

Resolved That the aforesaid sum of 1,200,000 dollars, together with 109,391.64 dollars in the hands of the Commissioners of Loans in Holland, be and hereby are appropriated to the payment of the Specie part of this requisition anything in former requisitions to the contrary

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notwithstanding and shall be applied in conformity with the several appropriations in the proceeding part of this report giving preference according to the order in which they are stated in the estimate.

As 1,700,407 dollars, called for are to be applied to the payment of the payments of the interest due on the domestic debt of the United States.

Resolved That the several States be allowed to discharge the same by Indents for Interest on Loan Office Certificates and upon other Certificates of the liquidated debts of the United States *in such manner as they judge most expedient*, and to ascertain the evidences of Interest due on Loan Office Certificates, the holders thereof respectively shall be at liberty to carry them to the Office from which they issued, and the holders of other Certificates of liquidated debts of the United States to carry the same to the Loan Office of that State whereon they are Inhabitants of if Foreigners to any Loan Office within the United States and to have the interest thereon settled and certified to the last day of the year 1786 any thing in the requisitions for the years 1784, 1785 and 1786 to the contrary notwithstanding.

Resolved That the quotas of the several States of the aforesaid sum of 1,799,407 dollars, in Indents be as follows, viz.

New Hampshire	59,684
Massachusetts	254,381
Rhode Island	36,558
Connecticut	149,976
New York	145,555
New Jersey	94,372
Pensylvania	232,616
Delaware	25,506
Maryland	160,349
Virginia	290,770
North Carolina	123,450
South Carolina	108,996
Georgia	18,194

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Is 1,700,407

That the foregoing requisition is made in virtue of the powers of the Confederation and is obligatory on the States as such, and when paid shall be passed to the credit of the States respectively, on the terms prescribed by the resolve of Congress of the 6'day of Oct. 1779.

Resolved That the Board of Treasury furnish the several Loan Officers with Indents to be issued for Interest as aforesaid and also with such checks and instructions as they from time to time shall judge necessary to prevent counterfeit certificates of debts from obtaining a settlement of Interest and to detect counterfeit evidences of Interest and thereby to avoid receiving them in discharge of taxes; which Indents of Interest being parted with by the holders of the principal shall be deemed evidence that he has received satisfaction for the same and therefore shall be receivable from the bearer in lieu of money in any other State in the Union as well as in the State in which they were issued. That the State paying such Indents of Interest into the Federal Treasury shall have credit therefor, which payment shall be considered as a discharge of the Interest on the domestic debt in the proportion that each State avails itself of the said Indents of Interest, but no State shall a have a right to pay more than its quota as specified in the existing requisitions of Congress in the said Indents of Interest.

Resolved That the Board of Treasury be and they are hereby directed to transmit to each State an Account of their respective Arrears in Specie and in Indents, to state to them the impediments that the public service has suffered, and the accumulation of foreign and domestic embarrassments that have arisen from their delinquency, to press upon them the absolute necessity of their making payment of the Arrears in Specie, as it is the only fund on which Congress can rely for the support of the Federal Government and to remind those States who continue particularly delinquent, that they must be considered as responsible for all the evils which will inevitably flow from a disregard to the political obligations by which they are constitutionally bound.

Resolved That such part of the requisitions of the years 1784, 1785 and 1786 as restricts the receit at the public Treasury of Indents of Interest without a certain proportion of Specie, those parts which declare that after a certain day those States which have not paid their quotas shall be held to pay the same in Specie and such part as prevent the receiving of the Indents issued in one year in payment of taxes for another be and they are hereby repealed. And it is hereby declared that the Indents issued in 1784, 1785 and 1786 or under the present requisition shall be indiscriminately received in payment of any States quota of Indents of Interest.

October 12, 1787 –

1) On a report of the board of treasury in consequence of the Act of 18 July

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Resolved That the balance of the appropriation for the Barbary treaties of the 14 February 1785 not hitherto applied to that Object be and it is hereby constituted a fund for redeeming the American captives now at Algiers and that the same be for this purpose subject to the direction of the Minister of the United States at the court of Versailles.

That the Acts of Congress of the 14 February 1785 and such part of the resolves of the 18th July 1787 as directs provision to be made for the above object be and they are hereby repealed.

2) On motion of Mr. [Rufus] King seconded by Mr. H. Lee

Resolved that Congress proceed to the election of a minister plenipotentiary to reside at the Court of France and that his commission commence from the expiration of the present commission of the honorable Thomas Jefferson and continue in force for the term of three years unless sooner revoked by Congress.

Congress accordingly proceeded to the Election and the ballots being taken

The honorable Thomas Jefferson was elected.

3) [Report of Postmaster General on route of Southern mail]

SIR: Having been honored by a Reference of the enclosed Motion, I beg leave to Report;

That as the route therein proposed has not been the Post's Route, it has not been visited either by myself or my Assistant, for which Reason I have not a sufficient Acquaintance with it to enable me to form a proper Judgement respecting it.

That, from consulting a Map of the Country, and Information received otherwise, the proposed Route appears to be shorter than the present, and that some large Ferries would be avoided by adopting it, which are Advantages worthy of Attention;

That, on the other hand, Disadvantages present themselves. Should the proposed Route be adopted, the Sea Ports, which are important on Account of their Connection with foreign Countries, as well as with the several Parts of the Union, would be deprived of an Advantage they have always hitherto enjoyed, and the Union itself might suffer by closing these Avenues through which Information from foreign Parts might pass; this Measure would also, beyond a doubt, excite Discontents and Clamors throughout the whole Extent of Sea Coast, from Virginia to Georgia. Should Cross Posts be proposed to prevent these Inconveniences, new Difficulties arise from the Expence attending their Establishment, which must be great; the following will be necessary, viz.

From the new Route to Suffolk;

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to Edenton;

to Newbern;

to Wilmington;

to George Town;

to Charleston;

and to Savannah.

This Expence, which cannot now be calculated for want of necessary Data, added to that of the whole Line from Petersburg to Augusta, I apprehend, will considerably exceed what is paid at present for the Carriage of the Mail from Petersburg to Savannah; and should the Population of the Country not be equal, the Income will be proportionably be less.

That, as Trade is the principal, and almost only, Support of the Post Office Department, and the important trading Towns lie generally on the Sea Coast, it is to be geared that the proposed Alteration would materially injure the Revenue, and thus, while it increased Expences, would deprive of the means of paying them

That, as no hint of an Alteration of the Post Road has been publicly given, and the Route from Suffolk to *Savannah* has been particularly mentioned, in the Advertisement from this Office, pursuant to a former Act of Congress; the Proposals will undoubtedly be for Contracts upon that Route; and that there is not sufficient Time remaining between this and the last Day of December, to advertise for, and receive Proposals for Contracts, to establish Post Offices, and make the other Arrangements which an Alteration of the Road will render necessary.

Upon the whole, Sir, I beg leave to give it as my Opinion that it will not be adviseable to make the proposed Alteration in the Post Road, before particular Information can be obtained respecting the various Circumstances necessary to be attended to; the coming Year will furnish sufficient Opportunity for collecting it; and, should the Measure then be deemed expedient, the Alteration may be made, free from present Embarrassments, at least from such as unavoidable arise from the advanced Period of the present Contract.

It is evidently proper to vest in the Postmaster General the discretionary Power mentioned in the concluding Paragraph of the Motion, and I think a considerable Saving might be made if he possessed it throughout the whole Extent of the Post Road. At present he is obliged to contract with Proprietors of the Stages, if it is *practicable*, without attending to any other Circumstance; it was so last Year; and the Proprietors made their Advantage of it; for, knowing the Restrictions he was under, some of them demanded, and he was obliged to allow them a larger Sum for

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carrying the Mail for this Year than was allowed for the last. I have Information upon which Dependance can be placed, that the Demands are now to be still more increased, and a Reference to the Act of Congress of the 26th July last will convince your Excellency that I am under the same Restrictions as before. It is unnecessary to enlarge here, as the Files of Congress already contain a full Discussion of this Subject; I shall therefore take the Liberty of respectfully submitting the above Remarks and of assuring your Excellency that I have the Honor to be, etc.

EBEN HAZARD

October 15, 1787 –

1) On motion of Mr. H[enry] Lee seconded by Mr. [Edward] Carrington

Resolved That the postmaster general be and he is hereby authorised to contract for the transportation of the mail for the year 1788 by stage carriages or horses as he may judge most expedient and beneficial; provided that preference is given to the transportation by stages to encourage this useful institution, when it can be done without material injury to the public and that the Mail be conveyed three times per week from the first of May to the first of November and twice a week from the first of November to the first of May from Portland in Massachusetts to Suffolk in Virginia; and twice a week from the first of May to the first to November and once a week from the first of November to the first of May from Suffolk to Savannah in Georgia.

On motion

Resolved That the postmaster general be and he is hereby authorised to alter the route from Petersburg in Virginia to Savannah in Georgia, to Augusta in Georgia provided he may judge it beneficial and expedient and that in case of such alteration he establish cross posts agreeably to the principles provided in the resolve of the 15th of February 1787, to the commercial towns on the sea coast.

October 16, 1787 –

1) On motion of Mr. H[enry] Lee

Resolved That Congress proceed to the election of the judges for the western territory and the commissioners for settling the Accounts between the United States and the individual States.

Accordingly Congress proceeded to the Election of the Judges and the ballots being taken

Samuel Holden Parson Esq.

John Armstrong jun. Esq.

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James Mitchell Varnum esq. were elected.

Congress proceeded to the election of Commissioners but not coming to a choice the election was postponed till the morrow.

2) On Motion of Mr. [Edward] Carrington

Resolved Unanimously That a medal of gold be struck and presented to the Chevalier John Paul Jones in commemoration of the valour and brilliant services of that Officer in the command of a squadron of French and American ships under the flag and commission of the United States off the coast of Great Britain in the late war; And that the Honorable Mr. Jefferson Minister plenipotentiary of the United States at the Court of Versailles have the same executed with the proper devices.

Resolved That a letter be written to his Most Christian Majesty informing him that the United States in Congress Assembled have bestowed upon the Chevalier John Paul Jones this medal as well in consideration of the distinguished marks approbation which his Majesty has been pleased to confer upon that Officer as from a sense of his merit; And that as it is his earnest desire to acquire greater knowledge in his profession, it would be acceptable to Congress that his Majesty would be pleased to permit him to embark with his fleets of evolution; convinced that he can no where else so well acquire that knowledge which may hereafter render him more extensively useful.

Ordered That the Sec. for foreign Affairs prepare a letter for the above purpose to be signed by the president; And that the Chevalier J.P. Jones be the bearer of the said letter.

3) Draught of a Commission and letter of credence for Mr. Jefferson made out of the 12 Oct. reappointing him Minister plenipotentiary at the court of France.

Commission

The United States of America in Congress Assembled to our trusty and well beloved Thomas Jefferson esq. send Greeting

We reposing especial trust and confidence in your integrity and ability have nominated constituted and appointed and by these presents do nominate constitute and appoint you the said Thomas Jefferson our Minister plenipotentiary to reside at the court of his Most Christian Majesty and do give you full power and authority there to represent us and to do and perform all such matters and things as to the said place or Office doth appertain or as may by our instructions be given unto you in Charge. This commission to commence and take effect from and after the tenth day of March next and continue in force for the space of three years thence ensuing unless sooner revoked. In testimony whereof we have caused the Seal of the United

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States to be hereunto affixed. Witness his Excellency Arthur St. Clair our president this twelfth day of October One thousand seven hundred and eighty seven and of our Sovereignty and independence the twelfth.

The letter of Credence

We the United States in Congress Assembled have given to Thomas Jefferson esq. a new commission to represent us at your Majesty's court, which is to commence at the expiration of his present one; and we beseech your Majesty to give entire credit to whatever he shall deliver on our part especially when he shall assure you of the sincerity of our friendship.

We pray God to keep your Majesty under his holy protection. Done at the city of New York the 12th day of Oct. in the year of our Lord 1787 and of our sovereignty and independence the twelfth.

The Secretary for foreign Affairs reports that agreeably to the Order of the 16 he hath prepared the following letter to his Most Christian Majesty which having been duly signed and countersigned was delivered to the chev. J.P. Jones.

GREAT AND BELOVED FRIEND

We the United States in Congress Assembled in consideration of the distinguished marks of approbation with which your Majesty has been pleased to honor the chevalier J Paul Jones as well as from a sense of his merit have unanimously directed a medal of gold to be struck and presented to him in commemoration of his valour and brilliant services while commanding a squadron of French and American ships under our flag and commission off the coast of Great Britain in the late war.

As it is his earnest desire to acquire greater knowledge in his profession we cannot forbear requesting the favour of your Majesty to permit him to embark with your fleets of evolution where only it will be probably in his power to acquire that degree of knowledge which may hereafter render him more extensively useful.

Permit us to repeat to your Majesty our sincere assurances that the various and important benefits for which we are endebted to your friendship will never cease to interest us in whatever may concern the happiness of your Majesty, your family and people.

We pray God to keep you, our Great and beloved friend, under his holy protection.

Done at the city of New York on the 16th day of Oct. in the year of our Lord 1787 and our Sovereignty and independence the twelfth.

4) [Motion of Mr. Grayson]

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Motion of Mr. Grayson recommendation to N C and Georgia to cede claims of W territory.

October 20, 1787 –

1) On the report of a committee consisting of Mr. [William] Grayson, Mr. [Abraham] Clarke and Mr. [David] Ross to whom was referred a Motion for a representation to the states of North Carolina and Georgia on the subject of surrendering a liberal portion of their territorial claims.

Resolved That it be and it is hereby represented to the states of North Carolina and Georgia that the lands which have been ceded by the other states in compliance with the recommendation of this body are now selling in large quantities for public securities, that the deeds of cession from the different states have been made without annexing an express condition that they should not operate until the other states under like circumstances made similar cessions, and that Congress have such faith in the justice and magnanimity of the States of North Carolina and Georgia that they only think it necessary to call their attention to these circumstance not doubting but upon consideration of the subject they will feel those obligations which will induce similar cessions and justify that confidence which has been placed in them.

2) On a report of the Secretary of the United States for the department of foreign Affairs to whom was referred a letter of the second of this present month October from P. Bond esq. enclosing a commission from his Britannic Majesty constituting George Miller esquire his Consul and deputy commissary in the states of North Carolina South Carolina and Georgia.

Whereas George Miller esquire has communicated to the United States in Congress assembled a Commission in due form bearing date the 5th day of January 1787 from his Britannic Majesty constituting him the Consul of his said Majesty in the states of North Carolina South Carolina and Georgia. And although no commercial treaty or convention subsists between his Majesty and the United States whereby either have a perfect right to establish consuls or commissaries in the dominions of the other yet as the United States are disposed by every proper mark of liberality and attention to promote a good correspondence between the two countries and particularly as amicable Negociations are now depending between them therefore

Resolved That the said George Miller be and he is hereby received and recognized as the Consul of his Britannic Majesty throughout the states of North Carolina, South Carolina and Georgia and that his Commission be recorded in the Secretary's Office.

Resolved That all the privileges, pre-eminences and authority which the laws of Nations and of the land give a consul received by the United States from any Nation with whom they have no commercial treaty or convention are due and shall be enjoyed by the said George Miller as

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consul for the three states abovementioned and that certified copies of these resolutions be transmitted to the executives thereof for their information.

3) On Motion of Mr. [John] Kean seconded by Mr. H[enry] Lee

Ordered That the Sec. of Congress report the form of a commission for the governor, the secretary and the judges of the Western territory.

4) On motion of Mr. [Edward] Carrington seconded by Mr. [William] Irvine

Resolved That the postmaster general be and he is hereby authorised and instructed to alter the present rates of postage so as to reduce them as nearby twenty five per centum as will consist with the present mode of calculating pennyweights and grains of silver in order to reduce them to the currencies of the several states and that he make the necessary arrangements so that that new rates may take place on the fifth day of April next.

And whereas large packets would frequently be sent by post if a proportionably less rate of postage were charged for them than for letters.

Resolved That the postmaster general be and he hereby is authorized to fix such rates per pound weight for the carriage if such packets as he may judge will be most likely induce persons to send such by post.

October 22, 1787 –

1) On a report of a committee consisting of Mr. [Edward] Carrington, Mr. [Rufus] King, Mr. [Nathan] Dane, Mr. [James] Madison and Mr. [Joseph Platt] Cook to whom was referred a letter of the Secretary at War of the 26 of April last,

Resolved That a million Acres of land to be bounded east by the seventh range of townships, south by the land contracted for by Cutler and Sargent and to extend north as far as the ranges of townships and westward so far as to include the above quantity, also a tract to be bounded as follows beginning at the mouth of the river Ohio thence up the Mississippi to the river Au Vause, thence up the same until it meets a west line from the mouth of the little Wabash thence easterly with the said West line to the Great Wabash, thence down the same to the Ohio and thence with the Ohio to the place beginning, be reserved and set apart for the purpose of satisfying the military bounties due the late Army and that no locations other than for the said bounties be permitted within the said tract until they shall be fully satisfied.

That the Secretary at War take measures for ascertaining the existing claims for such bounties and that the Geographers proceed to have the same surveyed under the direction of the Secretary at War agreeably to the terms upon which they have been promised.

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2) On motion of Mr. H[enry] Lee seconded by Mr. [William] Irvine

Resolved That the governor of the western territory be and he is hereby empowered to hold a general treaty with the adjacent Indian tribes in the ensuing Spring, if in his judgement the public good requires it and that he be authorised to draw for such sums of the money appropriated by the resolve of Congress of the 12th instant as may be necessary to effect this object, not exceeding in the whole the sum of fourteen thousand dollars.

October 23, 1787 –

1) On the report of a committee consisting of Mr. [John] Kean, Mr. [Abraham] Clarke and Mr. [William] Grayson to whom were referred draughts of Commissions for the Governor the Secretary and the Judges of the territory of the United States North West of the river Ohio.

Resolved That the following forms be adopted

For the Governor

The United States in Congress Assembled to A.S. Esq.

We reposing special trust and confidence in your integrity prudence and ability have constituted and appointed and by these presents do constitute and appoint you the said A.S. Governor in and over the territory of the United States of America north west of the river Ohio and commander in chief of the militia therein, to order and rule and govern the same conformably to the Ordinance of the 13 July 1787 entitled "An Ordinance for the government of the territory of the United States north west of the river Ohio" which is hereto affixed. And we do hereby give and grant to you the said A S all the powers authorities and prerogatives assigned to the governor of the said territory in and by the said Ordinance. And we do strictly enjoin all persons to pay due Obedience to this our commission. This commission to take effect from the first day of February 1788 and to continue in force for the term of three years thereafter unless sooner revoked by Congress. In testimony &c.

For the Secretary

The United States on Congress Assembled to W. S esq.

We reposing special trust and confidence in your fidelity diligence and integrity have constituted and appointed and by these presents do constitute and appoint you the said W S Secretary in and for the territory of the United States of America north west of the river Ohio to execute and perform all the duties directed by the Ordinance of the 13 July 1787 entitled "an Ordinance for the government of the territory of the United States north west of the river Ohio" which is hereto annexed, giving to you the said W S all the powers and authorities

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assigned to the Secretary of the said territory in and by the said Ordinance Aforesaid, and we do enjoin all persons to pay due Obedience to this our commission. This commission to take effect from the first day of February 1788 and to continue in force for the term of four years thereafter unless sooner revoked by Congress. In testimony &c.

For the Judges

The United States in Congress Assembled to -

We reposing special trust and confidence in your wisdom Uprightness and integrity have constituted and appointed and by these presents do constitute and appoint you the said ___ One of the Judges in and over the territory of the United States of America north west of the river Ohio with full power and authority in conjunction with one or more of the judges of the said territory to form a court with all these powers and authorities incident to a court having a common law jurisdiction and to exercise all such powers and perform and execute all duties directed by the Ordinance of the 13 July 1787 entitled "An Ordinance for the government of the territory of the United States north west of the river Ohio" which is hereto affixed, giving to you the said ___ all the powers and authorities assigned to a judge of the said territory in and by the Ordinance aforesaid and we do enjoin all persons to pay due Obedience to this our commission. This commission to continue and be in force during good behavior or during the existence of the government established by the Ordinance aforesaid, you residing within the said territory. In testimony &c.

<u>October 25, 1787</u> –

1) On Motion of Mr. H[enry] Lee seconded by Mr. [Edward] Carrington

Resolved That the Minister of the United States at the Court of Versailles be and he hereby is authorised and instructed to represent to his Danish Majesty that the United States continue to be very sensibly affected by the circumstances of his Majesty's having caused a number of their prizes to be delivered to Great Britain during the late War and the more so as no part of their conduct had forfeited their claim to those rights of hospitality which civilized Nations extend to each other. That not only a sense of the justice due to the Individuals interested in those prizes but also an earnest desire that no subject of discontent may check the cultivation and progress of that friendship which they wish may subsist and increase between the two Countries, prompt the United States to remind his Majesty of the transaction in question and they flatter themselves that his Majesty will concur with them in thinking that as restitution of the prizes is not practicable, it is reasonable and just that he should render and that they should accept a compensation equivalent to the value of them.

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That the said Minister be further authorised and instructed finally to settle and conclude the demands of the United States against his Danish Majesty on account of the prizes aforesaid by such composition and on such terms as may be the best in his powers to obtain and that he be directed to retain in his hands all the Money so recovered till the further Order of Congress.

That the said Minister be and he is hereby authorized in case he shall think it proper, to dispatch the Chevalier J.P. Jones or any other Agents to the Court of Denmark with such powers and Instructions relative to the abovementioned Negotiation as in his judgment may be most conducive to the successful issue thereof; provided that the ultimate conclusion of the business be not made by the Agent without the previous approbation of the said Minister.

That the person employed shall, for his Agency in the business aforesaid, be allowed five per Cent for all expences and demands whatever on that Account.

Ordered That the Board of Treasury transmit to the Minister of the United States at the Court of Versailles all the necessary documents relative to the prizes delivered up by Denmark.

CHARLES THOMSON, *Secretary*

October 26, 1787 –

1) On the report of a committee consisting of Mr. [John] Kean, Mr. [Abraham] Clarke and Mr. [William] Grayson to whom was referred a motion of Mr. H[enry] Lee the directions to report instructions for holding treaties with the northern and southern Indians

Resolved That the executive or legislative if they be in session, in the states of North Carolina South Carolina and Georgia be and they are hereby authorised to appoint each of them one commissioner; who shall in conjunction with the Superintendant of Indian Affairs for the Southern department or in his absence by themselves negotiate a treaty for the establishing peace between the United States and the tribes of Indians in the Southern department; and any two of the commissioners to be appointed as aforesaid in conjunction with the Superintendant or in case of the absence of the Superintendant any two of the said commissioners agreeing their decision shall be final and conclusive; And that the said commissioners shall each be allowed five dollars a day for the time they shall be employed in that business in full for their services and expences exclusive of their expences at the place or places where the treaties shall be held.

That the sum of six thousand dollars being a part of the Sum appropriated by the resolution of the twelfth of the present month for holding Indian treaties in addition to the goods in the hands of the former commissioners for holding a treaty with the southern Indians be applied to holding the said treaty at such time and at such places as shall be appointed by the

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Superintendant of Indian Affairs for the Southern department in conjunction with the executive of the State of North Carolina for the treaty with the Cherokees, and with the executive of Georgia for that with the Creek Nations; or in case of the absence of the Superintendant then the time and place to be appointed by the executive of Each state in manner aforesaid. The aforesaid sum to be in full for all charges of whatsoever nature they may be relative to the said treaty including the pay of the commissioners and militia; And that the states of North Carolina, South Carolina and Georgia be called on to furnish the aforesaid sum in equal proportions to be credited in requisitions on Congress.

That the commissioners aforesaid be and they hereby are authorised to apply to the States of North Carolina, South Carolina and Georgia for any number of men not exceeding one hundred of their militia for the purpose of guarding and protecting the stores and goods necessary for carrying on the said treaty.

Instructions to the Commissioners for negotiating a treaty with the tribes of Indians in the Southern department for the purpose of establishing peace between the United States and the said tribes.

GENTLEMEN:

Several circumstances rendering it probable that Hostilities may have commenced, or are on the Eve of commencing between the State of North Carolina and the Cherokee Nations of Indians. You are to use every endeavor to restore peace and harmony between the said States and the said Nations on terms of Justice and humanity.

The great source of Contention between the said States and the Indian tribes being boundaries, you will carefully enquire into, and ascertain the boundaries claimed by the respective States, and altho' Congress are of Opinion that they might Constitutionally fix the bounds between any State and an Independent Tribe of Indians, yet unwilling to have a difference subsist between the general government and that of the Individual States, they wish you so to conduct the matter, that the States, that the States may not conceive their Legislative rights in any manner infringed, taking care at the same time that bounds are agreed upon they may be described in such terms as shall not be liable to misconstruction and misrepresentation, but may be made clear to the Conceptions of the Indians as well as whites.

The present Treaty having for its principal object the restoration of peace, no Cession of land is to be demanded of the Indian Tribes.

You will use the utmost care to ascertain who are the leading men among the several Tribes, the real head men and Warriors, these you will spare no pains to attach to the interest of the United States, by removing as far as may be all causes of future Contention or quarrels, by kind

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treatment and assurances of protection, by presents of a permanent Nature, and by using every endeavor to conciliate the Affections of the white people inhabiting the frontiers towards them.

You will encourage the Indians to give Notice to the Superintendant of Indian Affairs of any designs that may be formed by any Neighboring Indian tribe, or by any person whatever, against the peace of the United States.

You will insist that all prisoners of whatever age, sex, or Complexion be delivered up, and that all fugitive Slaves belonging to Citizens of the United States be restored.

Instructions to the Governor of the Territory of the United States, North West of the River Ohio, relative to an Indian Treaty in the Northern department,

SIR: You are carefully to examine into the real Temper of the Indian tribes inhabiting the Northern Indian department of the United States, if you find it hostile, and that the welfare of the frontiers, and the Settlements forming in that Country demand a Treaty, you will then in conjunction with the Superintendant of Indian Affairs for the Northern department, unless the attendance for the said Superintendant shall be prevented by any unforeseen event hold as general a one as you can with all the Tribes.

The primary objects of the Treaty are the removing all causes of controversy, so that peace and harmony may continue between the United States and the Indian Tribes, the regulating trade and settling boundaries. For these purposes you will do every thing that is right and proper.

The Treaties which have been made may be examined but must not be departed from, unless a change of boundary beneficial to the United States can be obtained.

Altho' the purpose of the Indian right of Soil is not a primary object of holding this Treaty, yet you will not Neglect any opportunity that may Offer of extinguishing the Indian rights to the Westward as far as the River Mississippi.

You may stipulate that the East and West line Ordered to be run by the Ordinance of the 29th May 1785 shall be the boundary between the United States and the Indian tribes; provided they stipulate that it shall run throughout unto the River Mississippi, and you may Stipulate that any white persons going over the said boundary without a Licence from the proper Officer of the United States may be treated in such manner as the Indians shall think proper.

You will use every possible endeavor to ascertain who are the real headmen and Warriors of the several Tribes, and who have the greatest influence among them, these men you will attach to the United States by every means in your power.

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Every exertion must be made to defeat all Confederation and Combinations among the tribes, and to conciliate the white people inhabiting the frontiers towards them.

Resolved that if under the authority given the 22d day of the present month to the governor of the territory of the United States north west of the river Ohio he shall think it expedient to hold a treaty with the Indian tribes in the Northern department, he shall apply to the commanding officer of the troops of the United States for such a number of men as he may deem proper for guarding and protecting the stores and goods necessary for holding the said treaty and the commanding Officer of the troops of the United States shall cause the said number of men to be marched to such place and at such time as shall be directed by the governor.

(See Secret Journal for domestic affairs for Instructions to committee this date.)

October 27, 1787 –

1) On motion of Mr. [Abraham] Clarke seconded by Mr. [Dyre] Kearny

Resolved that in case the governor of the western territory shall find it necessary to hold a treaty with the Indians as empowered by the resolution of the 22d instant, he conduct the same in conjunction with the Superintendant of Indian affairs for the Northern department unless the attendance of the said Superintendant shall be prevented by any unforeseen event.

NOTES FROM THE DEBATES

February 21, 1787 –

1) The Report of the Convention at Annapolis in September 1786 had been long under consideration of a Committee of the Congress for the last year; and was referred over to a Grand Committee of the present year. The latter committee after considerable difficulty and discussion, agreed on a report by a majority of *one* only [see the Journal], which was made a few days ago to Congress and set down as the order for this day. The Report coincided with the opinion held at Annapolis that the Confederation needed adjustments and the proposed Convention was the most eligible means of effecting them. The objections which seemed to prevail against the recommendation of the Convention by Congress, were with some 1. That it tended to weaken the federal authority by lending its sanction to an extraconstitutional mode of proceeding – with others 2. That the interposition of Congress would be considered by the jealous as betraying an ambitious wish to get power into their hands by any plan whatever that might present itself. Subsequent to the Report, the Delegates from N. York received instructions from its Legislature to move in Congress for a recommendation of a convention; and those from Massachusetts had, it appeared, received information which led them to

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suppose it was becoming the disposition of the Legislature of that State to send deputies to the proposed Convention in case Congress should give their sanction to it. There was reason to believe however from the Language of the instructions from N York that her object was to obtain a new convention, under the sanction of Congress rather than to accede to the one on foot, or perhaps by dividing the plans of the States in their appointments to frustrate all of them. The latter suspicion is in some degree countenanced by their refusal of the Impost a few days before the instruction passed, and by their other marks of an unfederal disposition. The Delegates from N.Y. in consequence of their instructions made the motion on the Journal to postpone the Report of the Committee in order to substitute their own proposition. Those who vote against it, considered it as liable to the objection abovementioned. Some who voted for it particularly Mr. Madison considered it susceptible of amendment when brought before Congress interposed in the matter at all it would be well for them to do it at the instance of a State, rather than spontaneously. This motion being lost, Mr. Dane from Massachusetts, who was at bottom unfriendly to the plan of a Convention, and had dissuaded his State from coming to it, brought forward a proposition, in a different form, but liable to the same objection with that from N. York. After some little discussions, it was agreed on all sides except by Connecticut who opposed the measure in every form, that the Resolution should pass as it stands on the Journal, sanctioning the proceedings & appointments already made by the States as well as recommending farther appointments from other States, but in such terms as do not point directly to the former appointments.

It appeared from the debates & still more from the conversation among the members that many of them considered this resolution as a deadly blow to the existing Confederation. Doctor Johnson who voted against it, particularly declared himself to that effect. Others viewed it in the same light, but were pleased with it as the harbinger of a better Confederation.

The reserve of many of the members made it difficult to decide their real wishes & expectations from their present crisis of our affairs. All agreed & owned that the federal Government in its existing shape was inefficient & could not last long. The members from the Southern & Middle States seemed generally anxious for some republican organization of the system which would preserve the Union and give due energy to the Government of it. Mr. Bingham alone avowed his wishes that the Confederacy might be divided into several distinct confederacies, its great extent & various interests, being incompatible with a single Government – The Eastern members were suspected by some of leaning towards some antirepublican establishment,(the effect of their late confusions) or of being less desirous or hopeful of preserving the Unity of the Empire. For the first time the idea of separate Confederacies had got into the Newspapers. It appeared to day under the Boston head. Whatever the views of leading men in the Eastern States may be, it would seem that the great body of the people particularly in Connecticut, are

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equally indisposed either to dissolve or divide the Confederacy or to submit to any antirepublican innovations.

Nothing noted till

March 13, 1787 –

1) Col. Grayson & Mr. Clarke having lately moved to have the military stores at Springfield in Massachusetts removed to some place of greater security, the motion was referred to the Secretary at War, who this day reported against the same as his report will shew. No opposition was made to the report, and it seemed to be the general sense of Congress that his reasons were satisfactory. The movers of the proposition however might suppose the thinness of Congress (S States only being present) to bar any hope of successful opposition.

2) Memorandum Called with Bingham today on Mr. Guardoqui, and had a long conversation touching the Western Country – the Navigation of the Mississippi – and commerce; as these objects relate to Spain & the U.S. Mr. B opened the conversation with intimating that there was reason [to] believe the Western people were exceedingly alarmed at the idea of the projected Treaty which was to shut up the Missippi and were forming committees of correspondence &c for uniting their councils & interests. Mr. Guar. with some perturbation replied that as a friend to the U.S. he was sorry for it, for they mistook their interest; but that as the Minister of Spain, he had no reason to be so. The result of what fell in the course of the conversation from J.M. & Mr. B was, that it was the interest of the two nations to live in harmony.

That if Congress were disposed to treat with Spain on the ground of a cession of the Missippi, it would be out of their power to enforce the treaty – that an attempt would be the means of populating the Western Country with additional rapidity - that the British had their eye upon the field, would countenance the separation of the Western from the Eastern part of N.A.; promote the settlement of it, and hereafter be able to turn the force springing up in that quarter against Spanish America, in cooperation with their naval armaments – that Spain offered nothing in fact to the U.S. in the commercial scale which she did not grant to all other nations from motives of interest.

Mr. Guardoqui would not listen to the idea of a right to the navigation of the Missippi by the U.S. contending that the possession of the two banks at the mouth shut the door against any such pretension. Spain would never give up this point. He lamented that he had been here so long without effecting anything; and foresaw that the consequences would be very disagreeable. What would these consequences be? – he would answer by repeating general expression – Spain could make he own terms he said with G. Britain. He considered the commercial connection proposed as entirely in favor of the U.S. & that in a little time the ports

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of Spain would be shut against fish. He was asked whether against all fish or only fish from U.S.; from all places not in treaty he said with Spain. Spain would act according to her own ideas. She would not be governed by other peoples' ideas of her interest.

He was very sorry for the instructions passed by Virginia he foresaw bad consequences from them. He had written to soften the matter as well as he could but that troops & Stores would certainly reinforce N. Orleans in consequence of the Resolutions.

He had not conferred at all with the Minister of For. Affairs since October and did not expect to confer again – He did not be a true prophet – but it would be found that we mistook our interest, and that Spain would make us feel the vulnerable side of our commerce by abridging it in her ports.

With an air of ostensible jocoseness he states that they people of Kentucky would make good Spanish subjects, and that they would become such for the sake of the privilege annexed to that character.

He seemed to be disposed to make us believe that Spain & Britain understood one another – that he knew the views of G. Britain in holding the Western posts – and that Spain had it in her power to make G.B. bend to her views. He effected a mysterious air on this point, which only proved that he was at a loss what to say to the probability and tendency of a connection between G.B. & the Western settlements, in case the Mississippi be given up by Congress.

He intimated that Spain could not grant any inlet of the American trade by *Treaty*; but that in case of a treaty, trade thro' the MIssippi as well as other channels would be winked at.

In speaking of the MIssippi and the right of Spain he alluded to the case of Tagus which Spain had never pretended to a right of navigating thro' Portugal. It was observed to him that that in estimating the rights of nations in such cases regard must be had to their respective proportions of territory on the River – Suppose Spain held only 5 acres on each side at the mouth of Missippi would she pretend to an exclusive right in such case? He said that was not the case; Spain had a great proportion. *How much?* After some confusion & hesitation he said she claimed at least as far as the Ohio. We smiled & asked how far Eastwardly from the Mississippi. He became still more at a loss for an answer & turned it off by insinuating that he had conversed on that matter with the Secretary of F. Affairs.

He was reminded of the doctrine maintained by Spain in 1608, as to the Scheld. He seemed not have known the fact, and resolved it into some political consideration of the times.

He was asked whether the partition of the B. Empire could deprive this part of it of the natural rights appertaining to the King of G.B. as King of this Country – and even whether the rupture of

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G.B. & Spain could deprive, in justice, the U.S. of Rights which they held under Treaty of 1763 whilst they remained a part of the British Empire? Whether in case no such rupture had happened, the Treaty between Spain & that part of the Empire would have been dissolved by the Resolution? &c &c – He did not seem well to understand the principles into which such questions resolved themselves – and gave them the go by, referring the claim of Spain principally to her conquests of the British possessions in N. America.

He betrayed strongly the anxiety of Spain to retard the population of the Western Country; observing that whenever sufficient force should arise therein, it would be impossible for it be controuled: That any conciliating measures that might be taken now, would have little effect on their temper & views 50 or 100 years hence when they should be in force.

When he rose to take leave, he begged us to remember what he had said as to the inflexibility of Spain of her adherence to her present pretensions.

Nothing till

March 29, 1787 –

1) The Committee appointed to confer with the Treasury Board on the great business of a final settlement of the accounts of the U. States, reported that they be discharged, and the Board instructed to report an ordinance. Mr. King in explanations said that it was the sense of the Comtee and of the Treasury board both, that Commissioners should be appointed with full & final powers to decide on the claims of the States against the Union &c – The Report was agreed to nem. contr.

2) Sundry papers from the Illinois complaining of the grevances of that Country which had arrived by a special express were laid before Congress by the president and committed.

Mr. Mitchell from Connecticut observed that the papers from Virginia communicated yesterday were of a very serious nature, and shewed that we were in danger of being precipitated into disputes with Spain which ought to be avoided if possible; & moved that these papers might be referred to the Committee on the Illinois papers, which was done without opposition; Mr. King only observing that they contained mere information, & did not in his view need any step to be taken on them.

The Virginia delegates comunicated to Mr. Guardoqui the proceeding of the Executive relative to Clarke's seizure of Spanish property, at which he expressed much regret, as a friend to the U.S. though as a Spanish Minister he had little reason to dread the tendency of such outrages. The comunication was followed by a free conversation on the Western Country & the Mississippi. The observations of the delegates tended to impress him 1. With the unfriendly

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temper which would be produced in the Western people both against Spain & the U.S. by a concerted occlusion of the river. 2. With the probability of throwing them into the arms of G.B. – 3. Of accelerating the population of that Country after the example of Vermont – 4. The danger of such numbers under British influence as well to Spanish America as to the Atlantic States – 5. The universal opinion of right in the U.S. to the free use of the River – 6. The disappointment of the people of America at an attempt in Spain to make their condition worse as Citizens of an independent State in amity & lately engaged in a common cause, than as subject of a formidable & unfriendly power – 7. The inefficacy of an attempt in Congress to fulfill a Treaty for shutting the Mississippi & the folly of their entering into such stipulation. 8. That it would be wise in Spain to foresee & provide for events that could not be controlled, rather than to make fruitless efforts to prevent, or procrastinate them.

Mr. G reiterated his assertion that Spain would never accede to the claim of the U.S. to navigate the river. 2. Urged that the result of what was said was that Congress could enter into no Treaty at all. 3. That the trade of Spain was of Great importance & would certainly be shut against U.S., affecting to disregard the remark that if Spain continued to use fish flower &c her interest would restrain her from shutting her posts against the American competition – 4. He signified that he had observed the weakness of the Union & foreseen its probable breach; that he lamented the sanger of it as he wished to see it preserved & strengthened which was more than *France* or any other Nation in Europe did. No reply was made on this remark. The sincerity of his declaration as to his own wishes was not free from suspicion. – 5. He laid much stress on the service Spain had rendered the U.S. during the struggle for their independence, considering it as laying them under great obligations. The reality of the service was not denied, but he was reminded of the interest Spain had in dividing a power which had given the law to the House of Bourbon & compelled Spain to relinquish, as he said, the exclusive use of the Missippi. – 6. In answer to the remark Spain was for putting the U.S. on a worse footing than they stood on as British subjects, he not only mentioned the necessity which dictated the Treaty of 1763, but contended that the recovery of W Florida made a distinction in the case. It was observed to him that as the navigable channel of the Mississippi ran between the Island & the Western Shore, Spain had the same pretext from holding both shores, when Florida was British Colony as since. He would neither accede to the inference, nor deny the fact. - 7. He intimated with a jocular air the possibility of the Western people becoming Spanish subjects; and with a serious one that such an idea had been brought forward to the King of Spain by some person connected with the Western Country, but that his Majesty's dignity & character could never countenance it. It was replied that that consideration was no doubt a sufficient obstacle – but it was presumed that *such subjects* would not be very convenient to Spain. It would be much more for the interest of Spain that they should be friendly neighbours, than refractory subjects. It did not appear that he viewed that matter in a different light. – 8. He disclaimed his having ever assented to or approved of any *limited* occlusion of the Mississippi

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tho' in a manner that did not speak a real inflexibility on that point. 9. It appeared clearly that the check to the Western Settlements was a favorite object & that the occlusion of the Mississippi was considered as having that tendency. 10. The futility of many of his arguments & answers satisfied the Delegates that they could not appear convincing to himself, and the he was of course pursuing rather the ideas of his Court than his own.

April 25, 1787 –

1) Mr. Madison observing to Congress that he found a settled disinclination in some of the delegations to concur in any conciliatory expedient for defending the MIssippi against the operation of the vote *seven States* and that it was hence become necessary to attack directly the validity of that measure to the end that the adversaries to it, and particularly the instructed delegations, might at least discharge their duty in the case, made the following motion:

"Whereas it appears by the Report of the Secretary for the department of For. Affairs made on the ___ instant that in consequence of a vote entered into by Seven States on the ___ day of ___ last, he has proceeded to adjust with Mr. Guardoqui an article for suspending the right of the U.S. to the common use of the River Mississippi below the Southern Boundary: And whereas it is considered that the said vote of seven States having passed in a case, in which the assent of nine States is required by the articles of Confederation, is not valid for the purpose intended by it; and that any further negociations in pursuance of the same may eventually expose the U.S. to great embarrassments with Spain as well as excite great discontents and difficulties among themselves; Resolved that the Sec. for the said department be informed that it is the opinion of Congress that the said vote of seven States ought not to be regarded as authorizing any suspension of the use of the River Mississippi by the U.S.; and that any expectation thereof which may have been conceived on the part of Spain ought to be repressed."

Mr. King reminded Congress that this motion was barred by the rule, that no question should be revived which had been set aside by the previous question, unless the same states or any equal number be present, as were present at the time of such previous question. This rule had been entered into in consequence of a similar motion made shortly after the vote of seven States had passed. Mr. King contended that this rule was a prudent one & recommended by the practice of all deliberative assemblies, who never suffered questions once agitated & decided to be repeated at the pleasure of the unsuccessful party.

Mr. Madison admitted that the rule if insisted on was a bar to his motion; but that he had not expected that it would be called up; being so evidently improper in itself, and the offspring of the intemperance which characterized the epoch of its birth as it was called up however it was because necessary that a preliminary motion for its repeal should be made, and which he

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accordingly made. His objections against the rule were 1. That it was an attempt in one Congress to bind their successors which not only impracticable in itself, but highly unreasonable in the very instance which gave birth to the rule. 12 States were on the floor at that time. 7 were for the previous question. 5 against it. The casting number therefore was but two was not it not unreasonable yet 11 States unanimously of a contrary opinion should be controuled by this small majority when 12 were present; & yet such would be the operation of the rule if 11 States only should at any time happen to be present, altho' they should be unanimous in the case.

2. The operation of the rule in another respect was still far more reprehensible. In the former case the 11 States, or even 7, could extricate themselves by a repeal of the rule. In case a number less than 7 should wish to justify themselves by any particular motion, they might be precluded by such a rule. 6 States instructed by their constituents to make a particular proposition, or to enter a particular protest might be this fettered by a stratagem of 7 States. In the case actually depending 3 States were instructed, and two if not 3 more ready to vote with them.

3. The practice of other Assemblies did not reach this case; and if it did, the reason of it would be inapplicable. The restriction in other assemblies related to the same assembly & even to the same session. Here the restriction is perpetual – In Legislative assemblies no great inconvenience could happen from a suspension of a law for a limited time in Executive Councils, which are involved in the Constitution of Congress and particularly in military operations & negociations. The vicicitude of events would often govern, and a measure improper on one day might become necessary the next.

Mr. Clarke & Mr. Varnum contended that the rules of the Congress for that last year were not in force during the present, and supposed that a repeal was unnecessary.

In the course of this discussion the question as to the validity of the vote of 7 States and the merits of the proposition of Mr. Madison barred by the rule, incidentally came into view. The adversaries to the latter did not maintain the validity, or rather declined studiously giving an opinion on it. They urged only the impropriety of any exposition by Congress of their own powers & of the validity of their own acts" They were answered that the exposition must be somewhere, and more properly with Congress than with one of their *Ministerial* officers – that it was absurd to say that Congress with information on their table that a Treaty with a foreign nation was going on without a constitutional sanction should forbear out of such scruple to arrest it, and prevent the dilemma which would ensue, of either recognizing an unconstitutional proceeding asserted & expounded their own powers and must frequently be obliged to do so. What was the late address to the States on the subject of the Treaty of peace, but an exposition & vindication of their constitutional powers: that in the vote itself: the entry "so it was

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resolved in the affirmative" asserted it to be valid & constitutional; the vote of 7 states when 9 were required being otherwise to be entered like a vote of 6 States in the negative. It appearing to be the inflexible predetermination of the advocates for the Spanish Treaty, to hold fast every advantage they had got, the debate was shortened and an adjournment took place without any question.

Mr. K. in conversation repeatedly, though not in public debate, maintained that the entry "so it was resolved in the affirmative" decided nothing as to the validity of 7 States for yielding the Missippi – and that they amounted to no more than a simple affirmation or summary repetition, of the fact that the said seven States voted in the manner stated ! ! ! !

The question on the motion to repeal the rule was called for. After some conversation Mr. Clarke moved that it might be postponed which was agreed to.

Nothing further was done in this business till Wednesday May 2. when I left N. York for the Convention to be held in Philadelphia.

It was considered on the whole that the project of shutting the Mississippi was at an end; a point deemed of great importance in reference to the approaching Convention for introducing a change in the federal Government, and to the objection to an increase of its power foreseen from the jealousy which had been excited by that project.

BIBLIOGRAPHICAL NOTES

August 6, 1787 –

1) Proposed Constitution, first imprint

588. We the People of the States/of New Hampshire, Massachusetts,/Rhode Island and Providence Plan-/tations, Connecticut, New-York, New-Jersey, Penn-/sylvania, Delaware, Maryland, Virginia, North-Caro-/lina, South-Carolina, and Georgia, do ordain, declare/and establish the following Constitution for the Govern-/ment of Ourselves and our Posterity./ Fo [7 pp.] (printed on one side only)

Copies, which belonged to James Madison, William Samuel Johnson, and David Brearley, are in the Library of Congress. They measure 26.9 x 40.6 cm. This was the report of the committee of five or of detail which was brought in August 6. This is the first Convention imprint of the proposed Constitution and was printed by Dunlap and Claypoole. Ford, *Bid. Const.*, No. 8; Evans, No. 20815.

September 13, 1787 –

1) Proposed Constitution: Report of Committee on Style and Arrangement

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591. We, the People of the United States, in order to form/a more perfect union, to establish peace, insure domestic tranquility, provide/for the common defence, promote the general welfare, and secure the blessings/of liberty to ourselves and our posterity, do ordain and establish this Constitution for the/United States of America. Fo 4 pp. (printed on one side only)

Copies which belonged to David Brearley, William Samuel Johnson, James Madison, and George Washington are in the Library of Congress. They measure 26 x 42.4 cm. These copies bear manuscript changes by the possessors which were made on September 13 to 15 and 17. This report was ordered printed September 12 and was brought in to the Convention September 13. The edition was printed by Dunlap and Claypoole, the type form being the same as that used in the final Convention imprint of the Constitution (No. 592), with printer's corrections. Ford, *Bib. Const.*, No. 9; Evans, No. 20816.

September 17, 1787 –

1) Proposed Constitution: Final Report of the Convention

592. We, the People of the United States, in order to form/a more perfect union, establish justice, insure domestic tranquility, provide/for the common defence, promote the general welfare, and secure the blessing/of liberty to ourselves and our posterity, do ordain and establish this Constitution for the/United States of America./[Colophon] Printed by Dunlap and Claypoole. Fo 6 pp.

This is the official edition of the Convention, consisting of the Constitution, the resolution of the Convention and the letter of Washington to the President of Congress, transmitting the report. Copies of this imprint, which belonged to James Madison and Edmund Pendleton, are in the Library of Congress. They measure 26 x 40.5 cm. The edition of 500 copies was printed after the signing of the engrossed copies of the documents, by Dunlap and Claypoole. The type forms of the Constitution employed for No. 591, with printer's corrections for the changes made from September 13 to 17 inclusive, were used for this printing. This imprint has an error in line seven of Article V, where it reads "seven" instead of "eight". The type forms if this imprint, with the preamble reset in large type and the leads reduced in certain places, were used by Dunlap and Claypoole to print the edition of September 19 of the *Pennsylvania Packet and Advertiser*, No. 2690. The error noted above in the official imprint was corrected in the *Packet*. Ford, *Bib. Const*., No. 10; Evans, No. 20818.

September 28, 1787 –

1) Report of Convention on Form of Government

593. We the People of the United States, in order to/form a more perfect Union, establish Justice,/insure domestic Tranquility, provide for the/common Defence, promote the general Wel-/fare, and secure the Blessings of Liberty to/ourselves and our Posterity, do ordain and/establish this Constitution for the United/States of America./ Fo [4 pp]

This is the official edition of the Congress, signed by Charles Thomson and sent to the States for ratification. A copy is in the Department of State, *Papers of the Continental Congress*, No. 122, wafered between pp. 98-99. This imprint comprises the Constitution, the resolution of the Convention, Washington's letter and the Resolve of Congress of September 28, 1787. It is printed in two columns, apparently in the shop of J. McLean, since the report of the Convention, appears to be printed from the type forms used by McLean in the supplement to the Independent Journal of September 22, with corrections of errors and some resetting to save space in order to include the Report and the Resolve on four pages. An edition of 100 copies of the new Constitution was printed for Congress at a cost of £3-10. The entry appears in Dunlap's account under the date of September

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29. What was apparently a second edition of 100 copies of the new Constitution was printed at a cost of £1-4. The entry for this printing is dated October 3 in Dunlap's account. Ford, No. 450; Evans, No. 20817.

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Summary of 1788 & 1789

Prefatory Note

In one respect the attendance of the States in the Continental Congress during the federal year 1787-88 was the most notable of the 5 years for which a record of States present was kept. This was the only year during the period in which there were sessions when all 13 States were fully represented, a circumstance which occurred during the discussions of the resolution for putting the new Constitution into operation.

The Congress was not organized until January 21, 1788, and transacted it last business on October 13 of the same year. During this interval there was a quorum of 7 States on 132 days. Of these days 13 States were present on 8 days, 12 States on 18 days, 11 States on 19 days, 10 States on 14 days, 9 States on 16 days, 8 States on 29 days, and 7 States on 28 days. On most of the days a single delegate was present from one or more of the remaining States. Thus, including States with only 1 delegate, there were never less than 9 States represented and on more than half of the days there were 12 or 13 States thus represented.

The following table shows the attendance of the several States on the 132 days on which business was transacted:

	Full representation (2 or more Delegates)	1 Delegate present	No Delegate present
New Hampshire	112	20	0
Massachusetts	131	1	0
Rhode Island	32	38	62
Connecticut	71	44	17
New York	87	12	33
New Jersey	113	14	5
Pennsylvania	128	4	0
Delaware	88	28	16
Maryland	77	30	25

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Virginia	132	0	0
North Carolina	65	59	8
South Carolina	130	2	0
Georgia	73	23	36

Virginia, Massachusetts, South Carolina, and Pennsylvania held the best record for attendance. Virginia was present every day on which business was transacted; Massachusetts on every day but one; South Carolina on every day but two; and Pennsylvania on every day but four. The first three of these States were present on practically every day on which the record of attendance was entered in the Journal when there was no quorum.

During seven months from February to September, inclusive, excepting April, sessions were had on from 14 to 21 days in each month. From May to August the attendance was so far continuous that there were only 2 entries with an attendance of 6 States or less. In this year the attendance of 6 States or less is recorded on 50 days. There are also entries for November and December 1788 and January and February 1789 which indicate the dates of the arrival of Delegates for the federal year 1788-89, from 10 States.

A comparison of the attendance of the States for the last 5 years of the Continental Congress is of interest. The table below shows the number of sessions with a quorum of at least 7 States represented by 2 or more delegates and the number of days on which any given number of States was present. The last column gives the numbers of days in each year on which a record was made of the attendance of 6 States or less.

		Number of States present							
Years	Number of sessions with quorum	13	12	11	10	9	8	7	6 or less
	Days	*Days*	*Days*	*Days*	*Days*	*Days*	*Days*	*Days*	*Days*
1783-84	113			31	21	14	16	31	27
1784-85	218		10	36	50	62	38	22	17
1785-86	209		31	17	30	26	36	69	48
1786-87	112			4	10	34	37	27	104

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1787-88	132		8	17	17	16	15	29	28	57

It should be remembered that usually one or more of the States not fully represented has one Delegate present. This attendance is not reflected in the table above.

As in 1787, despite the limited number of sessions the Continental Congress in 1788 considered a great amount of business, as is indicated by the record presented in this volume. The most important matter taken up was the discussion of the preliminaries for setting up the government under the new Constitution. That discussion began in July as soon as nine States had ratified. The interest of the States in this subject is evinced by the attendance at this time. From July 2, the date on which the ratification by the ninth State was announced, until September 13 when final action was taken, 51 sessions were held. In these sessions 13 States were present on 8 days, 12 States on 18 days, 11 States on 16 days, and 10 States on 7 days. The consideration was prolonged by the difficulty in reaching an agreement on the place when the new government should begin its labors. The problem was solved by the resolve of September 13 fixing the time for the several steps in the election and New York as the place of meeting for the new administration.

The question of the disposition of the lands in the Western Territory continued to occupy much attention and a supplement to the land ordinance of May 20, 1785, was adopted on July 9, 1788. Various proposals for the purchase of public lands were presented. Financial matters of importance included the approval of a new Dutch loan, the adoption of a requisition, the consideration of claims of individuals and of the States, and the question of prize money. In foreign relations, diplomatic protests, reception and retirement of ministers, the navigation of the Mississippi and redemption of captives held in the Barbary States were important subjects. Problems in connection with Indian affairs, invalids, the post office, and land cessions of the States, were also discussed. Military affairs were given considerable attention. Special committees to report on the several executive departments made comprehensive reports which were entered on the Journal.

As shown by the committee reports and recorded motions, the most active Delegates in 1788 were Nathan Dane of Massachusetts, Edward Carrington of Virginia, Hugh Williamson of North Carolina, Abraham Clarke of New Jersey, Dyre Kearny of Delaware, Abraham Baldwin of Georgia, and William Irvine of Pennsylvania.

The secretarial force in 1788 consisted of Charles Thomson, secretary, who had served from the beginning of the Continental Congress; Roger Alden, deputy secretary, who began his services on July 21, 1785; Benjamin Bankson, clerk, who took his oath on June 18, 1781; and John Fisher, clerk, who entered the office on February 5, 1785. Robert Patton, who had been doorkeeper

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since January 1785, died on May 8, 1788, and James Mathers was chosen to fill the post on May 15.

The Secretary's Office continued the Public and Secret Journals as well as the several auxiliary records mentioned in the prefatory note to volume XXXII. These records as well as the documents from the files of the Secretary's Office have been utilized in editing this volume. The same plan of inclusion of documents to present the activities of the Congress has been followed as in preceding volumes. It will be noted that numerous documents are mentioned in the footnotes as being read and referred to committee or heads of the departments for which no citations in the *Papers of the Continental Congress* are given. The absence of these documents from the collection is apparently due to the fact that no reports were made on them, and they probably remained in the hands of the committee or department to which they were referred.

The credential of the Delegates, who attended for the Congress for the federal year 1788-89, though never read in a session of the Congress, are nevertheless printed in an appendix in order to conclude the story of the Continental Congress, which actually finished business and subjects negative or obsolete, formed by Secretary Thomson in November 1787, as well as a list of the unfinished business of 1788, taken from the Reports of Committees, Papers of the Continental Congress, no. 189, are given. Bibliographical notes on the imprints of the Congress for 1788 are also included.

January 22, 1788 –

1) Congress proceeded to the election of a president and the ballots being taken, the honorable Cyrus Griffin was elected.

January 25, 1788 –

Note: these two items were in a footnote.

Letter of Frederick Augustus Muhlenberg, President of the Convention of Pennsylvania, to President of Congress, December 15, 1787, transmitting the ratification of the Constitution with a resolution for a grant of lands to Congress. Department of State. See *Documentary History of the Constitution*, vol. 2, p. 27.

Letter of Thomas Collins to Charles Thomson, December 22, 1787, transmitting the ratification of the Constitution by Delaware. Department of State. See *Documentary History of the Constitution*, vol. 2, p. 24.

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February 1, 1788 –

1) A letter of 22 January from Mr. J[ames] White was read stating that as his holding the Office of Superintendant of Indian Affairs is incompatible with the appointment given him by the State of North Carolina as delegate in Congress, he therefore resigns his Office of Superintendant.

2) On the letter of the 2 November from John Sevier informing Congress that he has the honor to preside over a state which he calls the state of Franklin "and that a great majority of the people of that state hold out and contend for an independent and separate government from that of North Carolina agreeable to the cession Act passed June 1784.

The Secretary of Congress reports That on the 20th of Oct. last Congress again brought before the view of North Carolina and Georgia the Subject of surrendering to the Union a portion of their territorial claims in the western country for the general benefit, that no answer yet is received from either of those states to this last representation of Congress, and it not appearing that any thing can, in the present situation of the federal government, be done to effect, he therefore reports,

That the letter of 2 Nov. from J. Sevier be filed.

February 5, 1788 –

1) The Committee appointed on the 2d of December 1785 to run a line of Jurisdiction between the States of Massachusetts and New York reported that they have executed that business accompanying their report with a draught of the line run and their field notes.

2) From the Footnotes:

Letter of President of the Convention of New Jersey to [Charles Thomson] February 1, 1788, transmitting the ratification of the Constitution.

3) From the Footnotes:

The letter of September 24 related effect of disturbances in Holland on American funds there. That of November 3 discusses European affairs and American prisoners in Algiers. And that of November 7 respecting Chevalier de la Luzerne. These letters are printed in Washington's edition of *Jefferson's Complete Works*, vol. 2.

February 25, 1788 –

1) [Motion of Mr. Irvine on limits of New York and Massachusetts]

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Whereas it appears, by the boundary line which hath been lately run, between the States of New York and Pennsylvania, that the North west corner of the latter extends some distance into Lake Erie by a narrow strip of land bounded on the North by the lake and on the South by the said State, will be cut off from the territory of the United States.

And whereas by the several Acts of Cession of territory, by the States of New York and Massachusetts to the United States, A certain line therein described is to be drawn, by which the said States are to be bounded on the West, And it is just and proper that the said line and boundary should be ascertained and fixed, As well in order to secure peace and harmony in the United States, as amongst those more immediately concerned and Citizens thereof who may hereafter become inhabitants, and that the rightful owners of the Soil and Jurisdiction, may be enabled to dispose of the same or otherwise appropriate it as they shall think best,

Resolved, that the Geographer, be and he is hereby directed as soon as may be, to proceed (in conjunction with Agents, or Commissioners, in behalf of New York and Massachusetts in case they shall think proper to appoint such) to run a line, and ascertain the Western limits of the said States of New York and Massachusetts, conformably to their Acts of Cession to the United States.

<u>February 27, 1788</u> –

1) [Motion for a post from Philadelphia to Pittsburgh]

Resolved That the Postmaster General be and he is hereby directed to employ Posts for the regular transportation of the Mail between the city of Philadelphia and the Town of Pittsburgh in the State of Pennsylvania; By the Route of Lancaster, Yorktown, Carlisle, Chamberstown and Bedford. And that the Mail be dispatched Once in each week from the Post Offices at Philadelphia and Chamberstown respectively, and once each in each fortnight from Chamberstown and Pittsburgh respectively.

Resolved that the Postmaster General be and he is hereby Authorised to contract for this route upon the principles of the Act of Congress of the 15th February 1787 for a term not exceeding seven years with any person or persons who will give satisfactory security for the performance of his or their contract; And if such contract cannot be formed by the first day of April next, that the Postmaster General make the establishment at the expence of the General Post Office.

<u>February 29, 1788</u> –

1) A Address from the representatives of the people of Kentucky in convention met being read and a motion being made thereon by the delegates of Virginia

[Motion of the delegates of Virginia respecting Kentucky]

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Resolved that the United States in Congress Assembled do approve of the Compact solemnly entered into between the State of Virginia and the District of Kentucky for the erection of the said District into a separate and Independent Member of the federal Union on the Terms and Conditions proposed in two Acts passed by the Legislature of Virginia the one at their session in October 1785 entitled "An Act concerning the erection of the District of Kentucky into an Independent State" the other at their session in October 1786 entitled "An Act making further provision for the erection of the District of Kentucky into an Independent State" And Acceeded to by a Convention held in the said District on the 22d of September 1787.

Resolved that the Address and Resolutions from the District of Kentucky together with the Acts of the Legislature of Virginia therein specified to a Committee of ___ Members to prepare and report to Congress the form of an Ordinance for carrying into effect the purpose therein contained.

Ordered That the said Address and motion be referred to a committee of the whole to sit on Tuesday next.

2) [Report of Board of Treasury on emission of money]

BOARD OF TREASURY

February 29th 1788.

The Board of Treasury to whom was referred a Motion of the Honorable Delegates from the State of Maryland, made in pursuance of Instructions from the Legislature of that State,

Beg Leave to Report to Congress the following Official Documents relative to the Negotiation, which is the Object of the said Instructions Viz

No. 1 a 2. Two Reports of this Board of the 6th March, and 31st October 1786

3 a 9. Copies of Sundry Correspondence on the Subject referr'd

10. Contract betwixt the Board, and Messrs Forrest, and Stoddard.

11. Copy of a Letter from Benjamin Stoddard relative thereto.

From a Candid Investigation of this Subject, it will appear,

1st. That the Board gave Early Intimation to Congress, that they had, and still meant to, put, into Circulation, certain Sums of new Emission Money, remaining Subject to the Orders of the United States, as the Money should appreciate, and the public Exigencies require the Use of it;

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and that the Silence of Congress, after this Information must be considered as an Acquiescence in the Measure.

2d. That previous to the Negotiation in Question, they took Every proper measure, to ascertain, the Existing, and probable Value of the New-Emission Money of the State of Maryland; and to dispose of the same on Terms more favorable than those agreed on with Messrs. Forrest and Stoddart.

3d. That the Funds, Established Originally for the Redemption of the said Money, were not judged adequate, in the State of Maryland, and that an Act of the Legislature of that State, past Subsequent to the Contract, (and which of Course this Board could neither foresee or promote) produced that Rise in the Value of that money, which the Legislature of Maryland seems to think Injurious to the State, and too beneficial to the Contractors.

That the Board beg Leave further to Inform Congress, in Obedience to their Order,

That in the Month of December, 1785 they put into Circulation in the State of New York of the New Emission the Sum of 21,000 of Pennsylvania in Sept. 1786 7,300, and of Virginia in May, and Sept. 1786 42,486.

The Board conscious of having acted in this Transaction, in the Manner which they conceived for the best Interest of the United States, Submit the whole to the Judgment of the United States.

SAMUEL OSGOOD

WALTER LIVINGSTON

March 3, 1788 –

1) [Report of Postmaster General on post from Philadelphia to Pittsburgh]

GENERAL POST OFFICE

March 3d 1788

Upon the Motion for a Post from Philadelphia to Pittsburgh, the Postmaster General begs leave to

Report;

That he apprehends there will not be a sufficiency of Postage received from the Letters and Packets passing between Philadelphia and Pittsburgh to defray the Expence of such an

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Establishment, at present; but he is of Opinion that this will not long be the Case, as the Number of Emigrants to the Westward, already very great, will annually be much increased.

That the Establishment of Government in the Territory of the United States Northwest of the River Ohio, seems to render a regular Mode of Intercourse between the Seat of Federal Government and that Country, necessary; and, considering that Individuals will contribute to its Support, the Mode of Communications by Post will be the least expensive, as well as most convenient to the Public;

That the Route proposed is rather circuitous; but York Town, and Carlisle, being County, as well as trading Towns, may be of sufficient Importance to demand Attention:

That your Postmaster General is of Opinion that it will be adviseable to employ Posts between Philadelphia and Pittsburgh; but as the Distance is great, and the Expence will be increased by the Frequency of Communication, he begs leave to propose, that the Mail be sent but once in each Fortnight, throughout the whole Route, unless the Business can be done by Contract; in which Case the Contractor might be engaged, perhaps, to do it weekly.

Which is respectfully submitted.

EBEN HAZARD

His Excellency

THE PRESIDENT OF CONGRESS

March 19, 1788 –

1) The Committee to whom was referred, to revise and amend the land ordinance, having reported the draught of a supplement to an Ordinance entitled, An Ordinance for ascertaining the mode of disposing of lands in the Western territory, it was read a first time.

[Report of committee on amendment of land ordinance]

A Supplement to an Ordinance entitled "An Ordinance for Ascertaining the mode of disposing of Lands in the Western Territory.

Whereas it Appears inconvenient to pursue the mode prescribed in the Land Ordinance passed on the twentieth day of May in the year one thousand seven hundred and eighty five, for disposing of the Land therein directed to be Surveyed, by Allotting certain proportions thereof to the Several States to be sold by Loan Officers in each State. And Whereas a Sufficient quantity of Land hath been Appropriated for the bounties to the late continental Army since

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passing the above mentioned Ordinance as to render any further draughts for that purpose out of the Townships already Surveyed unnecessary; Therefore

Be it Ordained by the United States in Congress Assembled, that so much of the said Ordinance passed the twentieth day of May in the year one Thousand seven hundred and Eighty five, as ordains certain parts of the Townships therein States respectively according to the Quotas in the last preceding requisition on all the States in order that the same might be sold by the Loan Officers in said States; And Also that part of the said Ordinance which directs that the Secretary at War shall take by Lot from the Townships for the use of the late continental Army, so far as the same respects future draughts for that purpose, shall be, and the same are hereby repealed.

And be it further Ordained that the board of Treasury proceed to the Sale of the three last ranges of Townships Surveyed in the Western Territory in the same manner, and upon the Same conditions and under the restrictions and limitations prescribed in the resolutions of Congress of the twenty first of April last, except as to the place of Sale and daily continuance thereof, including in such Sales the parts thereof which by the Ordinance of the twentieth May One Thousand seven hundred and Eighty fiver, were directed to be drawn for the late Army. And Also that the board of Treasury proceed of Sell Such parts of the first four ranges of Townships as they were directed to Sell by the resolutions of the twenty first of April last, which remain Unsold; That the said board be authorized to commence the Sale of the Lands Above directed to be sold, either at New York or Philadelphia; and may Adjourn such Sales from time to time to any part or parts of the United States which they shall judge most proper for the purpose, until the whole be sold.

That all grants or Sales which have been or may be made by the said Board Agreeably to Any Resolution or order of Congress Already, or which hereafter may be passed, shall be good and Valid, and fully entitle the purchaser or purchasers to all the Right of the United States in and to the premises granted.

That the Secretary at War issue Warrants for bounties of Land to each of the Officers and Soldiers of the late continental Army who may be entitled to such bounties, or their respective Assigns or legal representatives, certifying therein the Regiment Corps or Company to which such Officer or Soldier belonged, with the time of his Service, and when discharged, together with the quantity of Land they respectively be entitled to by former Acts of Congress with an Additional quantity of __ Acres to each Colonel and Lieutenant Colonel; ___ Acres to each Major; ___ Acres to each Captain; and ___ Acres to each Non Commissioned Officer and Soldier, As a Compensation for their expences in locating the same.

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That the Geographer by Warrant under his hand and Seal, Appoint One Surveyor to each of the two Tracts or districts of Land reserved and set apart for the purpose of Satisfying the Military bounties due to the late Army by the Act of Congress of the twenty second of October last; Which Surveyor shall reside at, or as near to the district for which they may be respectively Appointed, as can be done with Safety, who, upon Application for that purpose from any person holding a Land Warrant issued above mentioned, shall, at the expence of the Applicant first paid or secured, run out and Ascertain in the district for which he is appointed, the exact quantity of Land mentioned in such Warrant, the lines of which shall run East and West North and South, except at the extremity of the district where the same may bind upon a River; the first Survey so to be laid out in each district to be laid in one corner thereof, and every Succeeding Survey to be laid Adjoining the last Survey in such district, in such a manner that no interstices shall be left between Surveys, Always Observing as much regularity in laying each Survey compact, as the preceding Surveys will Admit of. That each Surveyor upon laying out any Tract, shall protract and lay the same down on a General Map to be kept and preserved, and shall Number each Lot on the order they are Surveyed, which shall Also be in the order Warrants are presented for laying out. That each Surveyor upon the location of each Warrant, shall make out and deliver to the proprietor thereof a Survey of the Land laid out with a description of the lines and boundaries thereof, Certified under his hand; first recording the same in a book to be kept for that purpose; And shall retain in his hands all Warrants by him laid out and Located, until he can transmit the same to the board of Treasury, which he shall do within one Year after laying out the Land, certifying thereon under his hand that the same is Satisfied.

That the Surveyors to be appointed as herein before directed shall be entitled to receive for the Services enjoined them by this Ordinance, so much only as shall be Allowed and fixed by the Governor and Judges of the Western Territory and shall be liable to be displaced by the Geographer for Neglect of duty or other Misbehaviour, in which Case he shall supply and Vacancy so happening by a New Appointment.

That each Surveyor who may be appointed under this Ordinance before he enters the duties of his Office, Shall take an Oath or Affirmation, that he will justly and truly execute the trust reposed in him as Surveyor of a district of Land in the Western Territory, According to the best of his Skill and Understanding without favour or partiality. Which Oath or Affirmation shall be taken before the Governor or either of the Judges of the Western Territory, or one of the Justices of the Supreme Court in either of the United States, and being duly Attested, shall be transmitted to the Secretary of Congress to be by him filed of record.

That the Maps and records before mentioned shall at all times be subject to the Orders of Congress to be removed or deposited wherever they shall direct.

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That if any Officer or Soldier, or any Assignee or Grantee of either, shall desire to have their bounty of Land Allotted in the Townships or fractional parts thereof, lately drawn for the Army by the Secretary at War out of the first four ranges of Townships Surveyed West of the Ohio, and shall cause such his desire in Writing together with his Land Warrant to be deposited in the Officer of the Secretary at War; the said Secretary when ever Warrants sufficient to cover the land so drawn shall be deposited in his Office for that purpose, shall cause the said Land to be divided Among such Applicants by Lot According to their respective Rights, for which Surveys shall be made out and delivered to the Several Proprietors Signed by the Geographer of the United States; which Surveys shall be recorded in a book by the Geographer and Lodged in the Treasury Office.

And Whereas Several of the Soldiers of the late Continental Army have disposed of their bounties in Land without any formal Conveyance, or any kind of transfer other than delivering their Discharges to the Purchasers, Therefore,

Be it further Ordained that all legal discharges to the Non commissioned Officers and Soldiers, when produced to the Secretary at War; And also any Conveyance duly proved, from an Officer or Soldier for bounties in Land which shall be first produced to the said Secretary, shall in either case entitle the possessor of such discharge, or Grantee in such Conveyance, to receive a Warrant in his own name for the Land due to the Officer or Soldier Selling or transferring the Same; Saving however, to all Soldiers their Just Rights to Land which may be located upon Warrants granted upon discharges produced, where a fraud in Obtaining such discharge shall be proved.

And Whereas the State of Virginia in their Deed of Cession to the United States reserved Such a quantity of Land on the North West side of the Ohio between the Rivers little Miami and Scioto as would make up the deficiency of certain Lands on the South East side of the Ohio, to Satisfie their grants to their Officers and Soldiers, which deficiency hath not been Ascertained to Congress, or any returns received from that State of the Amount of the land Located as bounties to their Troops on the South East side of the Ohio, or of the quantity of Land Appropriated in the State for that purpose; In Order therefore that such deficiency when Ascertained may be made good to the persons entitled thereto Agreeably to the Terms of the Cession, Be it further Ordained That the following Tract of Land be Ascertained. Beginning at the Mouth of the River Scioto and Running up the same the distance of Twenty five miles measured on a Straight line, thence West to the river little Miami, thence down the said Miami to the Ohio, thence up the Ohio to the beginning. That until the Amount of the deficiency, if any, mentioned in the aforesaid Deed of Cession, shall be ascertained no locations whatever for that purpose, or an Account thereof, shall be made by any of the Officers or Soldiers of the Virginia Troops on the North West side of the Ohio; And All Locations which have been or may

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be made Under the Virginia Grants to their Troops North West of the Ohio before such Ascertainment and until it shall appear there will be a deficiency on the Land Assigned for their Troops on the South East side of the Ohio, shall be and are hereby declared Null and Void.

That the board of Treasury be Authorized to Sell and Convey the Whole or any part of the Lands between the Rivers little Miami and Scioto lying North of the Above reserved Tract Provided they sell no part thereof in parcels less than ___ Acres each. That such Sales shall be for ever given quantities of Unlocated Lands within the Above limits, and shall be laid out and located at the expence of the Purchaser by a Surveyor to be appointed by the Geographer of the United States, who is hereby Authorized and directed to make such Appointment in the manner before directed for the Appointment of Surveyors to Locate Warrants to be granted to the Army; which Surveyor when Appointed, shall take the same Oath or Affirmation, be Subject to the like Rules, orders and restrictions, and in all respects transact the business for which he shall be appointed in the manner directed for locating the Warrants to be granted to the Army, excepting only, that he shall not retain the Conveyance given by the board of Treasury in the manner Land Warrants are to be retained.

Ordered That Monday next be assigned for the second reading of the said Ordinance.

March 24, 1788 –

1) *Ordered*, That the consideration of the said supplement be postponed until tomorrow.

May 2, 1788 –

1) [Report of the Secretary at War on Indian affairs]

The Secretary of the United States for the department of war, to who was referred a letter of the 14th of March 1788, from the Governor of the Western Territory,

Reports,

That the confederation of a large number of tribes of Indians, to oppose the settlement of lands, North of the river Ohio, is a subject of great importance, and seriously claims the attention of the United States.

That the said tribes of Indians have expressed the highest disgust, at the principle of conquest, which has been specified to them, as the basis of their treaties with the United States, and in consequence of which, the limits of their hunting grounds and territory, have been circumscribed and defined.

That the practice of the British government, and most of the Northern colonies previously to the late war, of purchasing the right of the soil of the Indians, and receiving a deed of sale and

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conveyance of the same, is the only mode of alienating their lands, to which they will peaceably accede.

That to attempt to establish a right to the lands claimed by the Indians, by virtue of an implied conquest, will require the constant employment of a large body of troops, or the utter extirpation of the indians. That circumstanced as they are at present, being in alliance with, and favorably treated by, the British government, the doctrine of conquest is so repugnant to their feelings, that rather than submit thereto, they would prefer continual war.

That the principle of waging war for an object which may be obtained by a treaty, is justly to be questioned.

That at the ensuing treaty, it is highly probable, the indians will, in the first instance, object to the right of the United States to the country North of the Ohio. If the Commissioners, who are to hold the treaty, are bound by instructions to adhere rigidly to the principle of conquest, and the limits of territory stated at the former treaties, an abrupt departure of the Indians, and hostilities in consequence thereof, may be expected.

Your Secretary humbly apprehends that the United States may conform to the modes and customs of the indians in the disposal of their lands, without the least injury to the national dignity. Were an opposition to the custom of the indians in this respect to be a material part of national character, it would not be highly estimated in the opinion of the world.

But, your Secretary conceives that the Commissioners may negociate an extinguishment of the indian claims, to the territory described by former treaties, and perhaps to the further extension defined in the instructions to the Governor of the Western territory, without calling in question the validity of the said treaties. In case of a new purchase, or the modification of the former boundaries, a sum of money may be given according to the indian custom, on the chiefs signing the deeds in the usual form.

As an extensive indian war in the present political crisis, and with an exhausted treasury, would be an event pregnant with unlimited evil, your Secretary submits, with all deference, the consideration of the propriety for so modifying the instructions to the Governor of the Western territory, and the Superintendant of Indian Affairs, as to admit of their extinguishing, by purchase, the indian claims to the Western country, described in the former treaties, with such additions, as the said commissioners shall be able to effect.

That the sum to be given, for the complete extinguishment of the indian claims to the said country, be limited to the sum of forty thousand dollars.

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That one third of the said sum be paid in money, or goods, on the signing of the deeds at the ensuing treaty; one third, in the year 1789; and the remainder, in the year 1790; to be delivered on such days in the years aforesaid, and at such places, as shall be mutually agreed on.

All which is humbly submitted to Congress.

H KNOX

May 5, 1788 –

1) From the Footnotes:

Letter of John Collins, governor of Rhode Island, to President of Congress dated April 5, 1788, respecting the conduct of the Assembly with reference to the Constitution. *Papers of the Continental Congress*, No. 64, 604-605, together with a certified copy of the Yeas and Nays from the respective towns, on pp. 608-609, and a printed attested copy of "An Act submitting to the Confederation of the Freemen of this State, the Report of the Convention of Delegates for a Constitution" on pp. 610-611.

2) [Report of committee on petition of inhabitants of St. Vincents and Illinois]

The Committee [consisting of Mr. Jeremiah Wadsworth, Mr. William Irvine and Mr. James White] to whom was referred the petition of the French and American Inhabitants of Port St Vincents and the Illinois by their Agent Mr. Tardiveau beg leave to report that as there is much uncertainty about the possessions of the Inhabitants of the Country upon the Wabash and Missisippi Rivers, and the Quantities of Land that they may be entitled respectively to hold and enjoy by rights acquired before they became subjects of the United States, in order to quiet their minds, to maintain them in their just rights, and extend to them the liberality of the United States they submit the following resolutions viz

Resolved that the Governor of the Western Territory shall cause to be surveyed and laid out, as soon as may be a tract of land upon the Wabash River bounded in the following manner to wit, beginning at the place where the River a Maries falls into the Wabash and running thence east eight miles north to the Southern boundary line a tract lately agreed for by the Board of Treasury with Messrs Flint and Parker; thence with that line to the Wabash and across the same twenty miles thence due north so far as to meet a due west line drawn from the point of beginning. Also one other tract of land upon the Mississippi bounded in the following manner viz., beginning at the mouth of the wood River and running with the Southern Boundary line a tract of land lately agreed for by the Board of Treasury with Messrs Flint and Parker to the Kaskaskias River thence Southerly until it meets the Mississippi at the mouth of the River au Vase, thence with that River to the place of beginning and including all the Islands in that river

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near to the eastern bank of the same, which two tracts of land will contain and circumscribe all the settlements made by the ancient French Inhabitants, except such as may have been within the Tract agreed for with Flint and Parker upon the Illinois River, and the rights of each as may have been settled therein and provided for by the agreement with them.

Resolved that the Governor of the Western territory shall cause as soon as may be, due enquiry to be made into the claims to lands of the Inhabitants of the Country upon the Wabash and Mississippi Rivers, and where it shall be ascertained either by Records that have been preserved in the Country or by authentic writings in the Possession of the parties claiming which may not have been recorded that lands may have been granted to any of the said Inhabitants by the French Government, or conceded to them by the military officers in command there from time to time, or by the Intendant or other civil Officer of that Crown who may have been entrusted with the distribution of lands he shall provided the Quantity expressed in such grant does not exceed four hundred acres, on the application of the said Inhabitants respectively of their Heirs or legal Representatives, cause the same to be surveyed and laid out, agreeable to the descriptions in the said Writings and Records contained, at their own proper Costs and charges, and shall grant letters patent under the seal of the Government and Counter signed by the Secretary confirming the same to the said Parties and to their Heirs and Assigns forever, to the Inhabitants of the Country upon the Wabash the Lands to be laid out in the tract upon the Wabash, and to the Inhabitants of the Mississippi in the tract upon the Mississippi.

And whereas it may be that persons may have acquired equitable Titles to lands under some peculiar Customs established and recognized in the ancient French Colonies that the Governor of the Western Territory wherever it shall be made satisfactorily to appear by any of the Inhabitants of the Countries upon the Wabash and Mississippi Rivers, or by their Heirs or legal Representatives of any persons who have heretofore been inhabitants of the same, that they or their Predecessors respectively had acquired equitable or Customary rights to Lands shall cause to be surveyed for each on their applying for the same, and at their Proper Costs and Charges four hundred acres of Lands within either of the before described Tracts of Land, in that upon the Mississippi for those upon the Mississippi, and issue letter Patent under the seal of the Government granting the same to the individuals and to their Heirs and Assigns forever.

And whereas the Country upon the Wabash and Mississippi Rivers was by the treaty of Paris 1763 ceded to the Crown of Great Britain and grants of land may have been made to Individuals inhabiting there by the Officers of that Crown Resolved that the Governor of the Western territory shall cause like enquires to be made as in the cases of the ancient French inhabitants and order the lands to be surveyed and laid out for them respectively within the bounds of the before described tracts of Land, and under the same limitations and restrictions

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Issue letters Patent confirming the same to them and their Heirs and Assigns respectively forever.

And whereas from the conquest of the Country upon the Wabash and Mississippi Rivers until the Cession made by the State of Virginia to the United States the same was under the Government and dominion of that State, and many persons may have removed during that period into the said Country and have acquired legal or equitable Titles to lands, under the laws or Customs of Virginia Resolved that the Governor of the Western territory shall cause due enquiry to be made into the same and upon the same being ascertained; to order the lands to be surveyed and laid out for the Persons claiming the same their Heirs or legal representatives within either of the before described tracts of Land, and Issue letters Patent confirming them, and their Heirs and Assigns forever under and Subject to the same Regulations limitations and restrictions as are prescribed in the Case of the French and English Inhabitants.

And whereas it may be that within the boundaries of the before described Tracts of land upon the Wabash and Mississippi Rivers after all the claims of the inhabitants, whether legal or equitable, to any quantity of Land, not exceeding four hundred Acres for each, shall have been satisfied there may yet remain an over plus, Resolved that the Governor of the Western Territory may, and he is hereby empowered and directed upon application to order the same to be surveyed and laid out for any person or persons in quantities not exceeding four hundred Acres for each applicant and to Issue letters Patent, granting and confirming the same to the said Applicants respectively and to their Heirs and Assigns for ever they praying for the same at the rate ___ pr Acre, any thing in the powers to the board of Treasury to dispose of Western territory notwithstanding, out of which powers the before described tracts of Land upon the Wabash and Mississippi Rivers are hereby expressly excepted.

Resolved that where the Claims to Lands on the Inhabitants of the Country upon the Wabash and Mississippi River, whether legal or equitable do not amount to four hundred acres for each, the Governor of the Western territory may and he is hereby empowered at the request of the parties to grant to the Parties a quantity in addition that shall make up four hundred acres for each Inhabitant and provided that in all cases where the Claim exceeds that Quantity he shall report the same with all the Circumstances attending it to Congress for their Decision. And to the end that the business may be conducted with safety and propriety as well for the United States as for Individuals interested, Resolved that the Governor shall erect an Office where all persons claiming lands under Grants from the Crown of France the Government of Great Britain or the State of Virginia shall present the same or authentic Copies of the Records, where the same may have been preserved and from which warrants of survey shall Issue to the Surveyors to be appointed to lay out the same, which Surveyors before they enter upon the execution of their offices shall take an Oath or Affirmation of fidelity to the United States and for the due

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and faithful execution of their Offices respectively before they enter on the same which Warrants together with plots of the tracts of land shall be returned to and filed in the same Office, before any Patent shall Issue, and in Cases where equitable Titles shall have been ascertained the Governor shall certify the same, under his hand and seal to the party, which certificate shall be recorded in the said Office and warrants of survey Issued thereupon and return of the warrants together with the Plots of the land be retuned and filed before any Patent for the same shall Issue. And the Secretary of the Government shall make return once in every three months to the Secretary of Congress of all warrants Issued by the Governor in pursuance of the foregoing Resolutions.

3) [Report of Secretary at War on western posts]

The Secretary for the United States for the Department War to who was referred a letter of the 11th of March 1788 from the Superintendant of Indian affairs for the Northern district,

Reports,

That it is to be regretted that every arrangement of military posts for the protection of the frontiers is exceedingly defective compared with the importance of Niagara and Detroit.

That by the said posts being unjustly withheld from the United States, they are not only constrained to make inadequate establishments for the defense of the frontiers but are subjected to excessive expences by being obliged to transport all their supplies upwards of three hundred miles by land.

That until the United States are in possession of said posts not only the before recited evils will be continued, but it is to be apprehended no solid peace can be effected with the Indians.

That the opinion of the Superintendant with respect to the establishment of posts at the Miami Village and at Cayahoga would be well founded were existing circumstances favorable to the plan.

That posts being established at said places must depend on one or the other of the following circumstances. Either the Indians must sincerely concur in the measure, or the posts and garrisons themselves must be so strong, and possess such communications, as to bid defiance to the force of the Indians.

To attempt the establishment of small posts far advanced into the country in the present irritated temper of the Indians would most probably accelerate a war which it is highly the interest of the United States to avoid.

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A post of five hundred men being established at the Miami Village at the rapids of the Miami river, which runs into Lake Erie, would be highly advantageous to the Indian trade and the security of the frontiers. But the said post ought to be supported by others so as to have a free communication by the way of the Wabash, as well as Lake Erie.

Should the Indians at the ensuing treaty favorably the proposition, a considerable post might this year be established at Cayahoga river, which runs into Lake Erie. Should they be averse to the design it must be deferred. F or the troops on the frontiers will be too much reduced to attempt the establishment by force, and it is uncertain whether the Treasury will be able to furnish money to recruit others to supply their places.

The average number of troops on the frontiers during the present year will not exceed three hundred and fifty, unless exigencies should arise to induce the States to furnish the public treasury better than otherwise it will be.

Hence it will appear that any capital alteration of the posts will depends on the issue of the ensuing Indian Treaty combined with other causes.

Your Secretary will request early information of the Commissioners with respect to the disposition of the Indians on this point, which with any propositions arising therefrom shall be submitted to Congress for their decision.

All which is humbly submitted.

WAR OFFICE H KNOX

March 31st, 1788

4) From the footnotes:

Letter of John Wereat President of the Georgia Convention, to President of Congress, January 5, 1788, transmitting the ratification of the Constitution.

May 8, 1788 –

1) From the footnotes:

Letter of W. Smallwood, governor of Maryland, to President of Congress, May 1, 1788, transmitting ratification of the Constitution. *Papers of the Continental Congress*, No. 70, p. 557.

May 13, 1788 –

1) From the Footnotes:

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Resolution of the Convention of Delaware offering a tract of land for seat of government. Certified by President Thomas Collins, April 24, 1788. Papers of the Continental Congress. No. 46, pp. 145-147.

May 14, 1788 –

1) From the footnotes:

Act of the State of Delaware, passed February 2, 1788, repealing acts contrary to the treaty of peace. Papers of the Continental Congress. No. 75, 303-304, (printed copy from Laws of the General Assembly of Delaware State . . . . . MDCCLXXXVIII.)

May 21, 1788 –

1) [Report of Board of Treasury on Copper Coins]

The Commissioners of the Board of Treasury beg leave to Report to Congress

That the Contractor for Copper Coinage having lately made a delivery on Account of his Contract of a parcel of Copper Coin; the Board have turned their attention to the customs at this time prevailing in the circulation of Copper in the several States; and find; that there are but two States in the Union, where Copper passes at so high a rate as the British standard, that is Forty Eight Coppers weighing one pound averdupois, for two shillings Sterling.

There are several important reasons for reducing the Nominal Value of the Copper Coin, struck under the authority of the United States which the Board with great deference beg leave to submit to Congress.

1st. The stamping a Nominal Value on a piece of Copper far exceeding its real worth, operates as a high Premium to such as chuse to Counterfeit it at home or import it from abroad.

2nd. The present rate at which Copper Coin passes, being much below the nominal value of the Federal Copper, every attempt to give it a general Circulation agreeably to the standard would in all probability be frustrated.

3rd. It being the intention of the Government of Great Britain (according to recent information) to call in their present Copper Coinage to make way for of a higher Standard, there can be no doubt but large quantities of the old Tower half pence will be exported to America to the great injury of the Public at large, as well as the Mint.

That the present nominal value of the Copper Coin exceeds in a prodigious degree its real value, will appear from the following statement Viz.

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(See pages 167-168).

To impress upon Congress more strongly the necessity alerting the present Standard of the Copper Coin, the Board beg leave to lay before them, a copper piece struck on the principles of a Promissory Note of hand, and issued by the Anglesey Copper company, for labour, and Articles supplied to their works, as a penny Sterling. This piece will be found to weigh Eighteen penny weight and sixteen grains Troy weight, which is at least 33-1/2 per cent more than two of the British Tower halfpence.

This device has rendered the Laws of Great Britain for promoting the circulation of the Copper Coin at the present Standard altogether neugatory, and in all probability has evinced the necessity of raising the standard, as before suggested.

Should the reasons offered in this Report shew the propriety of adopting the Standard recommended by the Board for the Copper Coin to be struck under the Contract of Mr. James Jarvis, they beg leave to submit to the consideration of Congress, the following Ordinance, for carrying into effect the Intentions of that Honorable Body in the Premises,

Be it Ordained by the United States in Congress assembled, That no Copper Coin struck under the Authority of the United States, or that of a particular State, shall pass at a greater value than one Federal Dollar for Three pounds Avoirdupois Weight of such Copper Coin;

And be It further Ordained. That the Cents composing the Federal Dollar, shall be represented by a Copper Coin, containing Two hundred and Nine grains and 98/100 of a grain Troy weight of pure Copper; that the Copper Coin struck in pursuance of the Act of Congress of the 8th of August 1786, shall pass for three quarters of a Cent, and that a smaller Coin be struck to represent one moiety of a Cent.

And be it further Ordained that such parts of the Acts of Congress of the 8th August and 16th October 1786, as relate to the Standard of Copper Coin, be and the same are hereby repealed, and made void.

All which is humbly Submitted.

SAMUEL OSGOOD

May 21st 1788.

WALTER LIVINGSTON

ARTHUR LEE

May 22, 1788 –

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1) The committee consisting of Mr. [Nathan] Dane, Mr. [Hugh] Williamson, Mr. [William] Irvine, Mr. [Alexander] Hamilton and Mr. [John] Brown to whom was referred a motion of Mr. Dane relative to public and unsettled accounts having reported,

That on carefully examining the subject referred to them they find that during the late war, and especially in the early periods of it, many millions of dollars were advanced by the United States to sundry persons, of the expenditures whereof proper accounts have not been rendered; and though the persons who have been entrusted with the public monies have been frequently called upon to settle their accounts by the Acts and officers of Congress yet in many cases they have not reduced or exhibited to the proper Officers any documents or vouchers on which regular settlements can be made. That several accounts of very considerable extent have been taken up and so far passed on that balances appear to be stated generally and in some cases payments made, though it does not appear that the proper statements were made of the articles which composed those accounts, or that the regular vouchers were produced to support the charges in them. Accounts thus imperfectly stated and unsupported the committee conceive are justly liable that the parties have at any time considered them as being finally settled. That from a general view of this subject the Committee are induced to think and believe that the United States have already suffered very great inconveniences by inexcusable negligence and unauthorized delays in person entrusted with public monies in not rendering and settling their Accounts and that it is become highly expedient that decisive measures be speedily adopted for closing all the unsettled accounts of the late war and therefore the Committee are of Opinion That the board of treasury be directed to cause suits to be commenced in behalf of the United States against all persons, who stand charged with public monies or other property and that they cause the same to be commenced within three months from this date against all those persons who have been already specially required to settle their accounts by the proper Officers and who shall not within that time adopt and pursue measures effectual in the opinion of the said board for settling the same; and within five months from this date against all other persons so charged and who shall not within that time adopt and pursue like measures. And That when any material questions shall arise concerning any doubtful or partial settlements of accounts which may have been made of concerning the operation of any particular suits, the said board be directed to state to Congress particularly the circumstances of the case with their Opinion thereon".

Resolved That Congress agree to the said report.

May 26, 1788 –

1) Congress, agreeably to the Order of the day proceeded to the election of a geographer of the United States whose commission shall continue for two years unless sooner revoked and the ballots being taken

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Mr. Thomas Hutchins was elected having been previously nominated by Mr. [Hugh] Williamson.

2) [Report of Secretary at War on letter of Governor Randolph]

The Secretary of the United States for the Department of War to whom was referred a letter from his Excellency Governor Randolph dated May the 9th 1788, with another from Col. Joseph Martin dated the 13th of March last

Reports,

That the situation of the Cherokee nation of Indians appears to merit the peculiar attention of Congress.

That the treaty made with the said nation by the Commissioners of Congress at Keowee in 1785 has been violated by the White inhabitants of the frontiers in a manner injurious to the reputation and dignity of the United States.

That although the act of Congress of the 26th of October 1787 were intended to comprehend all the tribes of Indians in the southern department, yet as North Carolina have omitted as your Secretary has been informed to appoint a Commissioner agreeably to said Act, and as the hostilities of the Creeks may probably occupy as the most pressing case the first attention of the Commissioners and the temporary Superintendant, Your Secretary submits to Congress the consideration of appointing a temporary agent for the Cherokees. That in all cases where the same may be practicable that he act in conjunction with the Superintendant and thee Commissioners appointed by the States of Georgia and South Carolina and that he have particular instructions relative to the Cherokees.

Agreeably to this idea the following Resolve is submitted.

Resolved That an agent be appointed for the Cherokee Nation of Indians to continue in Office six months, the said agent to act in subordination to the Superintednant of the southern department and to govern himself on all cases by the instructions which shall be transmitted to him by Congress.

H KNOX

WAR OFFICE May 26th 1788

His Excellency

THE PRESIDENT OF CONGRESS.

May 28, 1788 –

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1) Congress resumed the consideration of the Supplement to an Ordinance for ascertaining the mode of disposing the lands in the Western territory and made some progress.

[Amendment to supplement to land ordinance]

That the persons intitled to lands by virtue of such warrants shall be at liberty to locate them in any part of the two tracts or districts of land reserved and set apart for the purpose of satisfying the military bounties due the late army provided that each location be made either in contact with some point or part of the external boundary of the said tracts respectively or of some prior location therein. Locations to be made by causing a survey of the tracts located.

2) [Report of committee on loan]

The Committee &c [consisting of Mr. Abraham Baldwin, Mr. Nathan Dane, Mr. Samuel Allyne Otis, Mr. Dyre Kearny and Mr. Edward Carrington] to whom was referred a Letter, &c. beg leave to report

That from the Ideas suggested in the two late Letters of Mr. Jefferson, and due Consideration had thereon, it appears to them that the Adoption of the Measure pursued by Mr. Adams relative to a new Loan in the United Netherlands of one Million of Florins at this important and critical Juncture of American Affairs would be a wise one, especially as the almost ascertained inability of this Country to make remittances provisional for the future payment of the foreign Interest, for Some time yet to come evidently appears to your Committee. They further observe that as the Loan contracted for appears to be from every implication upon the same principles with that of Last Year of One Million of Florins which was ratified by Congress in October last, They therefore submit the following resolution.

That Congress will agree to and ratify the Contract lately entered into by the Hon. J. Adams for the Loan of one Million of Florins should the Same appear to be made on principles the Same, or equally advantageous to the United States with the Loan of 1787, for the same sum.

All which &c.

May 29, 1788 –

1) [Motion of delegates of Georgia on cession of lands]

The Delegates of the State of Georgia having laid before Congress, an act of the legislature of that State empowering the delegates thereof to cede to the United States the claim of the said state to a certain tract of western territory. And the said Delegates having represented to Congress that they are ready to execute a deed of cession in compliance with said act

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Resolved, That Congress are ready to accept the cession of the claim of the State of Georgia to the tract of country described in the act of the said State, whenever the Delegates will execute a deed conformable to the said act.

2) According to an Order of the day Congress was resolved into a committee of the whole on a petition in behalf of the inhabitants of the district of Kentucky and a motion made thereon

Mr. [Samuel Allyne] Otis in the chair.

After some time the President resumed the Chair and the Chairman reported that the committee of the whole have taken into consideration the subject referred to them but not having to go through with the same desire leave to sit again.

Resolved That Congress on Monday next be resolved into a committee of the whole to proceed on the said business.

June 2, 1788 –

1) According to order the house was resolved into a committee of the whole and after some time the president resumed the chair and Mr. [Samuel Allyne] Otis reported that the Committee of the whole had taken into Consideration the subject referred to them and agreed thereon to report

"That in their opinion it is expedient that the district of Kentucky be erected into an independent state and therefore they submit the following resolution, That the address and resolutions from the district of Kentucky with the act of the legislature of Virginia therein specified be referred to a committee consisting of a member from each state, to prepare and report an act for acceding to the independence of the said district of Kentucky and for receiving the same into the Union as a member thereof, in a mode conformable to the Articles of Confederation.

June 3, 1788 –

1) Congress took into consideration the report made yesterday from the Committee of the whole and on the question

Resolved That Congress agree to the said report.

Congress thereupon proceeded to the election and the ballots being taken the following members were elected and appointed to compose the Committee

Mr. [Hugh] Williamson from North Carolina

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Mr. [Alexander Hamilton]	New York
Mr. [Peleg] Arnold	Rhode Island
Mr. [Abraham] Baldwin	Georgia
Mr. [Nathan] Dane	Massachusetts
Mr. [Dyre] Kearny	Delaware
Mr. [Nicholas] Gilman	New Hampshire
Mr. [John] Brown	Virginia
Mr. [Abraham] Clarke	New Jersey
Mr. [Thomas Tudor] Tucker	South Carolina
Mr. [James R.] Reid	Georgia

2) [Report of Board of Treasury respecting loans]

The Board of Treasury to whom it was referred to Report on their Letters to Congress of the 27th February and 17th April last; relative to a proposition of the Commissioners of Loans in Holland, for paying in Specie a certain proportion of the Domestic Debt, held by the Citizens of the United Netherlands.

Beg leave to lay before Congress an Extract of a Letter from the said Commissioners of the 28th March last, by which it appears that measures have been taken by them in concurrence with the Honorable Mr. Adams, and Mr. Jefferson, not only to provide for the June Interest; but to face all demands against the United States in Holland to the year 1790; and consequently that were the proposition formerly made by the Commissioners in order to secure the payment of the above Interest, in other respects unexceptionable (which in the opinion of this Board is far from being the case) the necessity of adopting the same is superseded.

All of which is humbly submitted

SAMUEL OSGOOD

June 2d 1788.

WALTER LVINGSTON

ARTHUR LEE

June 6, 1788 –

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1) On a report of a committee Mr. [Abraham] Clark, Mr. [William] Irvine, Mr. [John] Armstrong, Mr. [Jeremiah] Wadsworth and Mr. [John] Brown to whom was referred a motion of Mr. [William] Irvine

Resolved That the geographer of the United States be and he is hereby directed to ascertain, by himself or by a deputy duly appointed for the purpose, the boundary line between the United States and the States of New York and Massachusetts agreeably to the deeds of cession of the said States.

That the said geographer inform the executives of the states of New York and Massachusetts of the time of running the said line in Order that they or either of them may if they think proper have persons attending at the time.

That the said geographer or his deputy having run the meridian between lake Erie and the state of Pensylvania and marked and noted down in his field book proper land marks for perpetuating the same shall proceed to make a survey of the Land lying west of the said line between lake Erie and the state of Pensylvania so as to ascertain the quantity thereof, who are hereby authorised and empowered at any time before or after such survey to sell the said tract in whole at private sale for a price not less than three fourths of a dollar per acre in specie or public securities drawing interest.

2) [Report of committee on invalid establishment]

The Committee consisting of [Mr. Nathan Dane, Mr. Alexander Hamilton and Mr. John Brown] to whom was referred the petition of John Buchanan and other invalids; and to whom also it was referred to take into consideration the invalid establishment and report thereon, report,

That it appears by the Acts of Congress provision has been made, whereby all persons who have been wounded or disabled in the service of the United States, may be entered on the lists of invalids, and become intitled to the pensions directed by those acts, on producing the evidence and documents required by them. That each State is authorised to appoint a person or persons to make out those lists, and to determine what persons shall be born thereon, and be intitled to the benefits of this establishment. That each State is impowered and requested to pay to its invalids the sums to which they may be respectively entitled, and to charge them to the United States, and by the resolutions of the 7th of June 1785 it is provided that the payments made by the States shall be "deducted from the respective quotas of the States for the year on which they shall be made."

The same resolutions of June 1785 also direct that copies of the lists of invalids shall be transmitted to the Office of Secretary at war within one year after the State shall pass a law in pursuance of the same resolution, and in like manner lists from year to year. On an

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examination of the Subject referred to them, the Committee find that only six States have returned list of their invalids in compliance with the resolutions of Congress; and that only two States have exhibited accounts of monies advanced to invalids, and from any information they can collect, they find it impracticable to determine how extensive the invalid establishment is, how it has been carried into effect or what sums of monies have been advanced by the States on it. However, from the returns made and accounts exhibited the Committee find the invalid lists are so considerably increased that the annual expences of the establishment, probably, amounts to about 90,000 Dollars; and that these lists are still increasing. And in the Opinion of the Committee they will become unduly extended if particular Care be not taken to prevent persons being placed on them who are not intitled to the benefits of the resolutions.

Doubts also appear to exist, whether on a true construction of the Said resolutions of June 7th 1785, a State can have credit on the Specie requisitions of Congress for monies advanced by it to invalids before those resolutions passed. To remove these doubts; to prevent an improper extension of this establishment, and to provide that the pensions due of which may become due, in consequence of it may continue to be paid, the Committee submit the following resolutions,

Resolved that no pensions be paid to invalids in any State until the annual list of them shall have been transmitted to the Secretary at war, with the certificates and evidence whereon the same shall be founded, and he shall have examined and approved the same list, and transmitted a copy thereof to the board of Treasury, and the said board shall have given their warrant authorizing payment.

Resolved that it be and it is hereby recommended to the legislatures to direct the lists of the invalids in their respective States be transmitted to the Secretary at war as soon as practicable for the present year, and annually hereafter sometime in the month of May, and that they cause the accounts of monies advanced to invalids by the States respectively to be exhibited regularly from time to time to the board of Treasury.

Resolved that no account for monies advanced as aforesaid shall be allowed unless exhibited to the said board within one year from this time, or hereafter within one year after such account shall be paid by the State, and that no person shall be entitled to a pension as an invalid who has not, or shall not before the expiration of six months from this time, make application therefor, and produce the requisite certificates and evidence to entitle him thereto.

3) [Letter of Secretary for Foreign Affairs respecting attendance at Convention]

SIR: The City and County of New York have elected me one of their Deputies to the State Convention, which is to meet on the 17th instant at Poughkeepsie to consider and decide on the

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proposed federal Constitution. If it be agreeable to Congress I will attend, if not I will decline the Appointment. Permit me therefore to request their Directions in the Subject.

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

JOHN JAY.

His Excellency

THE PRESIDENT OF CONGRESS.

June 11, 1788 –

1) On the report of a committee consisting of Mr. [Nathan] Dane, Mr. [Alexander] Hamilton and Mr. [John] Brown to whom was referred a petition of John Buchanan and other invalids and who were ordered to take into consideration the invalid establishment

Resolved That each state shall have credit in its general Account with the United States for such sums as became due to invalids before the first day of January 1782 and which have been or shall be paid to them by the state; and for sums as became due to invalids from the first day of January 1782 inclusive to the first day of January 1788 and which have been or shall be paid to them by any state, the state shall have credit in the existing Specie requisitions of Congress; And for sums that may so become due after January 1788 and be paid by any state, the state shall have credit in the specie requisitions of Congress which may hereafter be made.

Resolved That no person shall be entitled to a pension as an invalid who had not or shall not before the expiration of six months from this time make application therefor and produce the requisite certificates and evidence to entitle him thereto.

Ordered that the remainder of the report be recommitted.

June 12, 1788 –

1) [Report of committee on memorial of G. Morgan and the inhabitants of Illinois and St. Vincents]

The Committee consisting of Mr. [Hugh] Williamson, Mr. [Nathan] Dane, Mr. [Edward] Carrington, Mr. [Dyre] Kearny and Mr. [Paine] Wingate to whom was referred the Memorial of Geo Morgan and his associates, respecting a tract of land in the Illinois Country on the Mississippi beg leave to report

That there are sundry French settlements on the River Mississippi within the tract which Mr. Morgan and his associates propose to purchase. Near the mouth of the River Kaskaskies, there

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is a Village which appears to have contained near Eighty families from the beginning of the late revolution. There are twelve families in a small Village at la Prairie du Rochers and near fifty families at Fort Chartres and at St. Phillips which is five miles farther up the River. The Heads of families in those Villages appear each of them to have had a certain quantity of arable land allotted to them, and a proportionate quantity of meadow and of woodland or pasture. Your Committee are of Opinion that from any general sale which may be made of the lands on the Mississippi there should at least be a reserve of so much land as may satisfy all the just claims of the Antient Settlers on that river, and they should be confirmed on the possession of such lands as they may have had at the beginning of the late revolution, which may have allotted to them according to the laws or Usages of the Governments under which they have respectively settled. And whereas an additional quantity of land may be Necessary for the support of those people whenever the settlement shall increase and the Indian trade, by which they have chiefly subsisted, shall become less profitable, your Committee are of the Opinion, that such allowance should also be made them within the reserved limits.

Your Committee observe that in the Contract which is already made for the sale of a tract of land in the Western Country the purchasers are to be charged with surveying three Lots which are reserved for the benefit of the United States. They conceive that future contractors may be relived from this expence; but they would propose that every agreement hereafter to be made shall be equally binding on the contracting parties, whereupon they submit the following Resolves.

That the Board of Treasury by authorised to Contract with any person or persons for a grant of a Tract of land which shall be bounded as follows;

Beginning on the River au Vase in the parallel of the mouth of little Wabash River, thence West due North to the Parallel of the mouth of wood River, thence down the River Mississippi to the mouth of the River Au Vase, thence up the said River to the place of beginning, saving and reserving their possessions and Titles to the Antient Inhabitants of Kaskaskias, la Prairie du Rochers, Fort Chartres, St. Phillips and Kahokia which shall be satisfied from lands within the limits herein after to be described.

That the purchaser or purchasers shall oblige themselves to lay off the Tract at their own expence into Townships or fractional parts of Townships and to divide the same into lots according to the land Ordinance of the 20th May 1785, complete Returns of which are to be made to the Board of Treasury. The lot No 16 in each Township or fractional part of a Township to be given perpetually for the purposes of Religion, and that each part of the several Townships shall be thus laid off before the original purchaser or purchasers shall have disposed of the same, or made any settlement therein. The price to be not less than two thirds of a dollar per Acres for the Contents of the said tract, except the reservations and gifted aforesaid,

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payable in specie, Loan Officer Certificates, reduced to Specie Value or Certificates of liquidated debts of the United States, the principal only of the said Certificates to be received in payment; and the Board of Treasury for such interest as may be due on the Certificates rendered in payment as aforesaid prior to the first of January 1787 shall issue indents for interest to the possessors which shall be receivable in payment as other indents for interest of the existing Requisitions of Congress. And for such interest as may be due on the said Certificates between that period and the time of payment, the said Board shall issue Indents, the payments of which to be provided for hereafter.

That part of the purchase money not less than one hundred and fifty Thousand Dollars shall be paid down upon closing of the Contract, and the remainder of the purchase money whenever the Indian claim shall have been extinguished and the Boundary line of the Tract run by the Geographer of the United States or his assistants, the Contents of the land which so to be sold ascertained, and a plot of the same returned to the Office of the Treasury Board, on which payment a grant shall be made, and the purchaser or purchasers shall have the right of Entry and Occupancy.

That separate Tracts shall be reserved for satisfying the Claims of the Antiant settlers which shall be included within the following boundary Viz a straight line to be extended from the Mouth of the little River Marie below the River Kaskaskies, and opposite the Kaskaskia river to the ridge of Rocks and high lands that extends from Kaskaskia to the Illinois Rivers, then along the West side or foot of the said ridge of Rocks and high land to the parallel that runs two miles North of the Church at Kahokia, thence west to the River Mississippi, thence down the said river to the mouth of the River Marie.

That measures be immediately taken for confirming in their possessions and titles, the French [and Canadian Inhabitants] and other settlers on those lands who on or before the year 1783 had professed themselves Citizens of the United States or any of them, and for laying off the Several tracts which they rightfully claim within the described limits, and for laying off the for the benefit of the said Inhabitants three additional Tracts adjoining the several Villages, Kaskaskias, la preie du Rochers and Kohokia, in the form of a Parallelogram, extending from the River Mississippi Eastward to the Ridge of Rocks before described, and of such extent as shall contain [(300) four hundred] Acres for each of the families now living at either of the Villages of Kaskaskia, la Prarie du Rochers, Kohpkia, Fort Chartres or St. Phillips. The additional reserved tract adjoining the Village of Kaskaskias shall be for the Heads of families in that Village, The tract adjoining la Preries du Rochers for the heads of families in that Village, and the tract adjoining Kahokia for the heads of families in that Village, as also for those at fort Chartres and St Phillips. [Such additional donation of four hundred acres to be divided by lot an immediate possession given; Provided, Nevertheless that no person thus obtaining possession of such

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lands shall have power to alienate the same until he or she, or his or her heirs shall have resided at least ___ years from which time of such division shall obtain a title to the reserved lot; and all lots not thus conveyed to resident shall obtain a title to the reserve lot; and all lots not thus conveyed to residents shall revert to the United States.]

That whenever the Antient settlers shall have been confirmed in their possessions and Titles and the amount of the same ascertained, and the three additional Parallelograms shall also be laid off for future Donations, and such other Tract as may formerly have been possessed by Geo. Morgan or so much of the same as he may rightfully claim, the whole remainder of the soil within the reserved limits above described shall be considered as appertaining to the general purchase and shall be conveyed accordingly.

That measures be immediately taken to entinguish the Indian Claim, if any such Claim exists to the land bordering on the Mississippi from the mouth of the Ohio to a determined station on the Mississippi, that shall be Sixty or Eighty miles north from the Mouth of the Illionois River and extending from the Mississippi as far Eastward as may be.

That the Governor of the Western Territory be instructed to repair to the French settlements on the Mississippi at and above the Kaskaskies. That he examine the Titles and possessions of the settlers as above described in order to determine what quantity of land they may severally claim, which shall be laid off for them at their own expence, and that he take an account of the several heads of families living within the reserved limits in order that he may determine the quantity of land that is to be laid off in the several Parallelograms, which shall be laid off accordingly by the Geographer of the United States or his Assistant at the expence of the United States.

That the Geographer of the United States be instructed to take the latitude of the Mouth of the River Au Vase and the Mouth of wood River, and of the North East and South Eastern Angle of the tract, and that in executing all other large Surveys he take the latitude of three of four of the Chief Corners.

June 17, 1788 –

1) [Letter of Secretary at War on troops in service]

SIR: I have the honor to submit to Congress a statement of the troops in the service of the United States, and of the measures adopted to replace a proportion of those serving on the frontiers whose times of service will expire in the course of the present year.

Five hundred and thirty two non-commissioned officers and privates, being the total amount of the return, three hundred and fifty eight of them will be entitled to be discharged during the

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present, and one hundred and seventy-four previously to the month of July of the succeeding year.

Of those entitled to be discharged in the present year, it is most probable that one hundred and fifty have re-engaged, or will reengage on the frontiers.

The States of Connecticut, New Jersey and Pennsylvania, having complied with the requisitions of Congress for troops, of the 3'rd of October last, and having re-appointed the commissioned officers to their respective quotas accordingly, the recruiting service has commenced in the said States, with the prospect of obtaining the best recruits, and completing the numbers directed in a short time.

The numbers to be recruited at present in the said States respectively are as follows,

Connecticut	130
New Jersey	50
Pennsylvania	70
	250

The number in Pennsylvania will probably be completed and marched for Fort Pitt about the 1st of July. The New Jersey and one company consisting of seventy non commissioned and privates of the Connecticut recruits, about the 12th or 15th of the same month, and the remainder of the Connecticut recruits by the 15th of August.

The recruits who have probably been reengaged on the frontiers, together with those which will be marched from the before recited States, will amount to four hundred non-commissioned officers and privates. The troops having to serve during part of the next year are to be added to this number, so that in September, there will most probably be on the frontiers five hundred and seventy four non commissioned officers and privates.

I conceive this number adequate to the public demands according to present appearances on the frontiers. In case of an Indian War the establishment voted of the 3rd of October last must probably be increased.

Measures may be taken early in the next year, to replace the troops whose services will expire previously to July, and also to complete fully the establishment, if circumstances shall render it necessary.

The two companies of artillery retained in service our of the troops raised in Massachusetts, by virtue of the resolve of Congress of the 20th of October 1786, are much reduced by desertion.

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One of the companies amounting to Thirty-six, non-commissioned and privates are stationed at Springfield, for the protection of the arsenal of the United States at that place, and the other amounting to, Forty-three is stationed at West Point.

The Legislature of New York not having passed any laws complying with the requisitions of Congress of the 3rd of October last for replacing the troops of the frontiers, the recruiting service could not be commenced within this State. It appears by conversations with His Excellency Governor Clinton, that he communicated the acts of Congress on this subject, with other public papers, to the Legislature early in their last session, but that the business was entirely emitted. That in his opinion the omission did not arise from any disinclination to the requisitions, but was occasioned probably by a misapprehension of the subject, or a supposition, that no legislative act was required on the case, and that he had no doubt that the Legislature would in next session pass the necessary laws for this purpose. The officers of the quota of this State on the frontiers presuming on a compliance with the resolve of Congress, and their own reappointment, have re-engaged a number of their men for three years; and several recruiting officers and a party of men arrived here from Fort Harmar for the purpose of completing the quota of this State. But as the case was circumstanced, they have been marched back again.

The Legislature not having passed any Laws on the subject, has created some embarrassments with respect to the commissioned officers, and the non-commissioned and privates, whose times will soon expire, and those who have again re-engaged on the frontiers. But, as the services of all the quota of New York will not expire until after the next meeting of the Legislature, I conceive that the commissioned officers may with propriety be retained until that time. The soldiers who have re-engaged being mostly foreigners, and having voluntarily continued in the service of the United States, without any regard to the quota of any particular State, they may also be retained.

Should however the Legislature at their next session, still omit to pass laws to enable the Governor to reappoint the officers, I conceive they must be discharged. The non-commissioned and privates who have re-engaged amount probably to sixty, the whole quota of New York being one hundred and sixty-five.

I have the honor to be, etc.,

H KNOX

His Excellency

THE PRESIDENT OF CONGRESS

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June 18, 1788 –

1) [Report of committee on powers of Postmaster General]

The Committee consisting of [Mr. Nathan Dane, Mr. Hugh Williamson and Mr. William Few] To who were referred a letter from the post master General of the 13th instant and the paper accompanying it, report that on a view of this letter and paper two questions arise

First how far a governor or president of a State has power to Stop or open letters, passing in the public mail, or through the posts offices of the United States.

Secondly how far a governor of a State ought to have such a power.

As to the first, the Committee observe that Congress by the Confederation have the sole and exclusive power of regulating the post offices throughout the United States that no power can be exercised respecting the post office but what is delegated by Congress and that it does not appear that any such power has been hitherto delegated.

As to the Second the Committee observe that the power in question is of such a nature as not to be capable of being delegated with propriety to any persons except to some principal officer or officers immediately under the control of and responsible to Congress.

Under these impressions and considering the present state of the Government of the United States the Committee are of opinion that it is inexpedient to delegate the power in question to the governors and presidents of the several States.

June 19, 1788 –

1) Congress resumed the consideration of the Supplement to the Ordinance entitled "an Ordinance for ascertaining the mode of disposing of Lands in the western territory" and the following clause being under debate

"And whereas the state of Virginia in their deed of cession to the United States reserved such a quantity of land on the north west side of the Ohio between the rivers Miami and Siota as would make up the deficiency of certain lands on the south east side of the Ohio, to satisfy their grants as bounties to their officers and soldiers in order therefore that justice may be done to the said troops agreeably to the stipulation mentioned in the said cession, be it further Ordained that no part of the said tract of land between the rivers little Miami and Siota shall be disposed of by the United States within the term of two years from the passing of this Ordinance in Order that sufficient time may be given to the state of Virginia or those entitled to bounties under said state to ascertain the quantity of land on the North west side of the Ohio requisite to make good the deficiency mentioned in the deed of cession, and that until the

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amount of the deficiency if any mentioned in the said deed of cession shall be clearly ascertained to the satisfaction of Congress, no locations whatever for that purpose or on account thereof shall be made by any of the Officers or soldiers of the Virginia troops on the North west side of the Ohio.

A motion was made by Mr. [Edward] Carrington seconded by Mr. [John] Bull to strike out the words "And that until the amount of the deficiency &c to "Ohio inclusive

And on the question shall those words stand the yeas and nays being required by Mr. [Abraham] Clark

So the question was lost and the words were struck out.

Ordered that the Supplement as amended be referred to a committee of five.

(See pages 243-246 Supplement to land ordinances as recommitted)

June 20, 1788 –

1) The committee consisting of Mr. [Hugh] Williamson, Mr. [Nathan] Dane, Mr. [Edward] Carrington, Mr. [Dyre] Kearny and Mr. [Paine] Wingate to whom was referred a memorial of George Morgan and his Associates respecting a tract of land on the Illinois Country on the Mississippi having reported thereon and their report being amended to read as follows

(see Pages 247-252 for amended report)

June 25, 1788 –

1) On motion of Mr. [Abraham] Clark seconded by Mr. [Hugh] Williamson

Resolved That the office of Inspector of the troops in the service of the United State immediately cease and be discontinued, and that the Secretary at war report what mode may be most eligible for having the troops inspected for the future.

July 1, 1788 –

1) The Committee [consisting of Mr. Abraham Baldwin, Mr. Nathan Dane, Mr. Jonathon Dayton, Mr. Dyre Kearny and Mr. Nicholas Gilman] submit the following resolves

That the Postmaster general be and he hereby is authorized and instructed to enter into contracts with sufficient security, for the conveyance of the mails for one year commencing on the 1st day of January next, from Portland in Massachusetts to the state of Georgia, by stage carriage or horses, as he may judge most expedient and beneficial; provided that preference is given to the transportation by stages, to encourage that useful institution, when it can be done

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without material injury to the public; and that the mail be conveyed three times each week from the 1st of May to the 1st of November and twice a week from the 1st of November to the 1st of May, from Portland in Massachusetts to Suffolk in Virginia and from Suffolk to the state of Georgia, agreeably to the resolution of the 15th October 1787; the same to be done by four or more separate contracts.

In case of only four contracts, the first shall be extend from Portland to New York; the second from New York to Philadelphia; the third from Philadelphia to Suffolk in Virginia; and the fourth from Suffolk to the state of Georgia, by such route as the Postmaster general may find most convenient and proper.

Resolved that the Postmaster general be and he hereby is authorized and instructed to make arrangements for the transportation of the mail for one year from the 1st day of January next, on the cross roads mentioned in the resolves of congress passed the 4th September 1786 and the 27th July 1787, on the principles provided in the resolution of the 15th February 1787.

Resolved That the Postmaster general be and he hereby is directed to employ posts for the regular transportation of the mail, for one year, from the 1st January next, between the city of Philadelphia and town of Pittsburgh in the state of Pennsylvania; by the route of Lancaster, Yorktown, Carlisle, Chamberstown and Bedford. And between Portland and Pownalborough in the state of Massachusetts and that the mail be dispatched once in each fortnight from the post offices respectively.

Resolved That the stated Committee of the Post Office, appointed in pursuance of the resolution of the 17th June 1782, be instructed to superintend the execution of the preceeding resolves, and to report specially thereon to Congress.

<u>July 2, 1788</u> –

1) The Committee consisting of Mr. [Nathan] Dane, Mr. [Abraham] Clarke, Mr. [Abraham] Baldwin, Mr. [Hugh] Williamson and Mr. [Pierpont] Edwards to whom was referred the Supplement to an ordinance entitled an Ordinance for ascertaining the mode of disposing of lands on the Western territory, reported another draught which was read a first time.

(See pages 277-281 for copy of draught)

Ordered That it be read a second time on Monday next.

2) The State of New hampshire having ratified the constitution transmitted to them by the Act of the 28 of September last and transmitted to Congress their ratification and the same being read, the president reminded Congress that this was the ninth ratification transmitted and laid before them, whereupon

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On Motion of Mr. [Abraham] Clarke seconded by Mr. [Pierpont] Edwards

Ordered That the ratifications of the constitution of the United States transmitted to Congress be referred to a committee to examine the same and report an Act to Congress for putting the said constitution into operation in pursuance of the resolutions of the late federal Convention.

On question to agree to this Order the yeas and nays being required by Mr. [Abraham] Yates

So it passed in the affirmative.

3) A motion being made by Mr. [Nathan] Dane seconded by Mr. [Daniel] Huger

That the contract made by John Adams esquire minister plenipotentiary in behalf of the United States of America on the 13th of March 1788 for the loan of one Million gilders be ratified.

And on the question to agree to this the yeas and nays being required by Mr. [Abraham] Yates

So it was

Resolved That the contract made by John Adams Esquire minister plenipotentiary in behalf of the United States of America on the thirteenth of March 1788 for the loan of one million of Guilders be and it is hereby ratified.

Resolved That three fair copies of the contract with the ratification in the form of that agreed to on the first of February 1785 mutatis mutandis endorsed on each copy be made out and fully attested and that the Secretary for the department of foreign affairs transmit the same by several conveyances to T. Jefferson Esq minister plenipotentiary of the United States at the Court of France.

July 3, 1788 –

1) The Order of the day being called for, the motion of Mr. [John] Brown was read in the words following

Whereas it appears to Congress that the state of Virginia by two acts of the legislature thereof, one entitled “an Act concerning the erection of the district of Kentucky into an independent State passed at their October session in the year 1785, the other passed at their October session in the year 1786 entitled "An Act making further provision for the erection of the district of Kentucky into an Independent state” hath entered into a solemn compact with that part of the said state called the district of Kentucky permitting the same to be erected into a separate and independent state to be admitted into Union with the United States as a federal member thereof upon certain terms and conditions in the said acts stipulated and it further appearing to Congress that the said district in convention assembled did in conformity to the

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said acts by certain resolutions entered into on the 22d day of Sept. 1787 determine that it was expedient that the said district should be erected into an independent state on the terms and conditions specified in said acts and did present to Congress an address praying to be admitted into union with the United States as a federal member and Whereas it appears to Congress to be just and reasonable that the application of the said district of Kentucky should be complied with *Resolved* therefore that the United States in Congress Assembled do ratify and confirm the compact entered into between the state of Virginia and the district of Kentucky agreeably to the acts and resolutions aforesaid and that the said district to be admitted into Union with the United States as an independent federal member on the 1st day of January 1789 and be stiled the Commonwealth of Kentucky. *Resolved* that Congress will release the state of Virginia from all federal obligations arising within the said district after the said first day of January 1789 and from such part of her quota of the continental debt as shall be apportioned to the said district whenever the same shall have been ascertained agreeably to the stipulations of the compact aforesaid. *Resolved* that the said district shall be admitted to a representation in Congress after the said first day of January 1789 provided from an accurate census it shall appear that the said district contains sixty thousand inhabitants."

A motion was made by Mr. [Nathan] Dane seconded by Mr. [Thomas Tudor] Tucker to postpone the consideration of the foregoing motion in order to take up the following

Whereas application has been lately made to Congress by the legislature of Virginia and the district of Kentucky for the admission of the said district into the federal Union as a separate member thereof on the terms contained in the Acts of the said legislature and in the resolutions of the said district relative to the premises.

And whereas Congress having fully considered the subject did on the third day of June last resolve that it is expedient that the said district be erected into a sovereign and independent state and a separate member of the federal Union and appointed a committee to report An Act accordingly which committee on the second instant was discharged, it appearing that nine states had adopted the Constitution of the United States lately submitted to conventions of the people; and whereas a new confederacy is formed among the ratifying States and it is highly probable that the state of Virginia including the said district has already become a member of the said Confederacy. And whereas an Act of Congress in the present state of government of the country severing a part of the said state from the other parts thereof and admitting it into the Confederacy formed by the Articles of Confederation and perpetual Union as an independent member thereof may be attended with dangerous consequences while it can have no effect to make the said district a separate member of the federal Union formed by the adoption of the said constitution and therefore it must be manifestly inexpedient for Congress assembled under the said articles of Confederation to adopt any other measures relative to the

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premises than those which express their sense that the said district ought to be an independent member of the Union as soon as circumstances shall permit proper measures to be adopted for that purpose. Resolved that a copy of the proceedings of Congress relative to Kentucky be transmitted to the legislature of Virginia and that the said legislature be informed that as the constitution of the United States is now ratified Congress think it unadviseable to adopt any further measures for admitting the district of Kentucky into the federal Union as in independent member thereof under the articles of Confederation and perpetual Union, but that Congress thinking it expedient that the said district as soon after proceedings shall commence under the said constitution as circumstances shall permit recommend it to the said legislature and to the inhabitants of the said district so to alter their Acts and resolutions relative to the premises, as to render them conformable to the provisions made in the said constitution to the end that no impediment may be in the way of speedy accomplishment of this important business.

On the question to postpone for the purpose above mentioned the yeas and nays being required by Mr. [John] Brown.

So it passed in the Affirmative (9 yes, Virginia no, 2 states 1 Delegate only) and the first Motion being postponed and the second taken into consideration and amended; on the question to agree to the Motion as amended the yeas and nays being required by Mr. [Abraham] Yates

So it passed in the affirmative (8 states yes, New York divided, 3 states 1 Delegate only) as follows

Whereas application has been lately made to Congress by the legislature of Virginia and the district of Kentucky for the admission of the said district into the federal Union as a separate member thereof on the terms contained in the acts of the said legislature and in the resolutions of the said district relative to the premises. And whereas Congress having fully considered the subject did on third day of June last resolve that it is expedient that the said district be erected into a sovereign and independent state and a separate member of the federal Union and appointed a committee to report an Act accordingly, which committee on the second instant was discharged, it appearing that nine states had adopted the constitution of the United States lately submitted to Conventions of the people. And whereas a new Confederacy is formed among the ratifying States and there is reason to believe the State of Virginia including the said district did on the 25 of June last become a member of the said Confederacy; And Whereas An Act of Congress, in the present state of government of the country, severing a part of the said state from the other parts thereof and admitting it into the confederacy formed by the articles of Confederation and perpetual Union as an independent member thereof may be attended with many inconveniences while it can have no effect to make the said district a separate member of the federal Union formed by the adoption of the said constitution and therefore it must be manifestly improper for Congress assembled under the said Articles of Confederation

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to adopt any other measures relative to the premises than those which express their sense that the said district ought it be an independent member of the Union as soon as circumstances shall permit proper measures to be adopted for that purpose.

Resolved That a copy of the proceedings of Congress relative to the independency of the district of Kentucky be transmitted to the legislature of Virginia and also to Samuel McDowell esquire late president of the said Convention, and that the said Legislature and the inhabitants of the district aforesaid be informed, that as the constitution of the United States is now ratified, Congress think it unadviseable to adopt any further measures for admitting the district of Kentucky into the federal Union as in independent member thereof under the Articles of Confederation and perpetual Union; but that Congress thinking it expedient that the said district be made a separate State and member of the Union as soon after the proceedings shall commence under the said constitution as circumstances shall permit, recommend it to the said legislature and to the inhabitants of the said district so to alter their acts and resolutions relative to the premises as to render them conformable to the provisions made in the said constitution to the End that no impediment may be in the way of the speedy accomplishment of this important business.

July 7, 1788 –

1) According to order The supplement to the Ordinance for ascertaining the mode of disposing of land in the western territory was taken up for a second reading and after debate thereon adjourned.

2) [Report of committee on instructions to governor of Western territory]

The committee consisting of Mr. [Hugh] Williamson, Mr. [Nathan] Dane, Mr. [Abraham] Clarke, Mr. [Thomas Tudor] Tucker and Mr. [Abraham] Baldwin who were appointed to prepare Instructions to the Governor of the Western Territory submit the following,

You are to proceed without delay, except while you are necessarily detained by the Treaty now in Hands, to the French Settlements on the River Mississippi, in Order that you may give Dispatch to the several Measures which are to be taken according to the Act of the 20th June last of which a Copy is enclosed for your Information.

You are to enquire whether there be any Indians who claim the Lands on the East Side of the River Mississippi above the Mouth of the Ohio and if there be any such Indians, you are immediately to take Measures for extinguishing their Claim at least to so much of the Territory as you see described in the aforesaid Act. If you find it cheapest and best to extinguish the Claim of those Indians by agreeing to furnish them annually with a certain allowance in Corn or other Provision you will contract accordingly.

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When you have examined the Titles and Possessions of the Settlers on the Mississippi in which they are to be confirmed and given Directions for laying out the several Parallelograms, which the Settlers may divide as they shall think best among themselves by Lot, you are to report the whole of your Proceedings to Congress.

After you shall have dispatched the several Matters committed to your Care on the Mississippi you will take Post St. Vincent on your Return, where you are to pursue the measures directed to be taken by the Act of this day, and report your Proceedings accordingly.

3) The Committee consisting of Mr. [Hugh] Williamson, Mr. [Nathan] Dane, Mr. [Abraham] Clark, Mr. [Thomas Tudor] Tucker and Mr. [Abraham] Baldwin to whom was referred the Report of a former Committee respecting the Inhabitants of Post St. Vincent beg leave to report that similar Measures ought to be taken for confirming those Settlers on their Possessions and Titles to those which are to be taken with the Settlers on the Mississippi and that an additional Tract of Land ought to be given to every Head of a family who does not already possess a sufficient Quantity for his or her Support on which they submit the following Resolves

That measures be taken for confirming in their Possessions and Titles the French and Canadian Inhabitants and other Settlers at Post St. Vincent who on or before the Year 1783 had settled there and had possessed themselves Citizens of the U S or any of them and for laying off to them at their own Expence the several Tracts which they rightfully Claim and which may have been allotted to them according to the Laws and Usages of the Governments under which they have respectively settled.

That 400 Acres of Land be reserved and given to every Head of a Family of the above Description settled at Post St. Vincent, provided that no Person shall be considered as entitled to such Dominion who at present has a rightful Claim to 500 Acres of Land or upwards within that District.

That the Governor of the Western Territory cause to be laid out at the public Expence in the form of a Square adjoining to the present Improvements at Post St. Vincent, and in whatever Direction the Settlers shall prefer, a Tract of Land sufficient for completing the above Donations which Tract shall afterwards be divided by Lot among the Settlers who are entitles to any Part of the same in such manner as they shall agree.

July 8, 1788 –

1) Congress proceeded in the second reading of the supplement to the Ordinance for ascertaining the mode of disposing of lands in the western territory, and the following clause being under debate

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(See pages 301-303 for amended supplement)

2) [Report of Committee on new Constitution]

The Committee consisting of Mr. [Edward] Carrington, Mr. [Pierpont] Edwards, Mr. [Abraham] Baldwin, Mr. [Samuel Allyne] Otis and Mr. [Thomas Tudor] Tucker, to whom were referred the Ratifications of the new Constitution which have been transmitted to Congress by the several ratifying States, Report as follows,

Resolved, that Whereas the Federal convention Assembled in Philadelphia pursuant to the Resolution of Congress of the 21st of February 1787 did on the 17th of September, in the same year, report to the United States in Congress Assembled, in the words following Viz. "We the People &c."

Whereupon Congress on the 28th of the same September did Resolve Unanimously, that the said Report, with the Resolutions and letter accompanying the same, be transmitted to the several Legislatures in order to be submitted to a convention of Delegates chosen in each State, by the People thereof, in conformity to the Resolves of the Convention made and provided in that Case." And Whereas the States of N. Hampshire, Massachusetts, Connecticut, N. Jersey, Pennsylvania, Deleware, Maryland, South Carolina and Georgia, have duly Ratified the aforesaid Constitution, as appears by the several ratifications of the said States, returned to Congress, and filed in the Office of the Secretary; and it is expedient that proceedings do commence thereon as early as may be,

Therefore *Resolved*, That the first Wednesday in December next be the day for appointing Electors in the several States which have, or shall, before the said day, have, ratified the said Constitution; That the first Wednesday in January next be the day for the Electors to Assemble in their respective States and Vote for a President, and that the first Wednesday in February next be the time, and ___ the place for Commencing proceedings under the said Constitution.

July 9, 1788 –

1) Congress proceeded in the second reading of the Supplement to the Ordinance for disposing of lands in the Western territory and this clause being under debate "and no interstices shall be left between surveys less than a mile wide" a motion was made by Mr. [Nathan] Dane seconded by Mr. [Hugh] Williamson to change "a" into "six" so that it read "that no interstices shall be left less than six miles wide". On the question to agree to this Amendment the yeas and nays were required by Mr. [Hugh] Williamson

So it passed in the Affirmative.

The second reading being gone through.

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Ordered That it be read a third time.

The supplement was accordingly read a third time and passed as follows,

A supplement to an ordinance entitled An Ordinance for ascertaining the mode of disposing of lands in the Western territory.

(See pages 305-310 for the supplemental ordinance)

July 14, 1788 –

1) [Motion of Delegates of North Carolina on treaty with Spain]

Whereas any Citizens of the United States who possess Lands on the Western Waters have expressed much uneasiness from a Report that Congress are disposed to treat with Spain for the surrender of their Claim to the Navigation of the River Mississippi in Order therefore to quite the Minds of our fellow Citizens by removing such ill founded Apprehensions

Resolved that the United States have a clear absolute and unalienable Claim to the free Navigation of the River Mississippi which Claim is not only supported by the express Stipulations of Treaties but by the great Law of Nature.

2) [Report of committee of the Georgia cession]

The Committee consisting of [Mr. Abraham Clark, Mr. Nathan Dane, Mr. Hugh Williamson, Mr. Edward Carrington and Mr. Paine Wingate] to whom were referred a motion of the Delegates of Georgia, with the act of the legislature of that State passed Feb. 1, 1788 for the ceding a part of the Territorial claims of the said State to the United States report

That the said state by the act aforesaid has authorised her Delegates in Congress to convey to the United States the Territorial claim of the said State to a certain tract of County bounded as follows, to wit. Beginning at the middle of the river Chatahouchie, or applachicola, where it is intersected by the thirty first degree of North Latitude, and from thence due North one hundred and forty British Statue miles; thence due West to the middle of the river Mississippi; thence down said river to where it intersects the thirty first degree of North Latitude, and thence along the said Degree to the place of Beginning annexing the provisos and conditions following to wit, first, that the United States in Congress assembled guarantee to the Citizens of the said Territory a republican form of Government subject only to such change as may take place in the federal Constitution of the United States. Secondly that the navigation of all waters included in the said cession shall be equally free to all the Citizens of the United States, nor shall any tonnage on vessels or any duties whatever be laid on any goods wares or merchandise that pass up or down the said waters, unless for the use and benefit of the United States. Thirdly

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that the sum of one hundred and seventy on thousand four hundred and twenty eight dollars and forty five ninetieths of a dollar which has been expended in quieting the minds of the Indians and resisting their hostilities shall be allowed as a charge against the United States, and be admitted in payment of the Specie requisitions of that State's quotas that have been or may be require defence, the expences arising thereon shall be allowed as a charge against the United States agreeably to the Articles of Confederation, and fifthly that Congress shall guarantee and secure all the remaining territorial rights of the State as pointed out and expressed by the definitive treaty of peace between the United States and Great Britain, the Convention between the said State and the State of South Carolina entered into the 28th day of April 1787, and the Clause of an act of the said State of Georgia describing the boundaries thereof passed the 17th of February 1783.

Your Committee having fully considered the Subject referred to them, are of opinion, that the cession offered by the State of Georgia cannot be accepted on the terms proposed.

1st because the tract of land proposed to be ceded appears to be but an inconsiderable part of the vacant and unappropriated lands claimed by the State of Georgia. 2d because it appears highly probably that on running the boundary line between that State and the adjoining State or States, a claim to a large tract of Country extending to the Mississippi and lying between the tract proposed to be ceded and that lately ceded by South Carolina will be retained by the said State of Georgia, and therefore the land offered by this State must be too far removed from any lands now belonging to the Union to be of any immediate advantage to it. 3d because there appears to be due from the State of Georgia on Specie requisitions but a small part of the sum mentioned in the third proviso or condition before recited, and that it is improper in this Case to allow a charge against the Specie requisitions of Congress which may hereafter be made, especially as the said State Stands charged to the United States for very considerable sums of money loaned, and 4th because the fifth proviso or condition before recited contains a special guarantee of Territorial rights, and such a guarantee as had not been made by Congress to any State, and which, considering the Spirit and meaning of the Confederation must be unnecessary or improper.

But the Committee are of opinion that the first, second, and fourth provisos before recited and also the third (with some variation) may be admitted and that should the State extend the bounds of her cession, and vary the term thereof as hereinafter mentioned Congress may accept the same whereupon they submit the following resolutions

Resolved that the cession of claims to Western Territory offered by the State of Georgia cannot be accepted on the terms contained in her act passed the first of February last.

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Resolved that, in case the said State shall make a cession of all her territorial claims to lands West of the river Appalachicola, or west of a meridian line not more than ___ west of the place where the river intersects the Southern boundary of Georgia; omit the last proviso in her said act and so far vary the proviso respecting the sum of 171,428 dollars and 45/90 of a dollar expended in quieting and resisting the Indians, as that the said State shall have credit therefor in the Specie requisitions of Congress to the amount of her quotas on the past requisitions and for the residue in her account with the United States for monies loaned Congress will accept the Cession.

July 15, 1788 –

1) From the Footnotes:

Letter Edmund Pendleton, president of the convention, to President of Congress, June 28, 1788, transmitting the instrument of ratification of the Constitution by Virginia. *Papers of the Continental Congress*, No, 71, II, p. 611.

2) The committee consisting of Mr. [Abraham] Clarke, Mr. [Nathan] Dane, Mr. [Hugh] Williamson, Mr. [Edward] Carrington and Mr. [Paine] Wingate to whom was recommended their report on a motion of the delegates of Georgia and an Act of the legislature of that state passed Feb. 1, 1788 for ceding a part of the territorial claims of the said State to the United States having reported

"That the said state by the act aforesaid has authorised her delegates in Congress to convey to the United States the territorial claim of the said state to a certain tract of country bounded as follows, to wit, beginning at the middle of the river Catahouche or Appalachicola where it is intersected by the thirty first degree of North latitude and from thence due north one hundred and forty british statute miles; thence due west to the middle of the river Mississippi; thence down the said river to where it intersects the thirty first degree of North latitude and thence along the said degree to the place of beginning annexing yhe provisos and conditions following to wit. First that the United States in Congress assembled shall guarantee to the citizens of the said territory a republican form of government subject only to such change as may take place in the federal constitution of the United States. Secondly That the navigation of all the waters included in the said cession shall be equally free to all citizens of the United States nor shall any tonnage on vessels or any duties whatever be laid in any goods, wares or merchandize that may pass up and down the said waters, unless for the use and benefit of the United States; thirdly that the sum of one hundred and seventy one thousand four hundred and twenty eight dollars and 45/90 of a dollar which has been expended in quieting the minds of the Indians and resisting their hostilities shall be allowed as a charge against the United States and be admitted in payment of the specie requisitions of that states quotas that have been or may be required

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by the United States; fourthly that in all cases where the state may require defence the expences arising thereon shall be allowed as a charge against the United States agreeably to the article of Confederation; and fifthly that Congress shall guarantee and secure all the remaining territorial rights of the state as pointed out and expressed by the definitive treaty of peace between the United States and Great Britain the convention between the said state and the state of South Carolina entered into on the 28th day of April 1787 and the clause of an Act of the said state of Georgia describing the boundaries thereof passed the 17 of February 1783.

The committee having fully considered the subject referred to them are of opinion that the cession offered by the state of Georgia cannot be accepted on the terms proposed 1st Because it appears highly probable that on running the boundary line between that state and the adjoining state or states a claim to a large tract of country extending to the Mississippi and lying between the tract proposed to be ceded and that lately ceded by South Carolina will be retained by the said state of Georgia and therefore the land which the state no offers to cede must be too far removed from any other lands hitherto ceded to the Union to be of any immediate advantage to it. 2. Because there appears to be due from the state of Georgia on specie requisitions but a small part of the sum mentioned on the third proviso or condition before recited and it is improper in this case to allow a charge against the specie requisitions of Congress which may hereafter be made, especially as the said state stands charged to the United States for very considerable sums of money loaned, and third because the fifth proviso or condition before contains a special guarantee of territorial rights an such a guarantee as has not been made by Congress to any state and which considering the spirit and meaning of the confederation must be unnecessary or improper. But he committee are of opinion that the first, second and fourth provisos before recited and also the third with some variations may be admitted and that should the said state extend the bounds of her cession and vary the terms thereof as herein after mentioned Congress may accept the same whereupon they submit the following resolution:

That the cession of claims to western territory offered by the State of Georgia cannot be accepted on the terms contained in her Act passed the first of February last.

That in case the said State shall authorize her Delegates in Congress to make a cession of all her territorial claims to lands west of the river Appalachicola, or west of a meridian line running through or near the point where that river intersects the thirty first degree of North Latitude, and shall omit the last proviso in her said Act, and shall so far vary the proviso respecting the of 171,428 dollars and 45/90 of a dollar expended in quieting and resisting the Indians, as that the said State shall have credit in the specie requisitions of Congress to the amount of her specie quotas on the past requisitions, and for the residue in her account with the United States for monies loaned; Congress will accept the cession.

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Resolved That Congress agree to the said report.

July 16, 1788 –

1) [Report of committee on copper coins]

The Committee consisting of [Mr. Thomas Tudor Tucker, Mr. Abraham Clark and Mr. Nathan Dane] to whom was referred the report of the board of Treasury respecting the copper Coin, report that in their opinion it is necessary to reduce the nominal value of the copper coin and for reasons stated in the report of the board of Treasury of the 21st of May last. Whereupon the Committee submit the following resolutions:

That no copper coin struck under the authority of the United State, or that of a particular state, shall pass at a greater value than one federal Dollar for three pounds avoirdupois weight of such copper coin, that the Cents composing the said dollar shall be represented by a copper coin containing two hundred and nine grains and 98/100 of a grain Troy weight of pure copper, that the copper coin struck in pursuance of the act of Congress of the 8th of August 1786 shall pass for three quarters of a Cent and that a smaller coin be struck to represent one moiety of a Cent.

July 17, 1788 –

1) On motion of Mr. [Nathan] Dane seconded by Mr. [Hugh] Williamson, Whereas Congress on the 13th of September 1783 fixed the terms and conditions upon which they would accept a cession of claims to western territory from the State of Virginia; and whereas the said State on the 20th October in the same year agreed to the same terms and conditions, and by her act authorised Delegates in Congress to convey, transfer and assign to the United States, the right, title and claim of the said State to the lands within her charter, and northwest of the river Ohio, on the terms and conditions proposed by Congress; and the said Delegates made a conveyance accordingly on the same conditions; among which conditions is the following, to wit, "That in case the good lands on the southeast side of the Ohio, upon the waters of Cumberland river and between the green river and Tenesee river which have been reserved by law to the Virginia troops upon continental establishment, should from the North Carolina line bearing in further upon the Cumberland land than was expected prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands to be laid off between the river Scioto and little Miami on the North west side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia;" And whereas it has not in any manner been alledged or stated to Congress, that there is any such deficiency of lands on the south east side of the Ohio,

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Resolved, That the State of Virginia be informed that Congress consider all locations and surveys which shall be made by, or on account of the said troops on the said lands between the Scioto and little Miami, before the said deficiency, if any, on the south east side of the Ohio shall be ascertained and stated to Congress, invalid.

On the question to agree to this resolve the Yeas and nays being required by Mr. [Abraham] Clark:

So it passed in the affirmative.

Resolved, That the executive of the State of Virginia be requested to inform Congress whether there has been any deficiency of good lands reserved by the laws of that State on the south side of the Ohio for the Virginia troops upon continental establishment; and if there has been any deficiency, what is the amount, and also what checks have been provided by the said State to prevent the said troops taking up more lands than are actually due to them, in order that measures may immediately be taken for laying off for the benefit of such troops a sufficient quantity of good land between the rivers Scioto and little Miami, and that Congress may be prepared to dispose of the remaining land between those rivers for the general benefit of the Union.

July 18, 1788 –

1) [Report of Secretary at War on letter of Col. J. Martin]

The Secretary at War to whom was referred a letter from Colonel J Martin dated June 15, 1788 respecting the Cherokee indians

Reports

That it appears by former evidence submitted to Congress as well as by the letter of the 15th June last from colonel J Martin that the white inhabitants on the frontiers of North Carolina in the vicinity of Chota on the Tenessee river, have frequently committed the most unprovoked and direct outrages against the Cherokee indians.

That this unworthy conduct is an open violation of the treaty of peace made by the United States with the said indians at Hopewell on the Keowee the 30th of November 1785.

That the said enormities have arisen at length to such an height as the amount to an actual although informal war of the said white inhabitants against the said Cherokees.

That the unjustifiable conduct of the said inhabitants has most probably been dictated by the avaricious desire of obtaining the fertile lands possessed by the said Indians of which and particularly of their ancient town of Chota they are exceedingly tenacious.

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That your Secretary is aware of the entanglements of this business by the opinions which have been entertained by some of the former legislatures of North Carolina. But he apprehends that the subject is so charged by the violent claims of the people within the district styled the state of Franklin that the state of North Carolina would not be disposed to object to any equitable interference of Congress to fulfill the said treaty so far as to oblige all persons to remove from the limits assigned by the treaty who have not fairly purchased the lands of the Indians.

That waving the consideration of any obstructions on the part of North Carolina your Secretary humbly conceives that by an upright and honorable construction of the treaty of Hopewell the United States have pledged themselves for the protection of the said Indians within the boundaries described by the said treaty and that the principles of good Faith sound policy and every respect which a nation, owes to its own reputation and dignity require of the union possess sufficient power that to be exerted to enforce a due observance of the said treaty.

That in order to vindicate the sovereignty of the Union from reproach, your secretary is of opinion, that, the sentiments, and decision, of Congress should be fully expressed to the said white inhabitants, who have so flagitiously stained the American name.

That the agent of indian affairs should disperse among the said people a proclamation to be issued by Congress on the subject. That the said proclamation should recite such parts of said treaty as are obligatory on the Union and a declaration of the firm determination of Congress to enforce the same. That all persons who have settled on any of the said lands unless the sam e shall have been fairly purchased of the said Indians shall be warned at their peril to depart previously to a day to be affixed.

That in order to carry efficiently into effect the determination of Congress the commanding officer of the troops on the Ohio should be directed to make himself acquainted of the best route by which a body of three hundred men could be transported most easily and expeditiously to Chota on the Tenessee river, and report the same to the secretary at war.

That in case the Proclamation of Congress should be attended with no effect that the said commanding officer should be directed to move as early in the spring of the next year as the season should admit with a body of three hundred troops to Chota and there to act according to the special instructions he shall receive from the Secretary at War.

That a particular statement of the whole business be made to the Executive of North Carolina and to request a concurrence with the arrangement.

Your Secretary begs leave to observe that he is utterly at a loss to devise any other mode of correcting effectually the evils specified than the one herein proposed. That he conceives it of the highest importance to the peace of the frontiers that all the indian tribes should rely with

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security on the treaties they have made or shall make with the United States. That unless this shall be the case the powerful tribes of the Creeks Choctaws and Chickesaws will be able to keep the frontiers of the southern states constantly embroiled with hostilities, and that all the other tribes will have good grounds not only according to their own opinions but according to the impartial judgements of the civilized part of the human race for waging perpetual war against the citizens of the United States.

All which is humbly submitted to Congress.

H KNOX

WAR OFFICE July 18, 1788.

July 21, 1788 –

1) [Report of committee on War department]

(See pages 345-348 for report).

July 22, 1788 –

1) [Motion of delegates of Pennsylvania respecting aid of continental troops]

Whereas Some alarming Disturbances have taken place in one of the Frontier Counties of the State of Pennsylvania, from a Number of lawless factious Persons, having armed and embodied themselves for the purpose of opposing the Authority of the established Government, and whereas the Articles of Confederation provide for the Interposition of the Arms of the Union in favor of any State whenever such assistance may be required to repel any force offered to, or attacks made upon Such State on any pretence whatsoever, and whereas a Number of Troops in the Service of the United States will Soon be on the March towards the Western Country, and be in the Vicinity of the County where the Insurrection has taken place, and whereas the Delegates of the State of Pennsylvania are instructed by the Supreme Executive Council, to request that Congress would permit these Troops to aid the authority of that State to Suppress the said Insurrection, Therefore

Resolved, that the Secretary at War take order to direct the Destination of those Troops in the most effectual Manner, to render Such Assistance as the State of Pennsylvania may require and Stand in Need of.

July 24, 1788 –

1) [Report of committee on motion of delegates of Pennsylvania]

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The Committee consisting of [Mr. Abraham Clark, Mr. Pierpont Edwards and Mr. William Irvine] to whom was referred a Motion of the Hon. The Delegates of Pennsylvania pursuant to instructions by them received from the Executive Council of said State to apply to Congress, the Continental Troops under Marching orders from Connecticut and New Jersey to the Westward by the rout of Easton in Pennsylvania, may be ordered to proceed from thence to Luzerne County and remain there until the disturbances now existing in that County are Settled.

Your Committee having enquired into the grounds on which the motion to them referred is founded, find, that a number of the Inhabitants of the County of Luzerne, contrary to their Allegiance to, and in defiance of the authority of the State, have Assembled in Arms and Committed An Act of Outrage upon an Officer of the State residing in that county. The reasons inducing those rioters to this violation of the Laws are unknown to your committee; [But whatever they may be] as the number of the rioters does not appear to be great, or [such as State are incompetent] to Suppress in a constitutional way by calling out a small part of [its] Militia, the interference of the United States cannot with propriety be requested. Notwithstanding which, as a body of Continental Troops are soon to March to the Westward by the way of Easton in readiness to Suppress the riots in Luzerne, it may not be improper for the said Continental troops to halt a Short time at Easton to be employed if necessary in quelling the disturbances in Luzerne until the State can provide troops for that purpose.

Whereupon the following resolution is Submitted.

That the Secretary at War direct the detachment of Troops marching to the Westward to Rendevous at Easton in Pennsylvania and from thence march into the County of Luzerne for quelling the disturbances in that county, provided the Executive Council of Pennsylvania shall find the assistance of those troops necessary; provided also that the said troops shall not be delayed in their march to the Ohio more than two weeks.

July 25, 1788 –

1) The committee consisting of Mr. [Abraham] Clark, Mr. [Pierpont] Edwards and Mr. [William] Irvine to whom was referred a motion of the delegates of Pennsylvania, in pursuance of Instructions from the Supreme executive council of the said state having reported thereon and the following proposition being under debate viz That the secretary at war direct the detachment of troops marching to the westward to rendezvous at Easton in Pennsylvania and from thence march into the county of Luzerne for quelling the disturbances in that county provided the executive council of Pensylvania shall find the assistance of those troops necessary, provided also that the said troops shall not be delayed in the march to the Ohio more than two weeks.

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The previous question was moved by the State of Virginia seconded by the State of Massachusetts, that the main question be not now put and on the question to agree to the previous question the yeas and nays being required by Mr. [William] Irvine

So the question was lost.

On the question to agree to the main question the yeas and nays being required by Mr. [William] Irvine

So it was

Resolved That the Secretary at War direct the detachment of troops marching to the westward to rendezvous at Easton in Pensylvania and from thence march into the county of Luzerne for quelling the disturbances in that county, provided the executive council of Pensylvania shall find the assistance of those troops necessary provided also that the said troops shall not be delayed in their march to the Ohio more than two weeks.

July 28, 1788 –

1) The Committee consisting of Mr. [Edward] Carrington, Mr. [Pierpont] Edwards, Mr. [Abraham] Baldwin, Mr. [Samuel Allyne] Otis and Mr. [Thomas Tudor] Tucker to whom were referred the acts of the several States which have been transmitted to Congress ratifying the constitution for the United States of America having reported an act for putting the said constitution into operation and the following paragraph having debated and amended to read as follows

That the first Wednesday in January next be the day for appointing electors in the several States which have or shall before the said day have ratified the said constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective states and vote for a president and the first Wednesday in March next be the time and ___ the place for commencing proceedings under the said constitution.

A motion was made by Mr. [Pierpont] Edwards seconded by Mr. [Hugh] Williamson to fill the blanck with "Philadelphia" and on the question to agree to this the yeas and nays being required by Mr. [Joshua] Seney

So the question was lost.

2) OFFICE FOR FOREIGN AFFAIRS.

12th March 1788.

Produced by the Union States Assembly

The Secretary of the United States for the department of foreign Affairs to whom was referred a letter from Col. Smith of the 12th September last, with the papers that accompanied, Reports

That they contain a detail of occurrences and observations in the journey he made to Lisbon to deliver the letter of Congress to the Queen of Portugal. It appears from them that he was well received by the court of Madrid, and favored by the Minister with a polite and friendly letter of introduction to the Spanish resident at Lisbon.

That he received particular marks of Attention from the Queen and her Minister for foreign Affairs, with whom he had much conversation respecting the treaty negotiating between that country and this.

That the Queen was not much pleased that she had not been noticed by Congress in the way that her friends and neighboring Nations had.

That she was desirous of receiving a Minister from the United States, and of sending one to them of any rank or degree most agreeable to them; but she did not wish that only a Charge de Affairs should be appointed.

That the Queen would rather negotiate for a Treaty at Lisbon than at London; and that this disposition rendered it probable that in such an event the obstacles which now retard it might be more easily removed.

Your Secretary thinks it adviseable for the United States to conclude a Treaty of commerce of limited duration with Portugal, and that a Minister Plenipotentiary should be sent to that Court in case adequate provision can be made for the expence.

He further reports, that the conduct of Col. Smith appears to him to have been proper; and therefore in his opinion that it would be well to permit Your Secretary to insert the following paragraph on the next letter which he may write to the Colonel.

"Your letter of the 12th September last together with the papers accompanied it, have been communicated to Congress, and in obedience to their orders I have the pleasure of informing you that they are pleased with the manner in which you appear to have treated the affairs to which those dispatches relate."

Ordered, that the last paragraph of the above report be referred to the Secretary for foreign Affairs to take order.

3) [Report of Secretary at War on protection of Georgia frontier]

Produced by Union States Assembly

The Secretary of the United States for the department of War in obedience to the order of Congress of the 15th instant to report a plan for the protection of the frontier of Georgia agreeably to the principle of the resolve of Congress of the 21st of July 1787.

Reports

That he conceives it is intended the protection to be afforded the State of Georgia should be complete, in case the Creek Indians should persist in refusing to enter into a treaty on reasonable terms and to comprehend all operations offensive as well as defensive that may be deemed necessary for the full accomplishment of the object.

That unless vigorous exertions be made in the first instance calculated to terminate effectually the contest in one campaign, the United States will hazard the event of being drawn into a tedious expensive and inglorious war.

That the strength of the Wabash Indians who were principally the object of the resolve of the 21st July 1787, and the strength of the Creek Indians in very different. That the said Creeks are not only greatly superior in numbers but are more united, better regulated, and headed by a man whose talents appear to have fixed him in their confidence.

That your Secretary humbly apprehends the regular troops of the Union on the Ohio were considered as the basis of the before recited resolve of the 21st July 1787. That the Militia intended to have been drawn forth were to have acted as auxiliaries to the said regular troops and that all the arrangements were to have been made under the direction of the commanding Officer of the said troops. That in case is widely different on the frontiers of Georgia no troops of the United States being there, nor is it easily practicable to remove any considerable body from the Ohio, were the measure expedient in other respects.

That this difference of circumstances will require a different and more extensive arrangement for the protection of the frontier of Georgia than any that were contemplated by the aforesaid resolve of the 21st of July 1787.

That the frontiers of Georgia may be protected either by a large body of militia detached from time to time, or by a Corps of troops regularly organized and enlisted for a certain period. That a consideration of the expence and irregularity of detachments of mere militia, compared with the economy and vigor of a corps of troops properly organized would evince the great superiority and advantage to be derived to the public by the adoption of the organized troops.

That from the view of the object your Secretary has been able to take he conceives that the only effectual mode of acting against the said Creeks in case they should persist in their hostilities would be by making an invasion of their country with a powerful body of well

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regulated troops always ready to combat and able to defeat any combination of force the said Creeks could oppose and to destroy their towns and provisions.

Your Secretary humbly conceives that any interference on the part of the United States with less force and energy would cherish the hostilities of the Creeks instead of extinguishing them.

That he conceives the operation herein stated would require an Army of two thousand eight hundred non commissioned officers and privates of the different species of troops to be raised for the term of nine months.

That the said troops should be commanded by one Major General and one Brigadier General to be appointed by Congress who should also appoint an Inspector and Quarter Master to said troops.

That the pay and emoluments of said Officers be fixed by Congress.

That the organization of the troops should be as follows

Three regiments of infantry of seven hundred men each.

One regiment of Cavalry of five hundred and sixty.

One Corps of Artillery of one hundred and forty.

That if Congress should approve of these numbers they might be apportioned as follows

Georgia	one regiment of Infantry		700
	five companies of Calvary 70 each		350
			1050
South Carolina	one regiment of Infantry	700	
	two companies of Artillery of 70 each	140	
			840
North Carolina	one regiment of Infantry	700	
	Three companies of Calvary	210	
			910
			2800

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That all the regimental officers be appointed by the said States respectively according to the proportions to be specified by the Secretary at War.

That the said troops should be mustered and inspected in the manner to be directed by the Secretary at War, which musters should be considered as essential vouchers in the settlement of the accounts of the said troops.

That the said troops should be paid by the States which they are respectively raised according to the rates of pay established for the troops of the United States.

That suitable clothing to the value of ten dollars be allowed each non commissioned officer and private who should enlist for the said term of nine months which tents, the necessary camp equipage, and wagons or other means of transportation agreeably to the proportions to be specified by the Secretary at War should be furnished to the troops by the States in which they shall be raised.

That the States of North and South Carolina should also subsist their quotas respectively until their arrival at the place of rendezvous to be appointed by the commanding Officer.

That the rations and forage of said Army should be provided by contract by the said state of Georgia while acting within said state, and also of the quota's of North and South Carolina until they should return to the places of dismission within the said States respectively.

That the issues of the rations of provision and forage should be checked in the manner to be directed by the Secretary at War and for every ration of provision allowed accordingly the United States should be charged a sum not exceeding ___ parts of a dollar, and for every ration of forage not exceeding ___ parts of a dollar.

That the amount of the pay, transportation, and subsistence of said troops should be settled in the manner and forms to be previously established by the Board of Treasury and the same when completed should be passed to the credit of said states on the existing requisitions according to the amount they may have respectively furnished.

That as it is highly probable that the said States may be deficient in arms accoutrements and ammunition the same be furnished out of their arsenals of the United States and be transported by the Secretary at War by water to such ports within the said States as may be most convenient, and addressed to the executives of the same.

That ten pieces of light field Artillery with their necessary apparatus and a suitable quantity of ammunition be also transported by the Secretary at War to Savannah in Georgia for the purposes of the said expedition addressed to the Major General who may be appointed for the expedition.

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That the expences of every species which would be incurred for the various objects of the said army for nine Months may be estimated at about four hundred and fifty thousand dollars.

All which is humbly submitted to Congress.

H KNOX

WAR OFFICE

July 26th 1788.

His Excellency THE PRESIDENT OF CONGRESS

July 30, 1788 –

1) [Report of committee respecting Col. Martin's letter on Indian affairs]

The Committee consisting of [Mr. Nathan Dane, Mr. James Madison, Mr. Abraham Clark, Mr. William Irvine and Mr. Egbert Benson] to whom was referred the report of the Secretary at war relative to certain Intrusions on the hunting grounds of the Cherokees, report

That by the articles of treaty concluded at Hopewell on the Keowee the 28th of November 1785 between the Commissioners of the United States on the one part, and the head men and warriors of all the Cherokees on the other it was, among other things, Stipulated that a certain boundary, particularly specified on the 4th article of the said treaty, should be the boundary between the said Cherokees and the Citizens of the United States within the limits thereof, and that the lands Westward and Southward of the said boundary should be allotted to the said Indians for their hunting grounds, and that by other articles in the same treaty the United States engaged that if their Citizens shall intrude on the said hunting grounds of the Cherokees they shall forfeit the protection of the United States and liable to be punished by the said Cherokees as they please, and they also engaged that murders, robberies and other capital crimes committed by their Citizens upon the said Indians shall be duly punished in the manner pointed out in the said treaty.

That it appears by evidence at sundry time produced, that the Inhabitants on the Frontiers of North Carolina in the vicinity of Chota on the Tenessee river have frequently committed the most unprovoked and direct outrages against the said Cherokees, in open violation of the said treaty.

In the present situation of affairs in that part of the United States, the Committee are of opinion that Congress ought to interpose and put a Stop to those outrages, and the hostile proceedings which have taken place between the said Inhabitants and the said Indians and to

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enforce a due observance of the said treaty, and to this end the Committee are of opinion that a proclamation ought to be issued by Congress in the form following to wit

Whereas by the Articles of Confederation and perpetual Union the United States in Congress assembled have the sole and exclusive right and power of regulating the trade, and managing all the affairs with the Indians, not members of any of the States; provided that the legislative right of any State within its own limits be not infringed or violated, whereas the United States in Congress, by their Commissioners duly appointed and authorised, did on the 28th day of November 1785 at Hopewell on the Keowee conclude articles of a Treaty with all the Cherokees, and among other things stipulated and engaged by article 4th that the boundary allotted to the Cherokees for their hunting grounds between the said Indians and the Citizens of the United States, within the limits of the United States of America is, and shall be the following. Viz. beginning at the mouth of Duck river on the Tenessee, thence running North East, to the ridge into the Tenessee; thence Eastwardly along the said ridge to a North East line to be run, which shall Strike the river Cumberland forty five miles above Nashville; thence along the said line to the river; thence to Campbell's line, near the mouth of big Limestone, on Nolichuckey; thence a Southerly Course six miles to a mountain; thence South to the North Carolina line thence to the South Carolina Indian boundary, and along the same South West over the top of the Oconee mountain till it shall Strike Tugalo river; thence a direct line to the top of the Currohee mountain; thence to the head of the South fork of Oconee river", and by article 5th that "if any Citizen of the United States, or other person not being an Indian, should attempt to settle on any of the lands Westward or Southward of the said boundary which were allotted to the Indians for their hunting grounds, or having settled previously to concluding the said treaty (which was ratified April 17th 1786) such person should forfeit the protection of the United States, and that the Indians might punish him or not as they please, provided that the said 5th article should not extend to the people settled between the fork of French Board, and Holstein rivers, whose particular situation should be transmitted to the United States in Congress assembled for their decision thereon, which the Indians agreed to abide by".

And whereas it has been represented to Congress that several disorderly persons settled on the frontiers of North Carolina in the vicinity of Chota have in open violation of the said Treaty made intrusions upon the said Indian hunting grounds, and committed may unprovoked outrages upon the said Cherokees who by the said treaty have put themselves under the protection of the United States and are justly entitled thereto which proceedings are highly injurious and disrespectful to the authority of the union; and it being the form determination of Congress to protect the said Cherokees in their rights and lawful possessions according to the true intent and meaning of the said Treaty, the United States in Congress assembled have, therefore, thought fit to issue and do hereby issue this their proclamation Strickly forbidding all such unwarrantable intrusions and hostile proceedings against the said Cherokees, and

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enjoining all those who have settled upon the said hunting grounds of the said Cherokees, or have remained there in violation of the said treaty to depart with their families and effects, without loss of time, as they shall answer their disobedience to the injunctions and prohibitions expressed in this proclamation at their peril.

Resolved that the Secretary at war be directed to have a sufficient number of troops in the service of the United States in readiness to march from the Ohio to the protection of the Cherokees whenever Congress shall direct the same, and that he take measures for obtaining information of the best routes for the troops to march from the Ohio to Chota, and for dispersing among all the White Inhabitants settled upon, or in the vicinity of the hunting grounds secured to the Cherokees by the treaty concluded between them and the United States November 28th 1785, the proclamation of Congress of this date.

Resolved that copies of the said proclamation and of the[se] foregoing resolutions be transmitted to the executive of Virginia and North Carolina, and that the said States be requested to use their influence that the said proclamation may have its intended effect to restore peace and harmony between the Citizens of the United States and the Cherokees and to prevent any further invasions of their respective rights and possessions, and in Case Congress shall find it necessary to order troops to the Cherokees towns to enforce a due observance of the said treaty that the said States be requested to cooperate with the said troops for enforcing such observance of that treaty.

2) [Report of committee on memorial of G. Morgan]

The Committee consisting of [Mr. Hugh Williamson, Mr. Samuel Allyne Otis, and Mr. Abraham Baldwin] To who was referred a Memorial of Geo Morgan in behalf of himself and his Associates and sundry Papers respecting the antient French Settlers on the Mississippi report that Mr. Morgan is desirous that Congress should vary in sundry particulars from the Terms proposed in the Act of the 20th of June last both as to the mode of Payment, the circumstance of Occupancy and limits of the Tract to be sold. It also alledged that there is not a sufficient Quantity of Timber and arable Land on the low Grounds of the Mississippi to supply the antient French Settlers with such Donation Lands as Congress propose to reserve for their Benefit on which your Committee submit the following Resolves

That the Board of Treasury be authorised in contracting with George Morgan and his Associates or with any other Person or Persons for the sale of a Tract of Land on the River Mississippi to vary in the flowing particulars from the Terms proposed in the Act of the 20th of June last viz. The first Payment of 150,000 Dollars shall be made on closing the Contract. The Remainder of the Price to be paid in seven equal Payments the first of which shall be paid whenever the Indian Title, if any such there is, shall be extinguished and the Tract surveyed by the proper

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Officer. The other six Payments to be made half yearly with Interest from the Time in which a Return of the Survey is made. On making the first Payment the Entry shall be permitted on so much Land as that Sum is equal to at the Price limited; on making the second Payment a Deed shall issue for so much Land as may then be paid for, and other Deeds if required shall issue on making the several Payments; provided that it is previously stipulated on what Part the first Deed shall be laid and that all Deeds shall be for regular Tracts extending from the Mississippi to the Eastern Boundary of the general Purchase.

That in Case Messrs Flint and Parker shall not be ready to enter into a Contract for purchasing a Tract of Land on the Illinois River referred to in the Act of Oct. 22 1787 as soon as the Indian Title shall have been extinguished or within four Weeks of that Time, the Board of Treasury be authorised so far to extend the Limits of the Tract described in the Act of the 20th of June last as to make the Northern Boundary in the Parrallel of the mouth of the River au Beuff instead of Wood River.

That instead of the Three Parallelograms to be reserved according to the Act of 20th June ult for Donations to the antient Settlers on the West Side a certain Ridge of Rocks, there shall be reserved an equal Quantity of land for the same Use to be laid out in three Squares on the East Side of the said Ridge of Rocks and as near as may be to the Improvements belonging to the Villages of Kaskaskias la Prairie du Rochers and Kahokia.

That in Case there are any Improvements belong to the Antient French Settlers without the general reserved Limits the same shall also be considered as reserved in the Sale now proposed to be made.

August 4, 1788 –

1) The Order of the day being called and the motion renewed by Mr. [Jonathon] Dayton seconded by Mr. [David] Ross to fill in the blank with the words "city of New York in the State of New York". A motion was made by Mr. [Hugh] Williamson seconded by Mr. [Joshua] Seney to postpone the motion in order to admit a motion to fill in the blank with the word Lancaster and on the question to postpone for the purpose above mentioned the yeas and nays being required by Mr. [Hugh] Williamson

So it passed in the negative.

A motion was then made by Mr. [Edward] Carrington seconded by Mr. [Joshua] Seney to postpone the motion for New York in order the admit Baltimore in the State of Maryland and on the question to postpone for the purpose above mentioned the yeas and nays being required by Mr. [Joshua] Seney

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So it passed in the affirmative.

On the question to fill in the blank with the words the town of Baltimore in the state of Maryland the yeas and nays being required by Mr. [Edward] Carrington

So it was resolved in the affirmative.

The preamble reported by the committee was then taken into consideration which in the words following "Whereas the convention assembled in Philadelphia pursuant to the Resolution of Congress of the 21st of February 1787, did on the 17th of September in the same year report to the United States in Congress Assembled in the words following viz. "We the people etc." (here to be inserted the constitution and resolutions as entered on the Journal of last Sept. 28th 1787) whereupon Congress on the 28th of the same September, did resolved unanimously, "That the said Report, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State, by the people thereof, in conformity to the Resolves of the Convention made and provided in that case." And whereas the States of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pensylvania, Delaware, Maryland, Virginia, South Carolina and Georgia, have duly ratified the aforesaid Constitution, as appears by the several acts of the said States returned to Congress, and filed in the Office of the Secretary; and it is expedient that proceedings do commence thereon as early as may be, therefore," et.

[From the footnotes: The constitution and resolutions were not entered in the Journal on this date. They are printed, under the date of September 20, 1787. See Journal, vol. XXXIII, pp. 488-503.]

A motion was made by Mr. [Thomas Tudor] Tucker, seconded by Mr. [Daniel] Huger to postpone the said preamble in order to take up the following, viz. Whereas the Constitution proposed by the late general Convention held in the city of Philadelphia has been ratified in the manner therein declared to be sufficient for the establishment of the same; And whereas the ratifications of the several States are to be considered as containing virtual authority and Instructions to their Delegates in Congress to make the preparatory Arrangements recommended by the said Convention to be made by Congress, therefore resolved, and on the question to postpone for the purpose abovementioned, the Yeas and Nays being required by Mr. [Thomas Tudor] Tucker,

So it was resolved in the affirmative.

2) [Report of committee on the requisition for 1788]

The Committee consisting of [Mr. Abraham Clark, Mr. Nathan Dane, Mr. Hugh Williamson, Mr. William Bingham and Mr. Abraham Baldwin] to who was referred the report of the Board of Treasury respecting a requisition for the year 1788, Report:

. . . . . .

Resolved, that of the arrearages due on the Requisitions of 1784, 1785 and 1786, be and there is hereby appropriated for the services of the present year, the sum of three hundred and twenty six thousand four hundred and Twenty seven dollars, and for the following purposes to wit.

For the Civil department	108,587.30	
" The Military	119,839.30	
" Surveys of Western lands	4,000	
" Indian Treaties	20,000	
" Invalid pensions	58,000	
" Contingencies	16,000	326,427

Resolved, that the monies borrowed by the United States in Holland in the years 1787 and 1788 be appropriated to the payment of Interest due, and which shall become due to the year 1790 inclusive on the Dutch loans, and that the residue of the said loans made in the last and present years after paying the said Interest be applied towards paying the salaries of the Ministers of the United States in Europe, and the Contingent expences of the said States which have arisen or shall arise in Europe [or on account of the American prisoners at Algiers].

Resolved that the States be and there are hereby required to pay into the Treasury of the United States on or before the first of July next, the sum of one million Six hundred and eighty Six thousand, five hundred and forty one dollars and Twelve ninetieths of a dollar, being the amount of one years Interest on the domestic debt of the United States and that the quotas of the several States of the aforesaid sum, be as follows to wit

. . . . . .

As the sum aforesaid of 1,686,541.12 Dollars is to be applied to the payment of the Interest due on the domestic debt of the United States, the same may be received in Certificates of Indents issued for Interest.

. . . . . .

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. . . . . .

Resolved That the Board of Treasury furnish the several Loan Officers, with Indents, to be issued for interest as aforesaid, and also with such Checks and instructions as they from time to time shall Judge necessary, to prevent Counterfeit Certificates of debts from obtaining a settlement of Interest, and to detect Counterfeit evidence of Interest, and thereby to avoid receiving them in discharge of Taxes; which Indents of Interest being parted with by the holders of the principal, shall be deemed evidence that he has received Satisfaction for the same, and therefore shall be receivable from the bearer in lieu of money in any other State in the Union, as well as in the State in which they were issued.

August 5, 1788 –

1) The order of the day being called, the preamble moved by Mr. [Thomas Tudor] Tucker seconded by Mr. [Daniel] Huger was read in the words following "Whereas the Constitution proposed by the late general Convention held in the city of Philadelphia has been ratified in the manner therein declared to be sufficient for the establishment of the same; and whereas the ratifications of the several states are to be considered as containing virtual authority and instructions to their delegates in Congress to make the preparatory arrangement recommended by the said convention to be made by Congress, therefore",

A motion was made by the delegates of North Carolina to amend this proposed preamble by striking out the words "and instructions to their delegates in Congress" and in lieu thereof insert "to the United States in Congress assembled."

A motion was thereupon made by Mr. [Nathan] Dane seconded by Mr. [Egbert] Benson to postpone both the proposed preamble and amendment; and on the question to postpone the yeas and nays being required by Mr. [Hugh] Williamson

So it was resolved in the affirmative.

A New preamble being agreed to a motion was made by Mr. [Alexander] Hamilton seconded by Mr. [Nathan] Dane to reconsider the question for filling the blank in the resolution with the words "The town of Baltimore in the state of Maryland", and on the question for reconsideration the yeas and nays being required by Mr. [Joshua] Seney.

So it passed in the negative.

August 6, 1788 –

1) The order of the day being called for and the act as amended for putting the Constitution into Operation being read as follows:

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Whereas the convention assembled in Philadelphia pursuant to the resolution of Congress of the 21 February 1787 did on the 17 of Sept. in the same year report to the United States in Congress assembled a constitution for the people of the United States whereupon Congress on the 28 of the same September did resolve unanimously "that the said report with the resolutions and letter accompanying the same be transmitted to the several legislatures in order to be submitted to a convention of delegates chosen in each state by the people thereof in conformity to the resolves of the convention made and provided in that case" and whereas the constitution so reported by the convention and by Congress transmitted to the several legislatures has been ratified in the manner therein described to be sufficient for the establishment of the same and such ratifications duly authenticated have been received by Congress and are filed in the office of the secretary therefore,

Resolved that the first Wednesday in January next be the day for appointing electors in the several states which before the said day shall have ratified the said constitution, that the first Wednesday in February be the day for the electors to assemble in the respective states and vote for a president and that the first Wednesday in March next be the time and the town of Baltimore in the state of Maryland the place for commencing proceedings under the said constitution.

A motion was made by Mr. [Thomas Tudor] Tucker seconded by Mr. [Henry Lee] further to amend the act by striking out the words "and the town of Baltimore in the state of Maryland" and inserting as follows, And Whereas a central situation would be most eligible for the sitting of the Legislature of the United States, if such could be found in a condition to furnish in due time the accommodations necessary for facilitating public business, and at the same time free of weighty objection which might render it improper or unlikely to be the seat of Government either permanently or until a permanent seat can be agreed on; and whereas the most effectual means of obtaining finally the establishment of the federal government in a convenient central situation is to leave the subject to the deliberate consideration of the future Congress, uninfluenced by undue attachment to any of the places which may stand in competition for preference on so interesting a question, and unembarrassed by want of time and means to fix on and prepare the most proper place for this purpose; and whereas the removal of the public Offices must be attended with much expence, danger and inconvenience, which ought not to be incurred but with a well founded expectation of advantages can be expected from a removal to any place now in a condition to receive the federal legislature; and whereas in addition to the beforementioned reasons unnecessary changes of the seat of Government would be indicative of instability in the national councils and therefore highly injurious to the interests as well as derogatory to the dignity of the United States, therefore, *Resolved* that the city of New York in the State of New York be the place for commencing proceedings under the said Constitution.

Property of the United States Assembly

A motion was then made by Mr. [Hugh] Williamson seconded by Mr. [James R.] Reid to postpone the motion before the house in order to take up the following.

Whereas it is proper that the seat of the new Congress and of the national Government be placed as near the centre of the Union as may consist with present accommodation in order that its influence and benefits may be equally felt by the great body of citizens throughout the United States, that members of Congress and other persons may approach it with equal convenience from the opposite extremes, and that no species of partial favor may seem to have been extended to one extreme, rather than to the other; and whereas the present residence of Congress is far removed from the centre of the Union, whether population or distance are considered, since the new Congress is to consist of eight Senators from States to the eastward of New York, and sixteen from States to the southward, and since there are to be only 17 members in the house of representatives from the eastern States, though there are to be 42 members from southern States; and since the distance to the seat of government in the extreme eastern states is hardly equal to one third of the distance to the seat of Government in the most southerly state, and whereas it is to be desired that the new Congress may be convened in the same spirit of mutual accommodation which has hitherto appeared in all deliberations respecting the new government, and that proceedings under the said Government may commence under the impressions of mutual confidence, without the general irritation and loss of time which must attend the removal from an improper situation, and without those painful apprehensions which will naturally arise from a measure that may seem to have originated in an undue regard to local considerations. Therefore *Resolved* that the seat of the new Congress ought to be in some place to the southward of New York.

And on the question to postpone for the purpose abovementioned, the Yeas and nays being required by Mr. [Hugh] Williamson:

So it passed in the negative.

A motion was then made by Mr. [Edward] Carrington seconded by Mr. [William] Bingham to amend the amendment by striking out the words “New York in the state of New York:, and in lieu thereof, inserting “Philadelphia” and on the question to agree to the amendment to the amendment the Yeas and Mays being required by Mr. [James R.] Reid:

So it passed in the Negative.

A division was called for and on the question to agree to the resolving clause the Yeas and Nays being required by Mr. [Henry] Lee.

So it was resolved in the Affirmative.

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On the question to agree to the preamble, the Yeas and Nays being required by Mr. [William] Irvine.

So it was resolved in the Affirmative.

August 7, 1788 –

1) [Motion of Mr. Hamilton respecting votes of States not having ratified the Constitution]

Resolved As the sense of this congress that may vote given or which may be given respecting the said resolutions, by the delegate or delegates of any state which hath not ratified the said constitution, shall in no wise be construed directly or indirectly to imply wither on their part or on the part of the states which they represent an approbation of the constitution aforesaid or of any part thereof or any manner or kind of obligation on the part of any such state touching the same or the relinquishment of any right heretofore or now claimed or which may be claimed by such state, and that all and singular the rights of such state remain continue and are to all intents and purposes in the same situation as if such delegates had refrained from voting respecting the said resolutions.

Motion of Mr. Hamilton seconded by Mr. D

Whereas the convention assembled at Phil in the Com: of Pensyl did on the 17 of Sept last resolve as the opinion of that Convention that as soon as the Conventions of 9 states should have ratified the constitution then and there agreed upon by the said convention the US in Congress Ass: should fix a day on which electors should be appointed by the states which should have ratified the same and a day on which the electors should assemble to vote for the president and the time and place for commencing proceedings under the said constitution and Whereas the US in C As having received the ratifications of the said Constitution by 11 states did on the 28 Ult and the 5 and 6 inst agree to the following resolutions to wit.

And whereas it does not appear that the states of RI and NC have ratified the said const. and whereas the delegates of the said two states have voted upon certain parts of the said resolutions therefore Resolved etc. as above.

Motion by delegates of NC to amend the motion, by striking out in the preamble "it does not appear that the states of RI and NC have ratified the said Cons" and in lieu thereof to insert "the convention of the state of NC is supposed now to be in session and the state of RI has rejected the new constitution".

And in the resolving clause to strike out "the delegate or delegates of any state which hath not ratified the said Const" and in lieu thereof to insert "the delegates of the state of RI which state hath rejected the new constit."

Produced by the Union States Assembly

August 11, 1788 –

1) [Report of Board of Treasury on monies due to French officers.]

The Board of Treasury to whom was referred an extract of a Letter of the 6th of August 1787, from the Honble. Mr. Jefferson,

Beg leave to Report to Congress,

That the critical situation in which the provision for the payment of the Dutch Interest, has been for some time placed, has hitherto prevented the Board from recommending any approbation of the Funds in Europe for any other object; but as information has lately been received that the Loans now opened in Holland will furnish timely and sufficient Funds for the above object. The Board are of opinion, that no time should be lost in making Provision for the Payment of the Arrears of Interest due to Foreign Officers, agreeably to the Recommendation of the Minister of the United States at the Court of France, and therefore submit to the consideration of Congress the following Resolve. Viz.

That so much of the Loans in Holland as shall be necessary to discharge the Interest due on Certificates issued to Foreign Officers to the 31st December 1788, be specially appropriated for that purpose, under the direction of the Minister of the United States at the Court of France.

In order to ascertain the sum necessary for the above purpose, the Board beg leave to lay before Congress a Statement of the Interest due, and accruing to the period abovementioned.

All which is humbly submitted.

SAMUEL OSGOOD

August 8th, 1788 WALTER LIVINSTON

August 12, 1788 –

1) [Report of committee on Indian affairs]

The Committee consisting of [Mr. Edward Carrington, Mr. Jeremiah Wadsworth, Mr. William Irvine, Mr. Abraham Baldwin and Mr. Alexander Hamilton] beg leave to report in part as follows:

It appears to your committee from the letters of Governor St. Clair, and other papers accompanying them, that sundry acts of Hostility have lately been committed on the part of the Indians in the Northern department upon the inhabitants in the Kentucky Settlement, upon boats passing down the Ohio, and upon the party which had been sent by the said Governor St

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Clair with Stores to the place appointed for holding the general treaty. Your Committee are of opinion that these Hostilities and the general Conduct of the Indians indicate an unfriendly disposition which renders the prospect of a successful treaty either of peace, or for the extinguishment of their claims to land, exceedingly precarious; that it is expedient that early measures be taken for placing the frontiers in a State of defence, and that it will be proper so to alter the instructions concerning the extinguishment of Indian claims to land, as to empower the Commissioners to extend the boundaries between the United States and the Indians as to them shall appear practicable, and for the advantage of the said United States. The following resolutions are therefore Submitted:

That the Executives of Virginia and Pensylvania, be requested to giver orders to the militia of their respective frontiers to hold themselves in readiness to unite with the federal troops in such operations as the governor of the Western Territory may judge necessary for the protection of the frontier inhabitants, and that on the application of the said Governor the said Executives be requested to give orders that parts of their said militia, not exceeding 1000 for Virginia and 500 for Pensylvania, be embodied, and to take such positions as the Commanding Officer of the federal troops shall direct, for acting in conjunction with the said federal troops in protecting and defending the frontiers against any hostilities commenced or meditated by the Indians, and in making such expeditions should they continue hostile as the said Governor shall direct for repelling such hostilities;

That the Commissioners for Indian Treaties be instructed, in the further purchases of Indian Rights to Land to extend the same as far as them shall appear the most for the advantage of the United States, upon considering all circumstance, any former instructions prescribing certain limits notwithstanding.

On the report of a committee consisting of Mr. [Edward] Carrington, Mr. [Jeremiah] Wadsworth, Mr. [William] Irvine, Mr. [Abraham] Baldwin and Mr. [Alexander] Hamilton to whom were referred sundry letters and papers from the Governor of the western territory.

Resolved that the executives of Virginia and Pensylvania be requested to give orders to the militia of their respective frontiers to hold themselves in readiness to unite with the federal troops in such operations as the governor of the western territory may judge necessary for the protection of the inhabitants; and that on the application of the said governor the said executives be requested to give orders that parts of their said militia not exceeding one thousand for Virginia and five hundred for Pensylvania be embodied and take such positions as the commanding officer of the federal troops shall direct for acting in conjunction with the said federal troops in protecting and defending the frontiers against any hostilities commenced or meditated by the Indians and in making such expeditions should they continue hostile as the said governor shall direct for repelling such hostilities, That the militia which shall be called into

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the actual service of the United States for the defence of the frontier inhabitants the purposes of any expedition shall be paid supported and equipped by the states from which the same may be respectively called and that such state be credited for the same out of the existing specie requisitions so far as such expenditures shall be for pay and rations, which are to be computed on the federal establishments for similar services; provided that no charge for such service shall be valid unless supported by musters made by an officer of the federal troops agreeably to the orders of the commanding officer.

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

So it was resolved in the affirmative.

That the said governor be informed that, the foregoing resolution having been taken by Congress on an apprehension that a war may be inevitable, he is to consider it as their earnest desire that all hostile measures may be avoided unless rendered indispensable to the safety and protection of the citizens of the United States.

Resolved That the commissioners for Indian treaties be instructed in the farther purchases of Indian right to lands, to extend the same as far as to them shall appear for the advantage of the United States, upon considering all circumstances, any former instructions prescribing certain limits notwithstanding.

August 13, 1788 –

1) [Scribe's notes: Although nothing was resolved in the affirmative, Congress devoted time and effort to issues regarding the constitution].

August 14, 1788 –

1) [Report of committee on the department of Foreign Affairs]

The Committee [consisting of Mr. Samuel Allyne Otis, Mr. Ezra L'Hommedieu, Mr. James R. Reid, Mr. Thomas Tudor Tucker and Mr. John Brown] appointed to enquire fully into the Proceedings of the Department of Foreign Affairs Report.

That two Rooms are occupied by this Department, one of which the Secretary reserves for himself and the Reception of such Persons as may have Business with him, and the other for his Deputy and Clerks.

That the Records and Papers belonging to the Department are kept in a proper Manner, and so arranged as that Recourse may be had to any of them without Delay or Difficulty.

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That they find his Method of doing Business is as follows: the daily Transactions are entered in a minute Book as they occur, and from thence are neatly copied in to a *Journal* at Seasons of Leisure. This Journal contains a Note of the Dates, Receipt and contents of all Letters received and written by him, with References to the Books in which they are recorded, of all Matters referred to him, and the Time when, and of his Records thereupon; and in general of all the Transactions in the Department. It is very minute and at present occupies 2 Folio Volumes.

His official Letters to the Ministers and Servants of Congress and others abroad, are recorded in a *Book entitled Book of foreign Letters*, and such Parts as required Secrecy are in Cyphers.

His official Correspondence with foreign Ministers here, and with the Officers of Congress and others in the United States, including the Letters received and written by him, are recorded at large in a Book entitled *American Letter Book*. They already fill 3 folio Volumes.

His Reports to Congress are recorded in a Book entitled *Book of Reports*, the 3 Vol. of which is now in Hand. The Papers on which the Reports are made are subjoined to the Report, unless in Cases where according to the ordinary Course of the Office, they are recorded in other Books.

His Correspondence and Proceedings with the Encargado de Negocios of Spain, are recorded in a Book kept for that Purpose.

The Passports for Vessels issued by the Secretary under the Act of Congress of 12th February 1788, together with the Evidence accompanying the several Applications, are recorded in a Book kept for that Purpose.

The Letters of Credence and Commissions of foreign Minister, Charge des Affaires and Consuls to the United States, are recorded in a Book entitled *Book of foreign Commissions*.

There is a Book kept and regularly sent to the Secretary of Congress, to receive such Acts of Congress as respect the Department.

A Book of Accounts is kept in which are entered the contingent Expences of the Office.

The Business of the Office is done by his Deputy and two Clerks, and whatever Time can be spared from the ordinary and daily Business, is employed in recording the Letters received from the american Ministers abroad. In this Work considerable Progress has been made. We find already recorded *one Vol.* containing the Letters of Mr. Dana during his Mission to Russia, commencing 18th February 1780 and ending 17th December 1783, of Mr. H. Laurens commencing 24th January 1780 and ending 30th April 1784, and Mr. John Laurens during his special Mission to Versailles, commencing 3d January 1781 and ending 6th September following. *Five Volumes* containing the Letters from Mr. Adams commencing 23d December 1777 and brought up to 10th April 1787, the 6th Vol. is now in Hand. *Two Volumes* containing the Letters

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from Mr. Jay commencing the 20th December 1779 and ending 25th July 1784. The Letters from Mr. Deane commencing the 17th September 1776 and ending 17th March 1782 are recorded, and those from Mr. Arthur Lee commencing 13th February 1776 and brought up to 15th February 1778, are now in Hand.

Those from Dr. Franklin, Mr. Jefferson, the first joint Commissioners, the joint Commissioners for negociating a Treaty of Peace, and those for negociating Treaties of Commerce, Mr. William Lee, Mr. Dumas and others are numerous, and are yet to be recorded.

The Letter Book of the late Committee for foreign Affairs composed of Sheets stitched together and much torn, has been fairly copied in a bound Book and indexed.

The Books used for these Records are of demy Paper, and each Vol. contains from 5 to 6 Quires of Paper, being all of a Size, except the two Volumes of the Secretary's Reports which are somewhat less.

There is an Index to the Paper Cases, and to the Boxes in each Case, and to the Papers in each Box. In these Cases and Boxes are filed the original Letters and Papers belonging to the Office.

The Office is constantly open from 9 in the morning to 6 O'Clock in the Evening; and either his Deputy or one of the Clerks remains in the Office while the others are absent at Dinner.

By inspection of the book of foreign Letters your Committee fins that several timely efforts have been made to furnish Mr. Carmichael with a Cypher; [the] *last* [of which] they have reason to hope is successful, and upon the whole they find, neatness, method and perspicuity throughout the Department.

<u>August 15, 1788</u> –

1) [Report of Secretary of Congress on sundry letters]

Aug. 15, 1788.

On the letter of the 8 from the Secretary for foreign affairs transmitting two letters of the 30 June and 2d July last from his excellency the governor of Virginia and sundry papers referred to in the latter, touching the subject of which Count Moutier complains in his note of the 28 May last.

The Secretary of Congress reports

That the letter of the 8 from the Sec. for foreign affairs therein enclosed be referred back to the Sc. For foreign affairs to report.

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On the letter of 2 June last from Mess N and J Staphorst, which was transmitted to Congress the 12 inst by the Sec. for foreign affairs and in which Messrs Van Staphorst earnestly desire to be furnished with a compleat sett of the Journals of Congress as a mean of providing in the best manner the monies necessary to support the credit of the United States until the new government can be organized and operate to this effect; And to lay the foundation for transferring to the money lenders in Holland the debt due by the US to the crown of France.

The Sec. of Congress reports That the letter of the 2 June from Messrs Van Staphorst be referred to a Committee.

On the petition of W Imlay Commissioner of the loan Office for the state of Connecticut representing the incompetency of his salary and the inequality of it compared with that of others and the business done in his office and praying for relief.

The Sec. of Congress reports

That the petition of W Imlay Com. Of the loan office for the State of Connecticut be referred to the board of treasury to report.

2) [Report of Secretary for Foreign Affairs on Georgia resolutions]

OFFICE FOR FOREIGN AFFAIRS

14th August 1788

The Secretary of the United States for the Department of foreign Affairs, to whom was referred a Resolution of the House of Assembly of Georgia of the 30th January last, with a Letter from Governor Zespedes, dated at St. Augustin in Florida 12th December 1784,

Reports.

That from these Papers it appears that sundry negroe Slaves belonging to Citizens of Georgia had fled to East Forida, and were there protected and detained.

That Application had been made on the Subject to the Governor of East Florida, and that although he has permitted those Fugitives to be apprehended and put in the keeping of Persons named by their Masters, yet that he cannot deliver them up without Instructions from his Court, which he has solicted, it having heretofore been the Practice of Florida not to deliver such Fugitives to Georgia, because the latter while under the british Government had refused to observe a reciprocal Conduct in that Respect.

That although in his Opinion these similar Matters cannot be conveniently regulated but by Treaty, yet that for the present it would be proper to send Copies of these Papers to the Charge

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des Affaires of the United States at Madrid the Inconveniences which the States bordering on his Dominion experience from the Asylum afforded to their fugitive Slaves, to solicit his Orders to his Governors to permit and facilitate their being apprehended and delivered to their Owners or to Persons authorized to receive them, and to assure his Majesty that the said States will observe the like conduct respecting all such Slaves belonging to his Subjects as may be found therein.

That it also appears to him expedient to communicate these Papers to the Encargado de Negocios of Spain and that it be signified to him by your Secretary, that his Interposition to obtain proper Regulations to be made on this Hand, would be very agreeable to Congress.

All which is submitted to the Wisdom of Congress

JOHN JAY

August 20, 1788 –

1) The committee consisting of Mr. [Abraham] Clarke, Mr. [Nathan] Dane, Mr. [Hugh] Williamson, Mr. [William] Bingham and Mr. [Abraham] Baldwin to whom was referred the report of the board of treasury respecting a requisition for the year 1788 having reported "That in order to ascertain whether any or what sums in specie it may be necessary to require of the states the present year they have taken a general view of the expenditures of every kind of the United States for several years past and including an estimate for the present year and have compared those expenditures with the provisions that have been made by Congress for discharging specie demands upon the Union during the same period, that on ascertaining the amount of the said expenditures from January 1, 1784 to January 1st 1788, the amount of the interest which accrued on the foreign debt previous to the year 1784 and the amount of the sums paid for services performed in the years 1782 and 1783 out of the requisition of 1784 they find that those expenditures, and the said Interest and services of 1782 and 1783, and estimate amount to the sums following viz.

(see pages 434-442 for remainder of report)

August 26, 1788 –

1) [Scribe's notes: Although nothing was resolved in the affirmative, Congress devoted time and effort to issues regarding the constitution].

August 27, 1788 –

1) [Report of committee on the Post Office Department]

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The Committee consisting of [Mr. Paine Wingate, Mr. John Swann, Mr. Nathan Dane, Mr. James R. Reid and Mr. Peleg Arnold] appointed agreeably to a resolution of Congress of June 17, 1782, to enquire fully into the proceedings of the department of the Post office, and to report the result of their enquiry to Congress, Report,

That the Post master General who has the direction of the affairs of the Post Office has one Assistant, and order to properly to execute the duties of his office, he employs sixty nine Deputy Postmasters, who are obliged each of them to keep an office peculiarly appropriated to the purpose of receiving and transmitting letters which are entrusted to their care. The pay of the Deputies for their services is Twenty per Cent deducted out of the money received by them respectively for all letters they shall deliver according to the established rates of Postage.

The general instructions given by the Post-master general to his Deputies and the obligations required of them for the faithful discharge of their trust appear to be well calculated to preserve regularity, promote the advantage of those whose letters are conveyed, and place the Revenue of the office on a proper footing of security. Those instructions and obligations for the Deputies, as well as the forms of contracts and bonds required of the Postriders, are the same as have been used by the present and former Post-master general over since the existence of that office under the Authority of Congress.

The particular instructions given by the Postmaster general to his Deputies from time to time for special purposes the committee are not informed of, as by means of the multiplicity of business in the general post office and no clerk being allowed, there could not be copies preserved.

The contracts and obligations entered into by those who are employed in transporting the mail, are strict and well adapted for the security and punctuality of those conveyances. And the Post-master general informs that the Stages and Postriders have been as punctual in delivering the mails generally as could reasonable be expected. That the forfeiture for failures under this head in the years 1786 and 1787 amount only to about forty two dollars, excepting the forfeitures of Mr. Twining which in 1787 amounted to upwards of two thousand dollars but were remitted to him by resolve of Congress of Sept. 25,1787.

To ascertain with precision the Receipts of each Post Office for two or more years, the Postmaster general states would require an examination of several hundred accounts and more time than the indispensable demand of the department would permit and he farther adds that the present state in his mind is such, owing to sickness and death in his family that he is totally unfit for the investigations. But he informs in general that the income of the Post office from Portland to Virginia inclusive has defrayed the expences of it, but from Virginia southward the

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expence has exceeded the income, and Bills have been from time to time drawn upon for the deficiencies.

The receipts of the General post office from the year 1785 to April 1, 1788 inclusive are as follows, viz.

	Dollars	90ths
In 1785	29598	12
In 1786	27096	53
In 1787	29243	52
In 1788, one quarter to April 1	6649	88

The monies received have been disposed of in defraying the ordinary and contingent expences of the department, and in payments made to the treasury of the United States. Of each of these the following sketch may give some Idea.

(See chart on page 464)

This statement exhibits a general view of expenditures during the whole period of time it includes, but not an exact one for each year; because part of the money received in each year could not be paid to the Riders in the year in which it became due, and consequently was charged in the succeeding year when it was paid. The like remark is applicable to the money paid into the Treasury.

Agreeably to the foregoing statement of the Receipts and disposition of the monies in this department there remains unapplied 1247. 1990 Dollars in the general post office, exclusive of the forfeitures for failures in contracts.

The committee find that the transportation of the mail costs from a tenth to some what less than a twenty fourth part of a dollar per mile. The expence is various, and generally greater at the Southward than Eastward. The expence of some of the routes has been increased and in others reduced in the contracts of the present year; but on the amount of the whole the reduction of this is considerable.

The committee on a calculation of the ordinary expence of conveying the mail are of opinion that it cannot be afforded generally, by a person who is faithful and punctual and makes that his business for a less price than a dollar for Twenty miles.

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The committee would accompany this report with a list of the Deputy-Post-Masters, and an account of the annual expence of the transporting the mail in the different contracts, and the amount of the Receipts of the general post office in the present and three preceeding years. Also the forms of the contracts made with the Post-riders and obligations given by them, and the Instructions given to the Deputy-Post-Masters and their bonds for performance.

With respect to the letter of the Post Master General to Congress of July 8th ult the committee further report that on conferring with him on the meaning of acts of Congress relative to his department, the doubts stated in his letter are removed.

August 28, 1788 –

1) On the report of a committee consisting of Mr. [Hugh] Williamson, Mr. [Samuel Allyne] Otis and Mr. [Abraham] Baldwin to whom was recommitted a report on the memorial of George Morgan and sundry Papers,

Resolved, That the board of treasury be and they hereby are authorised in contracting with George Morgan and his Associates or with any other person or persons for the sale of a tract of land on the Mississippi which is described in the Act of June 20th last to vary in the following particulars from the proposed in the said Act, viz. A payment of 200,000 dollars shall be made on closing the contract, the remainder of the price to be paid in seven equal payments, the first of which shall be paid whenever the Indian title, if any such there is, shall be extinguished, and a survey of the tract returned to the treasury Office. The other six payments to be made half yearly with Interest from the time in which the survey is returned. On making the second payment a deed shall issue for so much land as may then be paid for, and other deeds if required shall issue on making the several payments; Provided that it is previously stipulated on what part the first deed shall be laid, and that every subsequent deed shall be for a regular tract as nearly as may be of an equal width extending from the Mississippi to the eastern boundary of the general purchase, and that the several deeds be for tracts in contact with one another. That in case of failure in any one of the payments stipulated for, the contract shall be considered as forfeited in all the parts thereof, which shall the remain to be carried into effect. That instead of the three parallelograms to be reserved according to the Act of the 20th June last for donations to the antient settlers on the west side of a certain ridge of rocks, there shall be reserved an equal quantity of land for the same use to be laid out in three squares on the east side of the said ridge of rocks, as near as may be to the improvements belonging to the villages of Kaskaskies, la Praire du Rochers and Kahokia.

That in case there are any improvements belonging to the antient French settlers without the general reserved limits, the same shall also be considered as reserved for them in the sale now proposed to be made.

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August 29, 1788 –

1) On a report of the committee consisting of Mr. [Paine] Wingate, Mr. [John] Swann, Mr. [Nathan] Dane, Mr. [James R.] Reid and Mr. [Dyre] Kearny to whom was referred a motion of Mr. Kearny,

Resolved That the post master general be and he is hereby authorised and directed to establish a post from Wilmington in the State of Delaware to the town of Dover in the said state as soon as may be and that he contract for the regular transportation of the mail to and from the said places respectively once every week by post riders or otherwise and that he further take order for the continuance of the said establishment for one year from the first of january next.

2) On the report of a committee consisting of Mr. [Hugh] Williamson, Mr. [Nathan] Dane, Mr. [Abraham] Clark, Mr. [Thomas Tudor] Tucker and Mr. [Abraham] Baldwin to whom was referred the report of a former committee respecting the inhabitants of post St. Vincents

Resolved That measures be taken for confirming in their possessions and title the French and Canadian inhabitants and other settlers at post St. Vincents who on or before the year 1783 had settled there and had professes themselves citizens of the United States, or any of them, and for laying off for them at their own expence the several tracts which they rightfully claim and which may have been allotted to them according to the laws and Usages of the Governments under which they have respectively settled.

That four hundred acres of land be reserved and given to every head of a family of the above description settled at Post St. Vincents.

That the Governor of the western territory cause to be laid out at the public expence in the form of a square adjoining to the present improvements at Post St. Vincents and in whatever direction the settlers shall prefer, a tract of land sufficient for compleating the above donations; which tract shall afterwards be divided by lot among the settlers who are entitled to any part of the same, in such manner as they shall agree.

3) On a report of the same committee the following Instructions to the Governor of the western territory were agreed to:

SIR: You are to proceed without delay, except while You are necessarily detained by the Treaty now on hands, to the French settlements on the River Mississippi, in order to give dispatch to the several measures which are to be taken according to the Acts of 20th June last and the 28th Instant, of which a copy is enclosed for Your Information. You are to enquire whether there be any Indians who claim the lands on the eastside of the River Mississippi, above the mouth of the Ohio, and if there be any such Indians, You are immediately to take measures for holding a

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treaty with them, and extinguishing their claim at least to so much of the territory as You find described in the aforesaid Acts, and in the several Acts of Oct. 22d 1787 relative to lands in the Mississippi. If You find it cheapest and best to extinguish the claim of those Indians by agreeing to furnish them annually with a certain allowance in corn, or other provisions for a term not exceeding ten Years, You will contract accordingly.

When You have examined the titles and possessions of the settlers on the Mississippi in which they are to be confirmed, and given directions for laying out the several squares, which the settlers may divide as they shall think best among themselves by lot, You are to report the whole of your proceedings to Congress.

After You shall have dispatched the several matters committed to your care on the Mississippi, You will take Post St Vincents on your return, where you are to pursue the measures directed to be taken by the Act of this day, and report your proceedings accordingly.

<u>September 1, 1788</u> –

1) On the report of a committee consisting of Mr. [Nathan] Dane, Mr. [James] Madison, Mr. [Abraham] Clarke, Mr. [William] Irvine and Mr. [Egbert] Benson to who was referred a report of the Sec. at War relative to certain intrusions on the hunting grounds of the Cherokees, Congress agreed to the following proclamation and resolutions

A proclamation

(See pages 476-479 for proclamation)

2) [Proposition of Pennsylvania for annexing jurisdiction]

Whereas the Board of Treasury in conformity with the Act of Congress of the sixth of June last, have entered into Contract with the Delegates of the State of Pennsylvania in behalf of said State, for the tract of land bounded East agreeably to the Cession of Western territory by the States of Massachusetts and New York, south by Pennsylvania North and West by lake Erie. And whereas the said tract is entirely separated from the other lands of the Western territory over which Jurisdiction of the United States extends, by which it will become inconvenient for the United States to hold the Jurisdiction of the same, and Whereas under these circumstances it will be most expedient and convenient for the State of Pennsylvania to hold and exercise Jurisdiction over the tract aforesaid, as will on account of its contiguous situation as the right of soil is now vested in the said State,

Therefore *Resolved* that the United States do hereby Relinquish all their right title and claim to the Jurisdiction of the said tract of land; and that it be and is hereby transferred and annexed to the State of Pennsylvania forever; and it is hereby declared and made known that the laws and

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other public acts of said State may and of right shall extend over every part of the same to all intents and purposes, as if the said tract has been originally within the Charter bounds of said State, provided that the inhabitants shall be maintained in all the rights and priviledges as the other Citizens of the said State of Pennsylvania are now or may hereafter be Constitutionally entitled to enjoy.

September 2, 1788 –

1) [Scribe's notes: Although nothing was resolved in the affirmative, Congress devoted time and effort to issues regarding the constitution].

September 3, 1788 –

1) [Scribe's notes: Although nothing was resolved in the affirmative, Congress devoted time and effort to issues regarding the constitution].

September 4, 1788 –

1) [Scribe's notes: Although nothing was resolved in the affirmative, Congress devoted time and effort to issues regarding the constitution].

2) On a report of a committee consisting of Mr. [Nathan] Dane, Mr. [Theodore] Sedgwick, and Mr. [James] Madison, to whom was referred a motion of the Delegates of Pensylvania.

Whereas it appears that the board of treasury in conformity to the Act of Congress of the 6th June last have entered into a contract with the Delegates of the state of Pennsylvania in behalf of the said State, for the tract of land bounded East, agreeably to the cession of western territory by the States of Massachusetts and New York, south, by Pensylvania, North and West, by lake Erie, and whereas the said tract is entirely separated from the other lands of the western territory, over the jurisdiction of the United States extends; and whereas under these circumstances it will be expedient for the State of Pensylvania to hold and exercise jurisdiction over the tract aforesaid, therefore,

Resolved, that the United States do hereby relinquish, and transfer all their right, title and claim to the Government and Jurisdiction of the said tract of land, to the State of Pennsylvania forever; and it is hereby declared and made known that the laws and public Acts of the said State shall extend over every part of the same tract to all intents and purposes as if the same had been originally within the charter bounds of the said State; provided that the Inhabitants of the said tract shall be maintained in all their rights and privileges which other citizens of the said State of Pensylvania are now or may hereafter be constitutionally entitled to enjoy.

September 12, 1788 –

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1) [Scribe's notes: Although nothing was resolved in the affirmative, Congress devoted time and effort to issues regarding the constitution].

September 13, 1788 –

1) . . . so it was resolved as follows

Whereas the Convention assembled in Philadelphia pursuant to the resolution of Congress of the 21st of February 1787 did on the 17th of Sept. of the same year report to the United States in Congress assembled a constitution for the people of the United States, whereupon Congress on the 28 of the same Sept. did resolve unanimously "That the said report with the resolutions and letter accompanying the same be transmitted to the several legislatures in order to be submitted to a convention of Delegates chosen in each state by the people thereof in conformity to the resolves of the convention made and provided in that case" And whereas the constitution so reported by the Convention and by Congress transmitted to the several legislatures has been ratified in the manner therein declared to be sufficient for the establishment of the same and such ratifications duly authenticated have been received by Congress and are filed in the Office of the Secretary therefore *Resolved* That the first Wednesday in January next be the day for appointing Electors in the several states, which before the said day shall have been ratified the said constitution; that the first Wednesday in March next be the time and present seat of Congress the place for commencing proceedings under the said constitution.

2) On Motion of Mr. [James] Madison seconded by Mr. [Edward] Carrington

Resolved That out of the fund appropriated for the redemption of the American captives at Algiers or any other monies belonging to the United States in Europe, the Minister plenipotentiary of the United States at the Court of Versailles be and he is hereby authorised to make such provision for the maintenance and Comfortable subsistence of the American Captives at Algiers and to give such orders touching the same as shall to him appear right and proper.

That Congress approve the instructions heretofore given to Mr. Lamb and Mr. Jefferson their Ministers at the Court of France for supplying the said Captives.

September 15, 1788 –

1) [Report of committee on the Mississippi question]

The Committee [consisting of Mr. Alexander Hamilton, Mr. James Madison, Mr. Hugh Williamson, Mr. Nathan Dane and Mr. Pierpont Edwards] to whom was committed the Report of the Secretary of Foreign affairs founded on a referred motion of the Delegates of N. Carolina,

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stating the uneasiness produced by a Report "that Congress are disposed to treat with Spain for the surrender of their claim to the navigation of the river Mississippi" and proposing a resolution intended to remove such apprehension, submit the following Resolutions

That the Report mentioned in the said motion, being not founded in fact, the Delegates in Congress be authorised (any former injunctions of secrecy notwithstanding) to contradict the same and, to communicate all such circumstances as may be necessary to correct misconceptions on this subject.

That the United States have a clear and absolute right to the free navigation of the river Missippi; and that the same ought in no manner whatsoever to be invalidated.

The Committee beg leave further to report

That no negociations for Treaties with foreign powers be prosecuted by virtue of any authority heretofore granted by Congress for that purpose, and that the same requisite provision for such cases be referred to the federal Gov. about to be organized.

September 16, 1788 –

1) The Secretary of the United States for the department of foreign affairs to whom was referred a motion of the honorable delegates of North Carolina in the words following viz "Whereas many citizens of the United States who possess lands on the western waters, have expressed much uneasiness from a report that Congress are disposed to treat with Spain for the surrender in their claim to the navigation of the river Mississippi, in order therefore to quiet the minds of our fellow citizens by removing such ill founded apprehensions resolved that the United States have a clear absolute and unalienable claim is not only supported by the express stipulations of treaties but by the great law of nature" having on the 2d of the present Month reported.

That the report mentioned in the said motion is not warranted by any part of the negociations between the United States and Spain, and therefore that in his opinion it would be expedient so far to rescind the orders of secrecy relative to those negociations, as that the Delegates of North Carolina and others be at liberty to contradict the said report in the most explicit and positive terms.

That as divers events which ought to have an influence on those negociations, have taken place since the commencement of them, and particularly the Institu-[tion] of a new form of national Government for the United States which is speedily to be established, it would be prudent to suspend all further progress therein, and refer the same with all the papers and documents respecting it to the new Government. Wherefore he thinks it should be, resolved, that the

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report mentioned to Congress by the Delegates of North Carolina, as prevailing and causing uneasiness in the western country, viz *that Congress are disposed to treat with Spain for the surrender of their claim to the navigation of the river Mississippi* is not founded in fact, and that the Delegates in Congress be authorized (their former Injunctions of secrecy notwithstanding) to contradict the same in the most explicit and unequivocal terms. *Resolved* that no further progress be made in the said negociations by the Secretary for foreign Affairs; but that the same in the state they are now, be referred to the federal Government about to be established and organized.

Your Secretary further reports that if the aforegoing resolutions should be deemed expedient, he much doubts the propriety of adopting the one contained in the motion under consideration.

1st Because although it does impliedly, yet it does not expressly deny the truth of the report, which has created the apprehensions intended to be removed.

2nd Because if the report be destroyed, by being positively contradicted, the uneasiness flowing from it must cease; which is all that appears to him necessary to be done at present, provided Congress should think it proper to suspend the progress of the negociation, and refer it to the new Governent.

As to declaring and resolving that the United States have a clear, absolute and unalienable right to the Navigation of the river, he thinks no objections can be derived from the nature of their right to declaring it to be clear and absolute. Authentic documents now among the papers of Congress shew that he has uniformly been of opinion, that the United States possess a perfect right to that navigation, and ought never to cede it, Whether it would be wise in the United States to consent in consideration of equivalent Advantages, to any and what modifications of the Use of that right, is a question on which his opinion communicated to Congress in writing is well known. The modifications then contemplated appeared to him at that time adviseable; but he confesses that circumstances and discontents have since interposed to render it more questionable than it then appeared to be. How far the resolution proposed by North Carolina which declares the right to be unalienable, as well as absolute, would tend to exclude all modifications, however temporary and adapted to present circumstances and convenience merits consideration; nor is it clear to him that such exclusion would be a measure, which however supported by right, would also be warranted by good policy. Whether that right be unalienable or not, does not depend on the nature of the title, but on the extent of the powers constitutionally vested in Government. How far the present or ensuing Government may be restrained or authorised in these respects, is a question of too great magnitude in these respects, to be decided without deliberate and mature Investigation. He knows the prejudice and opinions prevailing in the western country respecting whatever may concern that

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navigation; and he knows also the groundless, though not unnatural Jealousies are also entertained of him respecting it; but as personal considerations ought not to influence his public conduct, he thinks it his duty to report in plain terms, that any resolution calculated to exclude the possibility of such modifications, as without impairing the right, might be advantageous to the United States, and satisfactory to the citizens, would not in his opinion be wise. Whether such modifications could be formed he will not attempt to conjecture. Certain it is that the probability of it will become greater and increase, and the population of those countries advances, and as the respectability of the United States rises in the estimation of Spain and other foreign Nations.

He therefore thinks it best to let these negociations pass over in their present state to the new Government, who will undoubtedly be tenacious of the public rights, and may be enabled by circumstances not yet developed, to terminate these negociations with Spain in a manner perfectly consistent with the right in question, and with the Interests and wished of their constituents.

The same was referred to a committee and

On the report of the committee consisting of Mr. [Alexander] Hamilton, Mr. [James] Madison, Mr. [Hugh] Williamson, Mr. [Nathan] Dane and Mr. [Pierpont] Edwards to whom was referred the report of the Secretary for foreign affairs on a motion of the delegates of North Carolina, stating that uneasiness produced by a report "That Congress are disposed to treat with Spain for surrender of their claim to the Navigation of the river Mississippi" and proposing a resolution intended to remove such apprehensions.

Resolved That, the said report not being founded in fact, the delegates be at liberty to communicate all such circumstances as may be necessary to contradict the same and to remove misconceptions.

Resolved That the free navigation of the river Mississippi is clear and essential right of the United States and that the same ought to be considered and supported as such.

Resolved That no further progress be made in the negotiations with Spain by the Secretary for foreign affairs, but that the subject to which they relate be referred to the federal government which is to assemble in March next.

September 25, 1788 –

1) [Report of committee on memorial of B. Tardiveau]

The Committee consisting of Mr. [Abraham] Clark, Mr. [Hugh] Williamson and Mr. [James] Madison to whom were referred the memorial of Mr. Tardiveau Agent of the French and

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American Inhabitants of the Illinois and Post St. Vincents, report, that in by the Ordinance for the Government of the Western territory passed the 13th day of July 1787, it is ordained that, "there shall be neither Slavery nor involuntary Servitude in the said territory otherwise than in the punishment of Crimes whereof the party shall have been duly convicted. And Whereas since the passing of said Ordinance it appears there were at that time Negroes under Servitude to the inhabitants then residing at Kaskaskies, Illinois, Post St. Vincents and other Antient French Settlements whose Right to the property they possessed were guaranteed by Congress in their Act Accepting the Cession of Claim to Western territory made by the State of Virginia; which Right of property it was not the intention of Congress to violate by said Ordinance but merely to restrain the Settlers in future from carrying persons under Servitude into the Western territory, for remedy whereof,

Resolved, That the before mentioned Ordinance for the government of the Western territory, shall not be construed to deprive the Inhabitants of Kaskaskies, Illinois, Post St. Vincents and other Villages formerly settled by the French and Canadians, of their Right and property in Negro or other Slaves which were possessed of at the time of passing the said Ordinance, or in any manner to Manumit or Set free any such negroes or other persons under Servitude within any part of the said Western territory; any thing in the said Ordinance to the contrary notwithstanding.

And Whereas Congress by their Acts of the 20th of June and 29th of August last, took measures for confirming in their possessions and Titles all the French and Canadian Inhabitants and others, Settlers at or near the Rivers Mississippi, Illinois, and Wabash, who on or before the year 1783, had professed themselves Citizens of the United States or any of them, and for laying off the several tracts which they rightfully claim within certain limits. And also in and by the said Acts directed the laying of certain tracts of Land of such extent as to contain four hundred acres as donations to each of the heads of families in the districts therein mentioned to be divided among them by lot, but omitted making any grants of land for Supporting Religion and for Schools of education as had been done in the Sales of Land in the western territory; for Supplying which Omission,

Resolved that before any of the Tracts of Land directed by the above mentioned Acts as donations to the heads of families, shall be laid off, there shall be laid out two Tracts of Land of ___ Acres each adjoining to each Village not the property of any of the Inhabitants of such Villages; one of which said tracts adjoining each Village shall be and remain forever to the sole and only use of Supporting the ministry of Religion in such Village, and the other of said tracts to remain in like manner for supporting Schools of education in the Village it adjoins, any thing in the Acts of Congress of the 20th of June or 29th of August last, to the contrary notwithstanding.

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September 29, 1788 –

1) The committee consisting of Mr. [Abraham] Clark, Mr. [Nathan] Dane, Mr. [Edward] Carrington, Mr. [William] Bingham and Mr. [Hugh] Williamson, appointed to enquire fully into the department of finance, beg leave to observe, that the objects of that department are so various and extensive in their nature, that the time allowed to your Committee from their necessary business in Congress would not permit them to prosecute their enquires in such a manner as to give a minute detail of all the transactions of the Treasury Board, and those acting under the direction. They have however proceeded as far as their time and other circumstances would admit, and thereupon Report,

(See pages 554-570 for report).

October 1, 1788 –

1) On Motion of Mr. [Abraham] Clarke and seconded by Mr. [Hugh] Williamson

Resolved That the board of treasury be and they hereby are directed no longer to delay taking measures for immediately cancelling all the public securities now in the treasury paid in discharge of debts due to the United States by causing a part of the same to be cut out and destroyed in such manner as to leave the number, amount and names of the person signing the same and the person to who given and in like manner from time to time to cancel all others when paid into the treasury Order that such securities may be inspected by and finally destroyed in the presence of a committee of Congress to be appointed for that purpose at such time Congress shall direct; and also that the said board take immediate measures for cancelling all the certificates liquidated and taken up by the commissioners in the several states or in any of the public offices so as to prevent their being fraudulently put in circulation preserving the last mentioned certificates to be charged in account against the respective officers who issued the same.

October 2, 1788 –

1) The Committee consisting of Mr. [John Eager] Howard, Mr. [William] Few, Mr. [Jonathon] Dayton, Mr. [Nicholas] Gilman and Mr. [Edward] Carrington, appointed to make full enquiry in to the proceedings in the department of War, beg leave to Report, and to present to the view of Congress a summary of the various branches of the department of War.

(Note: The full report is on pages 578-594. Portions shown below are of interest)

First. Of the troops in service of the United States.

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The troops present in Service on the frontiers, were raised for three years in consequence of the Resolves of Congress passed April 1785.

The establishment was to consist of the field and company Commissioned Officers, and Seven hundred non Commissioned officers and privates, by the States of Connecticut New York, New Jersey and Pensylvania, about four hundred recruits were engaged in 1785, and about one hundred and Eighty in 1786 and marched to the Ohio, except a small garrison of an Officer one serjeant and fifteen privates stationed at West-point. The further completion of the establishment was prevented by a deficiency of the public finances.

. . .

Non commissioned officers and privates having to serve until the year 1789	174
Re-enlisted at the Several posts	171
New recruits marched from the States of Pensylvania, New Jersey, and Connecticut	250
	595

Besides the before recited troops there are in the service two Companies of Artillery raised by virtue of the Resolves of Congress of the 20th of October 1786, and retained in service by the Resolve of Congress of the 9th of April 1787 and a small detachment of West-point of thirteen non commissioned and privates raised by virtue of the acts of Congress of April 1785.

. . .

4th Of the Stations occupied by the Troops on the frontiers

Fort Franklin. On French creek near to the post formerly called Venango is a small strong fort with one Cannon, was erected in 1787 and garrisoned with one Company . . . This post was established for the purpose of defending the frontiers of Pensylvania, which are much exposed by the facility with which the Indians can cross from Lake Erie, either to French creek or to the Jadaghque lake and the Conneawango branch and thence descend the rapid River Allegheny.

Fort Pitt. Has only an officer and a few men to receive the supplies and dispatched forwarded to the Troops by the Secretary at War

Fort McIntosh. Is ordered to be demolished, and a blockhouse to be erected in lieu thereof a few miles up the Beaver Creek to protect the communication up the same, and also to cover the County.

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Fort Harmar. At the mouth of Muskingum is a well constructed fort with five bastions and three cannons mounted. It is at present garrisoned with four Companies, and is considered as Head Quarters, being conveniently situated to reinforce any of the posts either up or down the River Ohio.

Fort Steuben. At the Rapids of the Ohio, on the west side, is a well constructed small fort, with one cannon, and is garrisoned with a Major and two Companies. This post is established to cover the Country from the incurions of the Indians, and it also serves as a post of communication to post Vincennes on the Wabash.

Post Vincennes. On the Wabash is a work erected during the year 1787 and has four small brass cannon. It is garrisoned by a Major and two Companies. It is established to curb incursion of the Wabash Indians, into the Kentucky Country, and to prevent the usurpation of the federal lands, the fertility of which have been too strong a temptation to the lawless people of the frontiers who posted themselves there in force in the year 1786. Brigadier General Harmar by orders of Congress formed an expedition in August 1787 for the purpose of dispossessing them, but previously to his arrival most of the intruders had abandoned their settlement.

. . .

9th. Of the Ordnance Department.

This branch of the department of war is important and interesting to the Union. The Ordnance, arms, ammunition and all the numerous appendages and complex apparatus belonging thereto in possession of the United States are highly valuable, and require an incessant attention to the their preservation.

The places where they are deposited are as follows,

Providence in Rhode-Island

Springfield in Massachusetts

Mohawk River

West-point on Hudsons River

Philadelphia

New-London and Manchester, Virginia

Charlestown, South Carolina

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. . .

October 10, 1788 –

1) On the report of a committee consisting of Mr. [Abraham] Clark, Mr. [Hugh] Williamson and Mr. [James] Madison, to who was referred a motion of Mr. [Abraham] Clark, respecting the board of commissioners, appointed under the ordinance of May 7th 1787.

Resolved, That the board of commissioners appointed pursuant to an ordinance of Congress of the 7th of May 1787 be restrained from entering upon the business of their appointment, or finally determining any matter to them referred by the said ordinance unless all three of the said commissioners shall be present any thing in the said ordinance to the contrary notwithstanding. And that the said board of commissioners do not meet for the purpose of their appointment until the board of treasury shall have notified to them that the vouchers and accounts to be returned by the district commissioners, are ready for them to act upon. And the board of treasury and the several commissioners then acting under Congress are hereby required to attend the said board of commissioners when by them requested, in order to give them any necessary information, and to explain and to support the claims of the Union. And the board of treasury are also required to furnish the board of commissioners with such of the clerks in the offices under the direction of the said board of treasury, as the said board of commissioners may find necessary, not exceeding two in number. And that the said board of commissioners have the privilege, while in the execution of their office, to send and receive letters by post free of postage.

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [Hugh] Williamson in the words following, viz. That the Secretary at War be and he hereby is directed to forbear issuing warrants for bounties of land to such of the officers of the late army who have neglected to account for monies by them received as pay masters of Regiments, or for recruiting or other public service, until such officers respectively shall have settled their accounts with the commissioner of army accounts, or others legally authorised to settle the same, and have been paid the balances that may be found due from them, onto the treasury of the United States, any thing in the land ordinance passed the 9th day of July 1788 to the contrary notwithstanding."

NOTE: This was the last day there ever was a quorum to do business in the Continental Congress.

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TIMELINE OF WORLD EVENTS 1774 -1789

(Prepared by the Union States Assembly Scribe)

1774

September 5 - A Number of the Delegates chosen and appointed by the Several Colonies and Provinces in North America to meet and hold a Congress at Philadelphia assembled at Carpenters' Hall. The Delegates were from: the province of New Hampshire; the Colony of Rhode Island and Providence Plantations; the province of Massachusetts Bay; the Colony of Connecticut; from the City and County of New York, and other counties in the province of New York; from New Castle, Kent, and Sussex, on Delaware; from the county of Suffolk, in the province of New York; the Province of Maryland, the Colony of New Jersey; the Colony of Virginia; the Province of Pennsylvania; and the Colony of South Carolina thereby representing every colony, except Georgia.

October 14 **-** Congress makes Declaration of Colonial Rights in Philadelphia.

October 20 – The Articles of Association is read and signed by Delegates of: New Hampshire; Massachusetts Bay; Rhode Island and Providence Plantations; Connecticut; New York; New Jersey; Pennsylvania; the Lower Counties New Castle; Maryland; Virginia; North Carolina; and South Carolina.

1775

April 18 - General Gage orders 700 British soldiers to Concord to destroy the colonists' weapons depot. That night, Paul Revere and William Dawes are sent from Boston to warn colonists. Revere reaches Lexington about midnight and warns Sam Adams and John Hancock who are hiding out there.

April 19 - American Revolution begins - Minutemen Capt. John Parker orders not to fire unless fired upon. At dawn on about 70 armed Massachusetts militiamen stand face to face on Lexington Green with the British advance guard. An unordered "shot heard around the world" begins the American Revolution. A volley of British muskets followed by a charge with bayonets leaves eight Americans dead and ten wounded. The British regroup and head for the depot in Concord, destroying the colonists' weapons and supplies. At the North Bridge in Concord, a British platoon is attacked by militiamen, with 14 casualties. British forces then begin a long retreat from Lexington back to Boston and are harassed and shot at all along the way by farmers and rebels and suffer over 250 casualties. News of the events at Lexington and Concord spreads like wildfire throughout the Colonies.

April 19 - New England militiamen begin the siege of Boston, hemming in the British army garrison.

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April 19 - Paul Revere, William Dawes and Samuel Prescott are captured by British troops riding from Lexington to Concord, Prescott escapes to warn Concord.

April 23 - The Provincial Congress in Massachusetts orders 13,600 American soldiers to be mobilized. Colonial volunteers from all over New England assemble and head for Boston, then establish camps around the city and begin a year long siege of British-held Boston.

May 10 - American forces led by Ethan Allen and Benedict Arnold capture Fort Ticonderoga in New York. The fort contains a much needed supply of military equipment including cannons which are then hauled to Boston by ox teams.

May 10 - The Continental Congress convenes in Philadelphia, with John Hancock elected as its president.

May 15 - Congress places the colonies in a state of defense.

June 14 - US Army founded.

June 15 - Congress unanimously votes to appoint George Washington general and commander-in-chief of the new Continental Army.

June 17 - The first major fight between British and American troops occurs at Boston in the Battle of Bunker Hill. American troops are dug in along the high ground of Breed's Hill (the actual location) and are attacked by a frontal assault of over 2000 British soldiers who storm up the hill. The Americans are ordered not to fire until they can see "the whites of their eyes." As the British get within 15 paces, the Americans let loose a deadly volley of musket fire and halt the British advance. The British then regroup and attack 30 minutes later with the same result. A third attack, however, succeeds as the Americans run out of ammunition and are left only with bayonets and stones to defend themselves. The British succeed in taking the hill, but at a loss of half their force, over a thousand casualties, with the Americans losing about 400, including important colonial leader, General Joseph Warren.

July 3 - At Cambridge, Massachusetts, George Washington takes command of the Continental Army which now has about 17,000 men.

July 5 - The Continental Congress adopts the Olive Branch Petition which expresses hope for a reconciliation with Britain, appealing directly to the King for help in achieving this.

July 6 - The Continental Congress issues a Declaration on the Causes and Necessity of Taking Up Arms detailing the colonists' reasons for fighting the British and states the Americans are "resolved to die free men rather than live as slaves." If you are not aware, a “subject” (of a monarch or government) is considered a slave.

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July 20 - A letter was received from the Convention of Georgia, and read, setting forth, that the Colony had acceded to the general Association, and appointed Delegates to attend this Congress.

July 21 - Presented by Benjamin Franklin, the first appearance of what would become the Articles of Confederation and Perpetual Union is presented to the Committee of the whole (full Congress). There were 13 Articles.

July 26 - An American Post Office is established with Benjamin Franklin as Postmaster General.

Aug 22 - King George III proclaims colonies to be in open rebellion without even looking at the Olive Brach Petition.

November 10 - Congress forms US Marine Corps.

November 11 - Mohawk military leader Joseph Brant goes to London to solicit more support from the government and to persuade the Crown to address past Mohawk land grievances in exchange for their participation as allies in the impending war.

November 13 - General Richard Montgomery led American troops in the capture of Montreal.

November 28 - The American Navy is established by Congress. The next day, Congress appoints a secret committee to seek help from European nations.

December 23 - King George III issues a royal proclamation closing the American colonies to all commerce and trade, to take effect in March of 1776. Also in December, Congress is informed that France may offer support in the war against Britain.

1776

January 5 - The assembly of New Hampshire adopts the first American state constitution.

January 9 - Thomas Paine's "Common Sense" is published in Philadelphia. The 50 page pamphlet is highly critical of King George III and attacks allegiance to Monarchy in principle while providing strong arguments for American independence. It becomes an instant best-seller in America. "We have it in our power to begin the world anew. . . American shall make a stand, not for herself alone, but for the world," Paine states.

March 2-3 - The Battle of Nassau was a naval action and amphibious assault by American forces against British-occupied Nassau in the Bahamas during the American Revolutionary War.

March 4-17 - American forces capture Dorchester Heights which overlooks Boston harbor. Captured British artillery from Fort Ticonderoga is placed on the heights to enforce the siege against the British in Boston. The British evacuate Boston and set sail for Halifax. George

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Washington then rushes to New York to set up defenses, anticipating the British plan to invade New York City.

April 6 - The Continental Congress declares colonial shipping ports open to all traffic except the British. The Congress had already authorized privateer raids on British ships and also advised disarming all Americans loyal to England.

April 12 - The North Carolina assembly is the first to empower its delegates in the Continental Congress to vote for independence from Britain.

May 1 – Adam Weishaupt founds secret society of Illuminati. May 1 is now celebrated as the founding day of Communism and not anything to do with Karl Marx. Thus, you know what the Illuminati really formed. Since the time of their founding, the Illuminati have infiltrated almost all other societies, secret or not, monarchal, governmental, religious, philosophical, scientific, etc. For those ignorant American sheeple, the 1776 in Roman numerals on the bottom row of bricks on the pyramid on the back of the One Dollar Federal Reserve Note celebrates May 1, 1776 and NOT July 4, 1776. Wake up! Don't be a sheeple, be a people. Learn the truth!

May 2 - The American revolutionaries get the much needed foreign support they had been hoping for. King Louis XVI of France commits one million dollars in arms and munitions. Spain then also promises support.

May 4 - Rhode Island declares independence from Britain.

May 10 - The Continental Congress authorizes each of the 13 colonies to form local (provincial) governments.

June 7 - Richard Lee (Virginia) moves "That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved. That it is expedient forthwith to take the most effectual measures for forming foreign Alliances. That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation."

June 11 - Continental Congress creates committee (Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston) to draft a Declaration of Independence.

Jun 12 - Virginia adopts Declaration of Rights.

June 28 - First draft of Declaration of Independence submitted to Continental Congress.

June 29 – The Mission Dolores is founded by San Francisco Bay.

June 29 - Virginia state constitution adopted and Patrick Henry made governor.

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July 1 – The 1st vote on Declaration of Independence occurs in Congress for Britain's North American colonies.

July 2 - Continental Congress resolves "these United Colonies are and of right ought to be Free and Independent States" by approving the Declaration of Independence. Founding Father of the United States John Dickinson abstains from the votes that declare independence. The meaning of that phrase is as follows: the thirteen States, or nations as that word meant in that time, are free and independent (even from each other) and each are on par with the States of Great Britain, France, Spain, Sweden, etc. They did NOT create a singular country but rather thirteen singular countries.

July 4 - According to popular legend the Liberty Bell rings for the Continental Congress.

July 4 - Congress proclaims the Declaration of Independence and independence from Britain and ordered that if be authenticated, printed, and be sent to the several assemblies, conventions and committees, or councils of safety, and to several commanding officers of the continental troops; that it be proclaimed in each of the United States, and at the head of the army.

July 11 - Captain James Cook begins his third voyage.

July 12 - Captain Cook departs with Resolution for 3rd trip to Pacific Ocean.

August 2 – The formal signing of the Declaration of Independence by 56 people takes place.

August 27-29 - Gen. Howe leads 15,000 soldiers against Washington's army in the Battle of Long Island. Washington, outnumbered two to one, suffers a severe defeat as his army is outflanked and scatters. The Americans retreat to Brooklyn Heights, facing possible capture by the British or even total surrender.

September 22 - American patriot Nathan Hale was hanged for spying on British troops.

September 26 - Congress appoints Jefferson, Franklin and Silas Deane to negotiate treaties with European governments. Franklin and Deane then travel to France seeking financial and military aid.

October 9 - San Francisco is established by Spanish missionaries on the California coast.

October 18 - In a New York bar decorated with bird tail, customer orders "cock tail".

December 5 - Phi Beta Kappa, America's most prestigious undergraduate honor society, was founded at the College of William and Mary in Williamsburg, Virginia. Membership in the organization is based on outstanding achievement in the liberal arts and sciences and typically limited to students in the upper tenth of their graduating class. Organized by a group of

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enterprising undergraduates, Phi Beta Kappa was the nation's first Greek letter society. From 1776 to 1780, members met regularly at William and Mary to write, debate, and socialize. They also planned the organization's expansion and established the characteristics typical of American fraternities and sororities: an oath of secrecy, a code of laws, mottoes in Greek and Latin, and an elaborate initiation ritual. When the Revolutionary War forced William and Mary to close in 1780, newly-formed chapters at Harvard and Yale directed Phi Beta Kappa's growth and development.

December 11 - Washington takes his troops across the Delaware River into Pennsylvania. The next day, over concerns of a possible British attack, the Congress abandons Philadelphia for Baltimore.

December 25-26 - On Christmas, George Washington takes 2400 of his men and re-crosses the Delaware River. Washington then conducts a surprise raid on 1500 British-Hessians (German mercenaries) at Trenton, New Jersey. The Hessians surrender after an hour with nearly 1000 taken prisoner by Washington who suffers only six wounded. Washington reoccupies Trenton. The victory provides a much needed boost to the morale of all American Patriots.

1977

January 3 - A second victory for Washington occurs as his troops defeat the British at Princeton and drive them back toward New Brunswick. Washington then establishes winter quarters at Morristown, New Jersey. During the harsh winter, Washington's army shrinks to about a thousand men as enlistments expire and deserters flee the hardships. By spring, with the arrival of recruits, Washington will have 9000 men.

January 12 - Padre Thomas Peña Founds Mission Santa Clara De Asís. The first mission to be built to honor a woman, the outpost was originally established as La Misión Santa Clara de Thamien (or Mission Santa Clara de Thamien) at the Indian village of So-co-is-u-ka (meaning "Laurelwood," located on the Guadalupe River).

January 15 - People of New Connecticut (Vermont) declare independence from England.

January 16 - Vermont declares independence from New York.

March 12 - Congress returns to Philadelphia from Baltimore after Washington's successes against the British in New Jersey.

April 14 to April 20 - New York adopts new constitution as an independent state.

April 27 - American troops under Benedict Arnold defeat the British at Ridgefield, Connecticut.

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June 14 - The flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation is agreed to by Congress.

June 14 - John Paul Jones is chosen by Congress to captain the 18 gun vessel *Ranger* with his mission to raid coastal towns of England.

June 17 - A British force of 7700 men under Gen. John Burgoyne invades from Canada, sailing down Lake Champlain toward Albany, planning to link up with Gen. Howe who will come north from New York City, thus cutting off New England from the rest of the colonies.

July 8 - Vermont introduces new constitution making it 1st state to abolish slavery.

July 27 - Marquis de la Fayette, a 19 year old French aristocrat, arrives in Philadelphia and volunteers to serve without pay. Congress appoints him as a major general in the Continental Army, and becomes one of Gen. Washington's most trusted aides.

September 26 - British forces under Gen. Howe occupy Philadelphia. Congress then relocates to York, Pennsylvania.

October 7 - The Battle of Saratoga results in the first major American victory of the Revolutionary War as Gen. Horatio Gates and Gen. Benedict Arnold defeat Gen. Burgoyne, inflicting 600 British casualties. American losses are only 150.

October 17 - Gen. Burgoyne and his entire army of 5700 men surrender to the Americans led by Gen. Gates. The British are then marched to Boston, placed on ships and sent back to England after swearing not serve again in the war against America. News of the American victory at Saratoga soon travels to Europe and boosts support of the American cause. In Paris the victory is celebrated as if it had been a French victory. Benjamin Franklin is received by the French Royal Court. France then recognizes the independence of the thirteen America states.

November 15 – The Delegates representing the 13 nations (states) in Congress, agree to form a confederation known as “The United States of America”. The confederation (federal) government is governed through an international treaty and compact known as the Articles of Confederation and perpetual Union. It is then passed on to the states for their ratification. Under the Articles of Confederation and perpetual Union, Congress is the sole authority of the new federal government.

December - Moroccan sultan Muhammad III included the United States of America in a list of countries to which Morocco’s ports were open. Morocco thus became the first country whose head of state publicly recognized the new United States.

December 17 - The Continental Army led by Washington sets up their winter quarters at Valley Forge, Pennsylvania.

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December 18 – The first national Thanksgiving Day, commemorating Burgoyne's surrender, is celebrated.

1778

January 18 – Capt. James Cook stumbles over Sandwich Islands (Hawaiian Islands).

February 6 - American and French representatives sign two treaties in Paris: a Treaty of Amity and Commerce and a Treaty of Alliance. France now officially recognizes the United States and will soon become the major supplier of military supplies to Washington's army. Both pledge to fight until American independence is won, with neither concluding any truce with Britain without the other's consent, and guarantee each other's possessions in America against all other powers. The American struggle for independence is thus enlarged and will soon become a world war. After British vessels fire on French ships, the two nations declare war. Spain will enter in 1779 as an ally of France. The following year, Britain will declare war on the Dutch who have been engaging in profitable trade with the French and Americans. In addition to the war in America, the British will have to fight in the Mediterranean, Africa, India, the West Indies, and on the high seas, all the while facing possible invasion of England itself by the French.

February 6 - Britain declares war on France.

February 23 - Baron von Steuben of Prussia arrives at Valley Forge to join the Continental Army. He then begins much needed training and drilling of Washington's troops, now suffering from poor morale resulting from cold, hunger, disease, low supplies and desertions.

March 7 - Capt. James Cook first sights Oregon coast, at Yaquina Bay.

March 15 - Nootka Sound, Vancouver Island discovered by Captain Cook.

March 16 - A Peace Commission is created by the British Parliament to negotiate with the Americans. The commission then travels to Philadelphia where its offers granting all of the American demands, except independence, are rejected by Congress.

March 22 - Captain Cook sights Cape Flattery, in Washington state.

April 1 - New Orleans businessman Oliver Pollock creates "$" symbol.

July 2 - Congress returns once again to Philadelphia.

July 3 - British Loyalists and Indians massacre American settlers in the Wyoming Valley of northern Pennsylvania.

July 3 - Prussia declares war on Austria.

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July 8 - Gen. Washington sets up headquarters at West Point, New York.

July 10 - France declares war against Britain.

September 4 - City of Amsterdam signs trade agreement with American rebels.

September 14 - Benjamin Franklin is appointed to be the American diplomatic representative in France.

September 17 – The Treaty of Fort Pitt (Treaty with the Delaware) is signed.

October 3 - Captain Cook anchors at Alaska.

November 26 - Captain Cook discovers Maui in the Sandwich Islands (now Hawaii).

December 29 - The British begin a major southern campaign with the capture of Savannah, Georgia, followed a month later with the capture of Augusta.

1779

May 13 - War of Bavarian Succession ends.

June 16 - Spain declares war on England, but does not make an alliance with the American revolutionary forces.

August 14 - A peace plan is approved by Congress which stipulates independence, complete British evacuation of America and free navigation on the Mississippi River.

August 21 to October 19 - The 1778 Siege of Pondicherry was the first military action on the Indian subcontinent following the declaration of war between Great Britain and France in the American War of Independence.

September 23 - Off the coast of England, John Paul Jones fights a desperate battle with a British frigate. When the British demand his surrender, Jones responds, "I have not yet begun to fight!" Jones then captures the frigate before his own ship sinks.

September 24 – Congress takes into consideration “the state of Vermont”.

September 27 - John Adams is appointed by Congress to negotiate peace with England.

1780

February 29 - The Omicron Delta Omega fraternity was founded by Benjamin Franklin at James Madison University.

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March 1 - Pennsylvania becomes the first state to abolish slavery (for newborns only).

April 8 - The British attack begins against Charleston as warships sail past the cannons of Fort Moultrie and enter Charleston harbor. Washington sends reinforcements.

May 12 - The worst American defeat of the Revolutionary War occurs as the British capture Charleston and its 5400-man garrison (the entire southern American Army) along with four ships and a military arsenal. British losses are only 225.

May 25 - After a severe winter, Gen. Washington faces a serious threat of mutiny at his winter camp in Morristown, New Jersey. Two Continental regiments conduct an armed march through the camp and demand immediate payment of salary (overdue by 5 months) and full rations. Troops from Pennsylvania put down the rebellion. Two leaders of the protest are then hanged.

July 9 - Denmark declares neutrality.

August 1 - Sweden declares neutrality.

August 3 - Benedict Arnold is appointed commander of West Point. Unknown to the Americans, he has been secretly collaborating with British Gen. Clinton since May of 1779 by supplying information on Gen. Washington's tactics.

September 23 - A British major in civilian clothing is captured near Tarrytown, New York. He is found to be carrying plans indicating Benedict Arnold intends to turn traitor and surrender West Point. Two days later, Arnold hears of the spy's capture and flees West Point to the British ship *Vulture* on the Hudson. He is later named a brigadier general in the British Army and will fight the Americans.

October 7 - Gen. Cornwallis abandons his invasion of North Carolina after Americans capture his reinforcements, a Loyalist force of 1000 men.

October 14 - Gen. Nathanael Greene, Washington's most able and trusted General, is named as the new commander of the Southern Army, replacing Gen. Gates. Greene then begins a strategy of rallying popular support and wearing down the British by leading Gen. Cornwallis on a six month chase through the back woods of South Carolina into North Carolina into Virginia then back into North Carolina. The British, low on supplies, are forced to steal from any Americans they encounter, thus enraging them.

October 25 - John Hancock becomes the first Governor of Massachusetts.

December 20 - Britain declares war on Holland.

1781

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January 17 - An American victory at Cowpens, South Carolina, as Gen. Daniel Morgan defeats British Gen. Tarleton.

March 1 – The Articles of Confederation and perpetual Union is fully ratified by the thirteen nations (states) and takes effect and becomes the governing doctrine of the federal government of the confederation, with Congress the governing body. This becomes the first federal constitution between the states. The states retained all their rights and sovereignty except those enumerated. Remember, you cannot have a sovereign state unless the people in that state are also sovereign.

March 15 - Forces under Gen. Cornwallis suffer heavy losses in the Battle of Guilford Courthouse in North Carolina. As a result, Cornwallis abandons plans to conquer the Carolinas and retreats to Wilmington, and then begins a campaign to conquer Virginia with an army of 7500 men.

May 21 - Gen. Washington and French Gen. Rochambeau meet in Connecticut for a war council. Gen Rochambeau reluctantly agrees to Washington's plan for a joint French naval and American ground attack on New York.

June 10 - American troops under Marquis de la Fayette, Gen. Anthony Wayne and Baron von Steuben begin to form a combined force in Virginia to oppose British forces under Benedict Arnold and Gen. Cornwallis.

June 11 - Congress appoints a Peace Commission comprised of Benjamin Franklin, Thomas Jefferson, John Jay and Henry Laurens. The commission supplements John Adams as the sole negotiator with the British.

August 1 - After several months of chasing Gen. Greene's army without much success, Gen. Cornwallis and his 10,000 tired soldiers arrive to seek rest at the small port of Yorktown, Virginia, on the Chesapeake Bay. He then establishes a base to communicate by sea with Gen. Clinton's forces in New York.

August 14 - Gen. Washington abruptly changes plans and abandons the attack on New York in favor of Yorktown after receiving a letter from French Admiral Count de Grasse indicating his entire 29-ship French fleet with 3000 soldiers is now heading for the Chesapeake Bay near Cornwallis. Gen. Washington then coordinates with Gen. Rochambeau to rush their best troops south to Virginia to destroy the British position in Yorktown.

August 20 – Congress, after reviewing the petition submitted, declare if they abide by the boundary limits, that Vermont to be a sovereign and independent state by the name of State of Vermont.

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August 30 - Count de Grasse's French fleet arrives off Yorktown, Virginia. De Grasse then lands troops near Yorktown, linking with la Fayette's American troops to cut Cornwallis off from any retreat by land.

September 5-8 - Off Yorktown, a major naval battle between the French fleet of de Grasse and the outnumbered British fleet of Adm. Thomas Graves results in a victory for de Grasse. The British fleet retreats to New York for reinforcements, leaving the French fleet in control of the Chesapeake. The French fleet establishes a blockade, cutting Cornwallis off from any retreat by sea. French naval reinforcements then arrive from Newport.

September 14-24 - De Grasse sends his ships up the Chesapeake Bay to transport the armies of Washington and Rochambeau to Yorktown.

September 28 - Gen. Washington, with a combined Allied army of 17,000 men, begins the siege of Yorktown. French cannons bombard Gen. Cornwallis and his 9000 men day and night while the Allied lines slowly advance and encircle them. British supplies run dangerously low.

October 17 - As Yorktown is about to be taken, the British send out a flag of truce. Gen. Washington and Gen. Cornwallis then work out terms of surrender. This surrender, under the Laws of Nations, is a conquest whereby the victor takes the sovereignty of the loser. In this case, the thirteen American states (nations) have gained their sovereignty from the King of Great Britain (also a sovereign) by defeating his forces on the field of battle.

October 19 - As their band plays the tune, "The world turned upside down," the British army marches out in formation and surrenders at Yorktown. Hopes for a British victory in the war against America are dashed. In the English Parliament, there will soon be calls to bring this long costly war to an end.

October 24 - 7000 British reinforcements under Gen. Clinton arrive at Chesapeake Bay but turn back on hearing of the surrender at Yorktown.

1782

January 28 – Congress resolves to acknowledge Vermont as a free and independent state and accept them into the Union, on equal footing, as the 14th state, provided they accede to the Articles of Confederation and perpetual Union and the boundaries between New York and New Hampshire as specified.

February 21 - Congress resolves establishment of a mint.

February 27 - In England, the House of Commons votes against further war in America.

March 5 - The British Parliament empowers the King to negotiate peace with the United States.

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March 20 - British Prime Minister, Lord North, resigns, succeeded two days later by Lord Rockingham who seeks immediate negotiations with the American peace commissioners.

April 4 - Sir Guy Carleton becomes the new commander of British forces in America, replacing Gen. Clinton. Carleton will implement the new British policy of ending hostilities and withdraw British troops from America.

April 12 - Peace talks begin in Paris between Benjamin Franklin and Richard Oswald of Britain.

April 16 - Gen. Washington establishes American army headquarters at Newburgh, New York.

April 19 - The Dutch recognize the United States of America as a result of negotiations conducted in the Netherlands by John Adams.

June 20 - Congress adopts the Great Seal of the United States of America.

July 6 - The Battle of Negapatam was the third in the series of battles fought between a British fleet under Vice-Admiral Sir Edward Hughes and a French fleet under the Bailli de Suffren off the coast of India during the American Revolutionary War.

The Dutch Republic, nominally neutral, had been trading with the Americans, exchanging Dutch arms and munitions for American colonial wares (in contravention of the Navigation Acts), primarily through activity based in St. Eustatius, before the French formally entered the war. The British considered this trade to include contraband military supplies and had attempted to stop it, at first diplomatically by appealing to previous treaty obligations, interpretation of whose terms the two nations disagreed on, and then by searching and seizing Dutch merchant ships. The situation escalated when the British seized a Dutch merchant convoy sailing under Dutch naval escort in December 1779, prompting the Dutch to join the League of Armed Neutrality. Britain responded to this decision by declaring war on the Dutch in December 1780, sparking the Fourth Anglo-Dutch War. The war was a military and economic disaster for the Dutch Republic. Paralyzed by internal political divisions, it was unable to effectively respond to British blockades of its coast and the capture of many of its colonies. In the 1784 peace treaty between the two nations, the Dutch lost the Indian port of Negapatam and were forced to make trade concessions. The Dutch Republic signed a friendship and trade agreement with the United States in 1782, and was the second country (after France) to formally recognize the United States.

August 25 to September 3 - The worldwide implications of the American War for Independence are made clear on this day in history as the American-allied French navy begins a 14-month-long series of five battles with the British navy in the Indian Ocean.

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October 8 – A treaty of amity and commerce is concluded between the United States of America and the High Mightinesses the States General of the Netherlands.

November 10 - The final battle of the Revolutionary War occurs as Americans retaliate against Loyalist and Indian forces by attacking a Shawnee Indian village in the Ohio territory.

November 30 - A preliminary peace treaty is signed in Paris. Terms include recognition of American independence and the boundaries of the United States, along with British withdrawal from America.

December 15 - In France, strong objections are expressed by the French over the signing of the peace treaty in Paris without America first consulting them. Benjamin Franklin then soothes their anger with a diplomatic response and prevents a falling out between France and America.

1783

January 20 - England signs a preliminary peace treaty with France and Spain.

February 3 - Spain recognizes the United States of America, followed later by Sweden, Denmark and Russia.

February 4 - England officially declares an end to hostilities in America.

February 5 - Sweden recognizes the independence of the United States of America.

March 10 - An anonymous letter circulates among Washington's senior officers camped at Newburgh, New York. The letter calls for an unauthorized meeting and urges the officers to defy the authority of the new U.S. federal government (Congress) for its failure to honor past promises to the Continental Army. The next day, Gen. Washington forbids the unauthorized meeting and instead suggests a regular meeting to be held on March 15. A second anonymous letter then appears and is circulated. This letter falsely claims Washington himself sympathizes with the rebellious officers.

March 15 - General Washington gathers his officers and talks them out of a rebellion against the authority of Congress, and in effect preserves the American Experiment.

April 15 – A treaty of amity and commerce is signed between the United States of America and Sweden.

April 11 - Congress officially declares an end to the Revolutionary War.

April 18 – Congress proposes alterations to the Articles of Confederation and perpetual Union to the states in order to allow Congress to handle the increasing difficulty regarding the financial situation of the confederation.

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April 26 - 7000 Loyalists set sail from New York for Canada, bringing a total of 100,000 Loyalists who have now fled America.

April 26 – In an address to the states, Congress declares the Articles of Confederation and perpetual Union and the confederation that was formed to be "the greatest trust ever confided to a political society". Besides being an international treaty and compact between thirteen sovereign and independent states (nations), the founders also created a trust for the benefit of the sovereign states, and thereby, the sovereign people populating them.

June 13 - The main part of the Continental Army disbands.

June 19 – Congress resolves the requirements for additional entries (states) into the Union.

June 24 - To avoid protests from angry and unpaid war veterans, Congress leaves Philadelphia and relocates to Princeton, New Jersey.

July 8 - The Supreme Court of Massachusetts abolishes slavery in that state.

July 24 - Georgia becomes a protectorate of tsarist Russia.

September 3 - The Treaty of Paris is signed by the United States of America and Great Britain.

September 15 - Congress makes further revisions in voting requirements for when the 14th state and more enter the Union.

October 7 - In Virginia, the House of Burgesses grants freedom to slaves who served in the Continental Army.

November 2 - George Washington delivers his farewell address to his army. The next day, remaining troops are discharged.

November 25 - Washington enters Manhattan as the last British troops leave.

November 26 - Congress meets in Annapolis, Maryland.

December 22 - Following a triumphant journey from New York to Annapolis, George Washington, victorious commander in chief of the American Revolutionary Army, appears before Congress and voluntarily resigns his commission, an event unprecedented in history.

December 22 - Congress decides that these united states be considered in all such Treaties and in every case arising under them as one Nation (upon principles of the federal Constitution). This reinforces that the thirteen states are independent nations unto themselves and that NO singular nation has been created.

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December 31 - Import of African slaves banned by all of the northern states.

1784

January 14 - The Treaty of Paris is ratified by Congress. The Revolutionary War officially ends. However, unmentioned in the debates of this treaty is no provision for the King of Great Britain to actually cede land to the United States of America, as had been the principal of past treaties among sovereigns (see Treaty of Paris 1763 and how the King of France cedes land to the victor, the King of Great Britain). Word trickery is used such as "relinquishes all claims to the Government, Propriety, and Territorial Rights of the same and every Part thereof" but there is no mention of ceding the land and giving allodial title to the Americans, again as was the practice in previous treaties. Thus, the states and Americans are now sovereign but own no title to any land. Can you believe that? Yet, that is what was done.

January 26 - Benjamin Franklin expresses unhappiness over eagle as America's symbol.

February 22 – First ship to trade between the United States and China, "Empress of China", sails from New York.

March 1 - A congressional committee led by Thomas Jefferson proposes to divide up sprawling western territories into states, to be considered equal with the original 13. Jefferson also proposes a ban on slavery everywhere in the U.S. after 1800. This proposal is narrowly defeated.

April 23 – Congress resolves the form of a temporary government of the Western territory and makes provisions for an expanding the Union for when it grows beyond the existing thirteen states.

April 30 – Congress resolves recommendations to the states for additional taxing power in order to pay the incurred debt.

May 11 - Britain & Tippu Sahib of Mysore sign peace treaty.

May 20 - Britain & Netherlands sign peace treaty (Peace of Paris).

June 3 – Congress, again resolves "That the district of territory lying on the west side of Connecticut river, called Vermont, within the limits and boundaries described in the act of Congress of the 20 August, 1781, and the people inhabiting the same, be, and they are hereby recognized and declared to be a free, sovereign and independent State by the name of the State of Vermont. That the said State of Vermont, being within the limits of the United States, shall be considered as a part of the Confederacy, on the same principles as the new states, who shall have established permanent governments agreeably to the act of Congress of the 23 day of April last, until it shall accede to the Articles of Confederation, and be admitted into the federal Union of these States."

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June 4 – Congress adjourns and A Committee of the States runs the confederation in Congress's absence.

August 13 - British parliament accepts East India Company Act 1784, bringing the East India Company's rule in India under the control of the British Government.

August 23 - Eastern Tennessee settlers declare their area an independent state and name it Franklin; a year later the Continental Congress rejects it.

August 30 - Beginning of the China Trade, as the American Ship *Empress of China*, sailing from New York, arrives at Canton, China. The ship will return with exotic goods, including silks and tea, spurring large numbers of American merchants to enter the trade.

September 21 – The first daily newspaper in America (Pennsylvania Packet & General Advertiser) is pubished.

September 22 - Russians establish their first settlement in Alaska, on Kodiak Island.

October 22 – The Treaty of Fort Stanwix (Treaty with the Six Nations) is signed.

November 1 – Congress resumes its duty after the adjournment, thereby concluding, for the only time it has ever convened, A Committee of the States.

November 26 - Catholic Apostolic Prefecture of the United States established.

December 15 – In letter to Congress from the Spanish minister, it is acknowledged by Spain the claim to sovereignty of the United States of America is "founded on all the rights which an entire conquest and an uninterrupted possession can give to any power".

1785

January 11 - Congress relocates to New York City.

January 21 – The Treaty of Fort McIntosh (Treaty with the Wyandot, etc.) is signed.

February 24 - Although England refuses to send an ambassador to the U.S., John Adams is sent as the American ambassador to Britain. He will spend the next three years trying without success to settle problems regarding the existence of a string of British forts along the Canadian border, pre-war debts owed to British creditors, post-war American treatment of Loyalists, and the closing of the West Indian colonies to American trade.

May 1 - Kamehameha, the king of Hawai'i defeats Kalanikupule and establishes the Kingdom of Hawai'i.

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May 8 - Congress passes the Land Ordinance of 1785 which divides the northwest territories into townships, each set at 6 square miles, subdivided into 36 lots of 640 acres each, with each lot selling for no less than $640.

May 16 - State of Franklin Petitions for Statehood but is not admitted into the Union. The State of Franklin was an autonomous, secessionist United States territory created not long after the end of the American Revolution from territory that later was ceded by North Carolina to the federal government. Franklin's territory later became part of the state of Tennessee. Franklin was never officially admitted into the Union of the United States and existed for only four years. Congress was heavily in debt at the close of the Revolutionary War, the state of North Carolina voted, in April 1784, "to give Congress the 29,000,000 acres lying between the Allegheny Mountains (as the entire Appalachian range was then called) and the Mississippi river." This did not please the Watauga settlers who had gained an earnest foothold on the Cumberland River at Fort Nashborough. They feared Congress might in desperation sell the territory to a foreign power such as France or Spain. A few months later, the Legislature of North Carolina withdrew its gift, and again took charge of its western land because it feared the land would not be used to pay the debts of Congress.

September 10 – A treaty of amity and commerce is signed between the United States of American and the Kingdom of Prussia.

October – Virginia legislature passes an act entitled “An Act concerning the erection of the District of Kentucky into an Independent State”.

November 10 - Netherlands and France sign treaty.

November 17 - Church of England organizes in New England.

November 28 - The Treaty of Hopewell was signed between the U.S. representative Benjamin Hawkins and the Cherokee Indians**.** The treaty laid out a western boundary for white settlement. The treaty gave rise to the sardonic Cherokee phrase of Talking Leaves, since they claimed that when the treaties no longer suited the Americans, they would blow away like talking leaves. A description of the boundary is found on Article 4 of the accord. The Treaty of Hopewell may refer to one of three different treaties signed at Hopewell, (the plantation of Andrew Pickens on the Seneca River in northwestern South Carolina) between the United States of America and Cherokee (1785), Choctaw and Chickasaw (1786) indigenous nations.

1786

January 16 - The Virginia legislature passes Jefferson's Ordinance of Religious Freedom guaranteeing that no man may be forced to attend or support any church or be discriminated against because of his religious preference.

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January 21 – The Treaty of Fort Finney (Treaty with the Shawanee) is signed.

July 29 - First newspaper published west of Alleghanies, Pitts Gazette.

Summer of 1786 - Americans suffer from post-war economic depression including a shortage of currency, high taxes, nagging creditors, farm foreclosures and bankruptcies.

August 7 – Congress submits to the states seven additional amendments (articles) to the Articles of Confederation and perpetual Union for their approval. At this point in time, Congress realizes that the federal constitution needs to be revised in order for Congress to do the tasks assigned to them.

August 8 - Congress adopts a monetary system based on the Spanish dollar, with a gold piece valued at $10, silver pieces at $1, one-tenth of $1 also in silver, and copper pennies.

August 22-25 - Angry representatives from 50 towns in Massachusetts meet to discuss money problems including the rising number of foreclosures, the high cost of lawsuits, heavy land and poll taxes, high salaries for state officials, and demands for new paper money as a means of credit.

August 29 - Shay's Rebellion in Springfield, Mass.

August 31 - In Massachusetts, to prevent debtors from being tried and put in prison, ex-Revolutionary War Captain Daniel Shays, who is now a bankrupt farmer, leads an armed mob and prevents the Northampton Court from holding a session.

September 11 – The Annapolis Convention take place to determine interstate commerce and ways for the federal government to raise the money required to pay the debts incurred. Although all states are invited to send delegates, only five states send them. The Convention recommends to Congress to have another convention to meet in May to "devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union; and to report such an Act for that purpose to the United States in Congress assembled, as when "agreed to by them and" afterwards confirmed by the Legislatures of every State will effectually provide for the same." This follows the guidelines laid out in Article 13 of the Articles of Confederation and perpetual Union regarding alterations therewith.

September 26 - Shays' rebels, fearing they might be charged with treason, confront 600 militiamen protecting the state Massachusetts Supreme Court session in Springfield and force the court to adjourn.

September 26 - Britain and France sign trade agreement.

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October – Virginia legislature passes an act entitled "An Act making further provision for the erection of the District of Kentucky into an Independent State".

October 16 - Congress establishes the United States mint.

October 20 - Congress authorizes Secretary of War Henry Knox to raise an army of 1340 men over concerns of the safety of the federal arsenal at Springfield, Mass.

December 26 - Shays assembles 1200 men near Worcester, Mass. and heads toward Springfield. Massachusetts Governor, Bowdoin, then orders mobilization of a 4400 man force.

December 29 - French Revolution: The Assembly of Notables is convoked.

1787

January 26 - Shays' rebels attack the federal arsenal at Springfield but are unsuccessful. Revolutionary War hero, Gen. Benjamin Lincoln, then arrives with reinforcements from Boston to pursue the rebels.

February 4 - Gen. Lincoln's troops attack Shays' rebels at Petersham, Massachusetts, and capture 150 rebels. Shays flees north to Vermont.

February 21 - Amid calls for a stronger central government, due in part to Shays' Rebellion, and any other short comings in regards to raising the revenue required to fund the federal governments and pay the debts incurred, Congress endorses a resolution calling for a convention to be held in Philadelphia, beginning in May in the words following: "Whereas there is provision in the Articles of Confederation and perpetual Union for making alterations therein by the Assent of a Congress of the United States and of the legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the states and particularly the state of New York by express instructions to their delegates in Congress have suggested a Convention for the purposes expressed in the following resolution and such Convention appearing to be the most probable mean of establishing in these states a firm national government.

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

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It is VERY important to note the following: (1) Congress authorizes the Convention to suggest alterations to the form of the federal government by making changes to the Articles of Confederation and perpetual Union, to which after being agreed to by Congress, would ONLY THEN be passed onto the states for their approval (2) Congress did NOT authorize the Convention to devise a NEW form of government to replace the existing form of government and (3) these restrictions to what the Convention was limited to were not followed with resulting events of sedition and treason against the confederation and a usurpation of the lawful government (4) for the ignorant masses of feeble minded Americans today, how many of you are actually aware of the intended purpose of that convention? Are you aware that those so called founding fathers became founding traitors? Of course not, the rulers of the planet today do not want you to know the fraud that occurred because that is what keeps them in power today.

May 14 - Delegates gather in Philadelphia to discuss the alterations in the form of the federal government that will make the current federal constitution adequate to the exigencies of Government and preservation of the Union.

May 25 - With 29 delegates from nine states present, the Convention begins in the state house (Independence Hall) in Philadelphia. A total of 73 delegates have been chosen by the states (excluding Rhode Island) although only 55 will actually attend. There are 21 veterans of the Revolutionary War and 8 signers of the Declaration of Independence. The delegates are farmers, merchants, lawyers and bankers, with an average age of 42, and include James Madison, the central figure at the convention, and 81 year old Benjamin Franklin. Thomas Jefferson, serving abroad as ambassador to France, does not attend.

The delegates first vote is to keep the proceedings absolutely secret. George Washington is then nominated as president of the convention. How many of you are aware of the secrecy involved and why? The why is they purposely wanted to commit sedition by proposing a usurpation of the lawful government.

May 25 - Convention opens at Philadelphia with George Washington presiding.

May 29 - "Virginia Plan" proposed.

June 19 - Rather than revise the Articles of Confederation, delegates at the convention vote to create an entirely new form of national government separated into three branches - the legislative, executive and judicial - thus dispersing power with checks and balances, and competing factions, as a measure of protection against tyranny by a controlling majority.

June 20 - Oliver Ellsworth moves at the Federal Convention to call the government the United States and NOT “The United States of America” as is the style of the confederation as specified

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in Article 1 of the Articles of Confederation and perpetual Union. This is clearly a seditious action of identity theft by these traitorous delegates.

July 2 - Marquis de Sade shouts from Bastille that prisoners are being slaughtered.

July 13 – After many, many months of debates Congress enacts the Northwest Ordinance which establishes formal procedures for transforming territories into states. It provides for the eventual establishment of three to five states in the area north of the Ohio River, to be considered equal with the original 13. The Ordinance includes a Bill of Rights that guarantees freedom of religion, the right to trial by jury, public education and a ban on slavery in the Northwest.

Of note: This Ordinance ONLY applies to the territory north and west of the river Ohio. This Ordinance does NOT apply to territory south and east of the river Ohio. The main reason the Ordinance was passed, by only 8 states, was a way for the federal government to be able to sell land and tax the inhabitants as a means of paying off the federal debt. No state ever used this ordinance and no states were created under it.

July – A treaty of friendship is signed between Morocco and the United States of American. It is the longest unbroken treaty.

July 15 - Parliament of Paris banished to Troyes.

July 16 - At the Convention, Roger Sherman proposes a compromise which allows for representation in the House of Representatives based on each state's population and equal representation for all of the states in the Senate. The numerous black slaves in the South are to be counted at only three fifths of their total number. A rough draft of the constitution is then drawn up.

August 6 - Convention in Philadelphia begins debate.

August 6-10 - Items in the draft constitution are debated including the length of terms for the president and legislators, the power of Congress to regulate commerce, and a proposed 20 year ban on any Congressional action concerning slavery.

August 10 - Turkey declares war on Russia.

September 12 - American statesman George Mason suggests the addition of a Bill of Rights to the Constitution modeled on previous state declarations, but the motion is defeated.

September 13 - Prussian army moves into Netherlands.

September 17 - Thirty nine delegates vote to approve and then sign the final draft of the new Constitution. It may be deemed to be a “unanimous” passage but the state of Rhode Island

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NEVER had any delegates attend the Convention. Also, in signing the final draft, only one delegate from New York was present. Thus, this clearly was NOT unanimous among the thirteen states (nations), as is required for any changes to the federal constitution as specified in Article 13 "Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state."

September 19 - For the first time, the proposed Constitution is made public as printed copies of the text are distributed. A storm of controversy soon arises as most people had only expected a revision of the Articles of Confederation and perpetual Union, not a new central government with similarities to the British system they had just overthrown. The delegates at this convention knew the limits of Congress on what they can and cannot discuss and also required the approval of Congress. They carefully constructed a way to usurp the lawful government by resolving that Congress just pass on the Constitution to the states WITHOUT taking any action, thereby bypassing the requirements of Article 13 for making any alterations to the form of government.

September 20 – Congress receives the work from the Convention, which includes the Constitution, a letter from the delegates in the Convention, and a letter from George Washington, President of the Convention.

September 22 – The inhabitants of the District of Kentucky vote and approve, with the Virginia legislature's consent, to turn the district into an independent state and apply for admission into the Union of the thirteen states.

September 27 – Congress officially begins debate about what to do with the results of the Convention. They realize that the Convention violated the Resolution of the 21st of February, 1787, which authorized the Convention to ONLY make changes to the Articles of Confederation and perpetual Union and not devise a new form of government. The first entry in the *Journals of the Continental Congress* is stricken through on this day, as though it never occurred. The reason for striking out the first entry is that Congress would be shown to be guilty of sedition and treason against the existing confederation by approving a new form of government when their power restricts them ONLY to working with the existing form of government.

The second entry on this day, is a motion of Nathan Dane (Delegate from Massachusetts) acknowledging the difficult position that Congress has been put in "which constitution appears to be intended as an entire system in itself, and not as any part of, or alteration in the Articles of Confederation; to alterations in which Articles, the deliberations and powers of Congress are,

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in this Case, constitutionally confined, and whereas Congress cannot with propriety proceed to examine and alter the said Constitution proposed, unless it be with a view so essentially to change the principles and forms of it, as to make it an additional part in the said Confederation and the members of Congress not feeling themselves authorised by the forms of Government under which they are assembled, to express an opinion respecting a System of Government no way connected with those forms; but conceiving that the respect they owe their constituents and the importance of the subject require, that the report of the Convention should, with all convenient dispatch, be transmitted to the several States to be laid before the respectful legislatures thereof therefore

Resolved that there be transmitted to the supreme executive of each State a copy of the report of the Convention of the States lately Assembled in the City of Philadelphia signed by their deputies the seventeenth instant including their resolutions, and their letter directed to the President of Congress."

Congress expected to see proposed changes/alterations to the existing federal constitution but was confronted with a proposal that had NOTHING at all to do with the existing form of government. However, falling to celebrityitus, acknowledging the esteem of their colleagues present at the Convention, Congress fails to do the lawful thing and recommends passing the Constitution directly onto the states for their ratification WITHOUT voting on it themselves, as is specified in Article 13 of the existing federal constitution regarding any alterations. Thus, Congress commits sedition and treason against the confederation by providing a path to the usurpation of the lawful government.

September 28 - Congress votes to send the Constitution to the state legislatures for their ratification, needing the approval of ONLY nine states (and not a unanimous approval as per Article 13), thereby confirming their acts of sedition and treason and allowing for a path to usurp the lawful government by violating the Articles of Confederation and perpetual Union and ignoring their own Resolution of Feb. 21, 1787.

October 10 - Amsterdam surrenders to Prussian invasion army.

October 27 - The Federalists, who advocate a strong central government and approval of the new Constitution (in their hidden attempt to usurp the lawful government), begin publishing essays in favor of ratification. Written by Alexander Hamilton, James Madison and John Jay, the total number of articles will eventually reach 85 and be compiled and published as the Federalist Papers.

December 7 - Delaware is the first of the nine states needed to ratify the Constitution. To be followed by: Pennsylvania (Dec. 12) New Jersey (Dec. 18) Georgia (Jan. 2, 1788) Connecticut (Jan. 9) Massachusetts (Feb. 7) Maryland (April 28) South Carolina (May 23) and New Hampshire (June 21).

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1788

January 18 - The first elements of the First Fleet carrying 736 convicts from England to Australia arrives at Botany Bay to set up a penal colony.

February 6 - Anti-Federalists in Massachusetts, led by Sam Adams and John Hancock, favor a more decentralized system of government and give their support to ratification of the Constitution only after a compromise is reached that amendments will be included which guarantee civil liberties.

February 9 - Austria declares war on Russia.

February 27 - In Massachusetts, following an incident in which free blacks were kidnapped and transported to the island of Martinique, the Massachusetts legislature declares the slavery trade illegal and provides for monetary damages to victims of kidnappings.

February 29 – The delegates of Virginia formally motion to Congress "*Resolved* that the United States in Congress Assembled do approve of the Compact solemnly entered into between the State of Virginia and the District of Kentucky for the erection of the said District into a separate and Independent Member of the federal Union".

March 24 - In Rhode Island, the Constitution is rejected by a popular referendum. The state, fearful of consolidated federal power, had refused to send a delegation to the convention in Philadelphia and had subsequently rejected a state convention to consider ratification.

April 15 - Britain, Netherlands, and Prussia sign peace treaty.

June 2 - In Virginia, anti-Federalist forces, led by Patrick Henry and George Mason, oppose ratification of the Constitution. They are joined by Richard Henry Lee who calls for a bill of rights and a lower house set up on a more democratic basis.

June 2 – Congress agrees "That in their opinion it is expedient that the district of Kentucky be erected into an independent state and therefore they submit the following resolution, That the address and resolutions from the district of Kentucky with the act of the legislature of Virginia therein specified be referred to a committee consisting of a member from each state, to prepare and report an act for acceding to the independence of the said district of Kentucky and for receiving the same into the Union as a member thereof, in a mode conformable to the Articles of Confederation."

June 25 - In Virginia, the Federalists, led by James Madison, finally prevail as ratification of the Constitution (with a proposed bill of rights and 20 other changes) is endorsed by a close vote of 89 to 75.

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July 2 – New Hampshire becomes the ninth state to ratify the Constitution for the United States. A motion in Congress is approved "*Ordered* That the ratifications of the constitution of the United States transmitted to Congress be referred to a committee to examine the same and report an Act to Congress for putting the said constitution into operation in pursuance of the resolutions of the late federal Convention."

At this point, nine state legislatures have committed treason against the confederation known as "The United States of America" by usurping the lawfully created government and Congress is complicit in that treason by putting time and effort to making their delegates determine a course for putting into effect the new Constitution.

July 3 – A motion is made in Congress to erect the district of Kentucky into an independent state and join the confederation of 13 states officially on January 1, 1789. However, a motion is approved to postpone that decision in the words following "Whereas application has been lately made to Congress by the legislature of Virginia and the district of Kentucky for the admission of the said district into the federal Union as a separate member thereof on the terms contained in the Acts of the said legislature and in the resolutions of the said district relative to the premises.

And whereas Congress having fully considered the subject did on the third day of June last resolve that it is expedient that the said district be erected into a sovereign and independent state and a separate member of the federal Union and appointed a committee to report An Act accordingly which committee on the second instant was discharged, it appearing that nine states had adopted the Constitution of the United States lately submitted to conventions of the people; and whereas a new confederacy is formed among the ratifying States and it is highly probable that the state of Virginia including the said district has already become a member of the said Confederacy. And whereas an Act of Congress in the present state of government of the country severing a part of the said state from the other parts thereof and admitting it into the Confederacy formed by the Articles of Confederation and perpetual Union as an independent member thereof may be attended with dangerous consequences while it can have no effect to make the said district a separate member of the federal Union formed by the adoption of the said constitution and therefore it must be manifestly inexpedient for Congress assembled under the said articles of Confederation to adopt any other measures relative to the premises than those which express their sense that the said district ought to be an independent member of the Union as soon as circumstances shall permit proper measures to be adopted for that purpose. Resolved that a copy of the proceedings of Congress relative to Kentucky be transmitted to the legislature of Virginia and that the said legislature be informed that as the constitution of the United States is now ratified Congress think it unadviseable to adopt any further measures for admitting the district of Kentucky into the federal Union as in independent

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member thereof under the articles of Confederation and perpetual Union, but that Congress thinking it expedient that the said district as soon after proceedings shall commence under the said constitution as circumstances shall permit recommend it to the said legislature and to the inhabitants of the said district so to alter their Acts and resolutions relative to the premises, as to render them conformable to the provisions made in the said constitution to the end that no impediment may be in the way of speedy accomplishment of this important business."

The above motion being amended to read as "Whereas application has been lately made to Congress by the legislature of Virginia and the district of Kentucky for the admission of the said district into the federal Union as a separate member thereof on the terms contained in the acts of the said legislature and in the resolutions of the said district relative to the premises. And whereas Congress having fully considered the subject did on third day of June last resolve that it is expedient that the said district be erected into a sovereign and independent state and a separate member of the federal Union and appointed a committee to report an Act accordingly, which committee on the second instant was discharged, it appearing that nine states had adopted the constitution of the United States lately submitted to Conventions of the people. And whereas a new Confederacy is formed among the ratifying States and there is reason to believe the State of Virginia including the said district did on the 25 of June last become a member of the said Confederacy; And Whereas An Act of Congress, in the present state of government of the country, severing a part of the said state from the other parts thereof and admitting it into the confederacy formed by the articles of Confederation and perpetual Union as an independent member thereof may be attended with many inconveniences while it can have no effect to make the said district a separate member of the federal Union formed by the adoption of the said constitution and therefore it must be manifestly improper for Congress assembled under the said Articles of Confederation to adopt any other measures relative to the premises than those which express their sense that the said district ought it be an independent member of the Union as soon as circumstances shall permit proper measures to be adopted for that purpose."

This is the most telling of all passages in the Congressional Journals regarding the sedition and treason that has resulted because of the lawful process not being followed in presenting and passing the Constitution for the United States. A new confederacy has been set up between nine states. Yet those nine states did not leave the existing confederacy of thirteen states. Thus, all government employees, civil or military, Congress, and the state legislatures commit treason with everything they do because which form of government do they follow? The two forms are repugnant to one another and when one does something following one form, they commit treason against the other form, and vice versa. Congress clearly knows this but does not come out and express it in terms that all can follow.

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July 8 - A committee in the old Congress (still under the Articles of Confederation and perpetual Union) is established to prepare for an orderly transfer of power, including procedures for electing representatives to the first Congress under the new Constitution and procedures for choosing the electors of the first president. Thus the reference to famous quotes from George Washington that are paraphrased as follows "Do not ask my about the legality of the Constitution" and "The first time in history that a government has changed hands without bloodshed". Washington was the biggest usurper of all and stood to benefit the most.

August 8 - King Louis XVI calls French States and Generals together.

August 13 - Prussia joins Anglo-Dutch alliance to form Triple Alliance to prevent spread of Russo-Swedish War of 1788-90.

August 15 – In letter from the Secretary for foreign affairs, two things are disclosed "On the letter of 2 June last from Mess N and J Staphorst, which was transmitted to Congress the 12 inst by the Sec. for foreign affairs and in which Messrs Van Staphorst earnestly desire to be furnished with a compleat sett of the Journals of Congress as a mean of providing in the best manner the monies necessary to support the credit of the United States until the new government can be organized and operate to this effect; And to lay the foundation for transferring to the money lenders in Holland the debt due by the US to the crown of France."

Most people, again, are not aware of either point. The first making a reference to the "new government" (to be known as the "United States", which has usurped the old but lawful government of the confederation known as "The United States of America" and stolen the identity thereof) and France has sold the debt America owes her to private money lenders in the Netherlands.

Keep in mind that the base word of constitution is constitute and an offshoot of that is constitutor. A constitutor is one who is responsible for paying another's debt, either voluntarily or involuntarily. Hence, what has happened is that an unlawful process allowed for the usurpation of the lawful government, to that lawful government was created by sovereign states and people. That lawful government was subservient to the states, and thus the people within them. The "new government" under the Constitution for the United States, usurped the lawful government through an unlawful process, stole the identity of the lawful government, made the states subservient (and losing their sovereignty) to the "new government" and thus the people within them being subservient (or subject to and losing their sovereignty) to the "new government, and made the people, as whole, be responsible for paying the debts created by all the states. Prior to the usurpation, the people within each state were responsible for their own state's debt and not another state's debt. This is the fraud that has been perpetrated upon the American people by not fully disclosing what had happened by the traitors who committed these crimes against humanity.

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Also, like under the Articles of Confederation and perpetual Union, no singular nation was created under the Constitution for the United States either. If you think otherwise, prove it. The Scribe dares you to find the evidence of such an act.

September 13 - New York City is chosen by Congress to be the temporary seat of the new U.S. government.

October 10 – This the last day there was a quorum to do business in the original and lawful confederation of thirteen states (nations) known as "The United States of America".

November 1 - The old Congress, operating under the Articles of Confederation and perpetual Union, adjourns. Currently, neither confederation has an operating central government. Although Congress may have adjourned, the original and lawful confederation known as "The United States of America" is NOT dissolved, done away with, super ceded, or whatever terms you want to use with the introduction of the "new government" under the Constitution for the United States. The trust that was created under the original confederation still exists today, as well, and thus ends the American Experiment which lasted from 1774/76 until 1788. This was the ONLY time in written, recorded history where people were freely given a chance to govern themselves and not be governed by other. It has not happened since.

December 23 - Maryland proposes giving a 10 square-mile area along the Potomac River for the establishment of a federal town to be the new seat of the new U.S. government.

1789

January 7 - Presidential electors are chosen in the 11 ratifying states, except New York.

January 23 - Georgetown University, the first Catholic college in the U.S., is founded by Father John Carroll.

February 4 - Ballots are cast in the first presidential election, to be counted on April 6.

February 4 – The first US electoral college chooses Washington and Adams as President and Vice-President, respectively.

March 4 - The first Constitution Congress convenes in New York City, but is unable to achieve a quorum, since most members are still traveling there.

March 4 – The first Constitution Congress meets and declares constitution in effect (9 senators, 13 reps).

The rest, as we say, is history. So, if you wonder why things seem screwed up and there is no law in today's world of 2015, now you know the precedents that have allowed that to occur.

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CONDENSED TIMELINE EXCLUSIVE TO THE AMERICAN EXPERIMENT 1774 -1789

(Prepared by the Union States Assembly Scribe)

1774

September 5 - A Number of the Delegates chosen and appointed by the Several Colonies and Provinces in North America to meet and hold a Congress at Philadelphia assembled at Carpenters' Hall. The Delegates were from: the province of New Hampshire; the Colony of Rhode Island and Providence Plantations; the province of Massachusetts Bay; the Colony of Connecticut; from the City and County of New York, and other counties in the province of New York; from New Castle, Kent, and Sussex, on Delaware; from the county of Suffolk, in the province of New York; the Province of Maryland, the Colony of New Jersey; the Colony of Virginia; the Province of Pennsylvania; and the Colony of South Carolina thereby representing every colony, except Georgia.

October 20 – The Articles of Association is read and signed by Delegates of: New Hampshire; Massachusetts Bay; Rhode Island and Providence Plantations; Connecticut; New York; New Jersey; Pennsylvania; the Lower Counties New Castle; Maryland; Virginia; North Carolina; and South Carolina.

1775

April 19 - American Revolution begins - Minutemen Capt. John Parker orders not to fire unless fired upon. At dawn on about 70 armed Massachusetts militiamen stand face to face on Lexington Green with the British advance guard. An unordered "shot heard around the world" begins the American Revolution. A volley of British muskets followed by a charge with bayonets leaves eight Americans dead and ten wounded. The British regroup and head for the depot in Concord, destroying the colonists' weapons and supplies. At the North Bridge in Concord, a British platoon is attacked by militiamen, with 14 casualties. British forces then begin a long retreat from Lexington back to Boston and are harassed and shot at all along the way by farmers and rebels and suffer over 250 casualties. News of the events at Lexington and Concord spreads like wildfire throughout the Colonies.

May 10 - American forces led by Ethan Allen and Benedict Arnold capture Fort Ticonderoga in New York. The fort contains a much needed supply of military equipment including cannons which are then hauled to Boston by ox teams.

May 15 - Congress places the colonies in a state of defense.

June 15 - Congress unanimously votes to appoint George Washington general and commander-in-chief of the new Continental Army.

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June 17 - The first major fight between British and American troops occurs at Boston in the Battle of Bunker Hill. American troops are dug in along the high ground of Breed's Hill (the actual location) and are attacked by a frontal assault of over 2000 British soldiers who storm up the hill. The Americans are ordered not to fire until they can see "the whites of their eyes." As the British get within 15 paces, the Americans let loose a deadly volley of musket fire and halt the British advance. The British then regroup and attack 30 minutes later with the same result. A third attack, however, succeeds as the Americans run out of ammunition and are left only with bayonets and stones to defend themselves. The British succeed in taking the hill, but at a loss of half their force, over a thousand casualties, with the Americans losing about 400, including important colonial leader, General Joseph Warren.

July 6 - The Continental Congress issues a Declaration on the Causes and Necessity of Taking Up Arms detailing the colonists' reasons for fighting the British and states the Americans are "resolved to die free men rather than live as slaves." If you are not aware, a “subject” (of a monarch or government) is considered a slave.

July 20 - A letter was received from the Convention of Georgia, and read, setting forth, that the Colony had acceded to the general Association, and appointed Delegates to attend this Congress.

Aug 22 - King George III proclaims colonies to be in open rebellion without even looking at the Olive Brach Petition.

1776

April 12 - The North Carolina assembly is the first to empower its delegates in the Continental Congress to vote for independence from Britain.

May 2 - The American revolutionaries get the much needed foreign support they had been hoping for. King Louis XVI of France commits one million dollars in arms and munitions. Spain then also promises support.

May 4 **-** Rhode Island declares independence from Britain.

May 10 - The Continental Congress authorizes each of the 13 colonies to form local (provincial) governments.

June 7 - Richard Lee (Virginia) moves “That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved. That it is expedient forthwith to take the most effectual measures for forming foreign Alliances. That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation.”

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July 2 - Continental Congress resolves "these United Colonies are and of right ought to be Free and Independent States" by approving the Declaration of Independence. Founding Father of the United States John Dickinson July abstains from the votes that declare independence. The meaning of that phrase is as follows: the thirteen States, or nations as that word meant in that time, are free and independent (even from each other) and each are on par with the States of Great Britain, France, Spain, Sweden, etc. They did NOT create a singular country but rather thirteen singular countries.

July 4 - Congress proclaims the Declaration of Independence and independence from Britain and ordered that if be authenticated, printed, and be sent to the several assemblies, conventions and committees, or councils of safety, and to several commanding officers of the continental troops; that it be proclaimed in each of the United States, and at the head of the army.

August 2 – The formal signing of the Declaration of Independence by 56 people takes place.

December 25-26 - On Christmas, George Washington takes 2400 of his men and re-crosses the Delaware River. Washington then conducts a surprise raid on 1500 British-Hessians (German mercenaries) at Trenton, New Jersey. The Hessians surrender after an hour with nearly 1000 taken prisoner by Washington who suffers only six wounded. Washington reoccupies Trenton. The victory provides a much needed boost to the morale of all American Patriots.

1977

January 3 - A second victory for Washington occurs as his troops defeat the British at Princeton and drive them back toward New Brunswick. Washington then establishes winter quarters at Morristown, New Jersey. During the harsh winter, Washington's army shrinks to about a thousand men as enlistments expire and deserters flee the hardships. By spring, with the arrival of recruits, Washington will have 9000 men.

January 15 - People of New Connecticut (Vermont) declare independence from England.

January 16 - Vermont declares independence from New York.

June 14 - The flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation is agreed to by Congress.

July 8 - Vermont introduces new constitution making it first state to abolish slavery.

October 7 - The Battle of Saratoga results in the first major American victory of the Revolutionary War as Gen. Horatio Gates and Gen. Benedict Arnold defeat Gen. Burgoyne, inflicting 600 British casualties. American losses are only 150.

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October 17 - Gen. Burgoyne and his entire army of 5700 men surrender to the Americans led by Gen. Gates. The British are then marched to Boston, placed on ships and sent back to England after swearing not serve again in the war against America. News of the American victory at Saratoga soon travels to Europe and boosts support of the American cause. In Paris the victory is celebrated as if it had been a French victory. Benjamin Franklin is received by the French Royal Court. France then recognizes the independence of the thirteen America states.

November 15 – The Delegates representing the 13 nations (states) in Congress, agree to form a confederation known as "The United States of America". The confederation (federal) government is governed through an international treaty and compact known as the Articles of Confederation and perpetual Union. It is then passed on to the states for their ratification. Under the Articles of Confederation and perpetual Union, Congress is the sole authority of the new federal government.

December - Moroccan sultan Muhammad III included the United States of America in a list of countries to which Morocco's ports were open. Morocco thus became the first country whose head of state publicly recognized the new United States.

1778

February 6 - American and French representatives sign two treaties in Paris: a Treaty of Amity and Commerce and a Treaty of Alliance. France now officially recognizes the United States and will soon become the major supplier of military supplies to Washington's army. Both pledge to fight until American independence is won, with neither concluding any truce with Britain without the other's consent, and guarantee each other's possessions in America against all other powers. The American struggle for independence is thus enlarged and will soon become a world war. After British vessels fire on French ships, the two nations declare war. Spain will enter in 1779 as an ally of France. The following year, Britain will declare war on the Dutch who have been engaging in profitable trade with the French and Americans. In addition to the war in America, the British will have to fight in the Mediterranean, Africa, India, the West Indies, and on the high seas, all the while facing possible invasion of England itself by the French.

February 6 - Britain declares war on France.

July 10 - France declares war against Britain.

September 4 - City of Amsterdam signs trade agreement with American rebels.

September 17 – The Treaty of Fort Pitt (Treaty with the Delaware) is signed.

1779

June 16 - Spain declares war on England, but does not make an alliance with the American revolutionary forces.

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August 14 - A peace plan is approved by Congress which stipulates independence, complete British evacuation of America and free navigation on the Mississippi River.

September 24 – Congress takes into consideration "the state of Vermont".

1780

July 9 - Denmark declares neutrality.

August 1 - Sweden declares neutrality.

August 3 - Benedict Arnold is appointed commander of West Point. Unknown to the Americans, he has been secretly collaborating with British Gen. Clinton since May of 1779 by supplying information on Gen. Washington's tactics.

September 23 - A British major in civilian clothing is captured near Tarrytown, New York. He is found to be carrying plans indicating Benedict Arnold intends to turn traitor and surrender West Point. Two days later, Arnold hears of the spy's capture and flees West Point to the British ship *Vulture* on the Hudson. He is later named a brigadier general in the British Army and will fight the Americans.

December 20 - Britain declares war on Holland.

1781

January 17 - An American victory at Cowpens, South Carolina, as Gen. Daniel Morgan defeats British Gen. Tarleton.

March 1 – The Articles of Confederation and perpetual Union is fully ratified by the thirteen nations (states) and takes effect and becomes the governing doctrine of the federal government of the confederation, with Congress the governing body. This becomes the first federal constitution between the states. The states retained all their rights and sovereignty except those enumerated. Remember, you cannot have a sovereign state unless the people in that state are also sovereign.

June 10 - American troops under Marquis de la Fayette, Gen. Anthony Wayne and Baron von Steuben begin to form a combined force in Virginia to oppose British forces under Benedict Arnold and Gen. Cornwallis.

June 11 - Congress appoints a Peace Commission comprised of Benjamin Franklin, Thomas Jefferson, John Jay and Henry Laurens. The commission supplements John Adams as the sole negotiator with the British.

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August 1 - After several months of chasing Gen. Greene's army without much success, Gen. Cornwallis and his 10,000 tired soldiers arrive to seek rest at the small port of Yorktown, Virginia, on the Chesapeake Bay. He then establishes a base to communicate by sea with Gen. Clinton's forces in New York.

August 14 - Gen. Washington abruptly changes plans and abandons the attack on New York in favor of Yorktown after receiving a letter from French Admiral Count de Grasse indicating his entire 29-ship French fleet with 3000 soldiers is now heading for the Chesapeake Bay near Cornwallis. Gen. Washington then coordinates with Gen. Rochambeau to rush their best troops south to Virginia to destroy the British position in Yorktown.

August 20 – Congress, after reviewing the petition submitted, declare if they abide by the boundary limits, the Vermont to be a sovereign and independent state by the name of State of Vermont.

August 30 - Count de Grasse's French fleet arrives off Yorktown, Virginia. De Grasse then lands troops near Yorktown, linking with la Fayette's American troops to cut Cornwallis off from any retreat by land.

September 5-8 - Off Yorktown, a major naval battle between the French fleet of de Grasse and the outnumbered British fleet of Adm. Thomas Graves results in a victory for de Grasse. The British fleet retreats to New York for reinforcements, leaving the French fleet in control of the Chesapeake. The French fleet establishes a blockade, cutting Cornwallis off from any retreat by sea. French naval reinforcements then arrive from Newport.

September 28 - Gen. Washington, with a combined Allied army of 17,000 men, begins the siege of Yorktown. French cannons bombard Gen. Cornwallis and his 9000 men day and night while the Allied lines slowly advance and encircle them. British supplies run dangerously low.

October 17 - As Yorktown is about to be taken, the British send out a flag of truce. Gen. Washington and Gen. Cornwallis then work out terms of surrender. This surrender, under the Laws of Nations, is a conquest whereby the victor takes the sovereignty of the loser. In this case, the thirteen American states (nations) have gained their sovereignty from the King of Great Britain (also a sovereign) by defeating his forces on the field of battle.

1782

January 28 – Congress resolves to acknowledge Vermont as a free and independent state and accept them into the Union, on equal footing, as the 14th state, provided they accede to the Articles of Confederation and perpetual Union and the boundaries between New York and New Hampshire as specified.

February 21 - Congress resolves establishment of a mint.

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February 27 - In England, the House of Commons votes against further war in America.

March 5 - The British Parliament empowers the King to negotiate peace with the United States.

March 20 - British Prime Minister, Lord North, resigns, succeeded two days later by Lord Rockingham who seeks immediate negotiations with the American peace commissioners.

April 4 - Sir Guy Carleton becomes the new commander of British forces in America, replacing Gen. Clinton. Carleton will implement the new British policy of ending hostilities and withdraw British troops from America.

April 12 - Peace talks begin in Paris between Benjamin Franklin and Richard Oswald of Britain.

April 19 - The Dutch recognize the United States of America as a result of negotiations conducted in the Netherlands by John Adams.

June 20 - Congress adopts the Great Seal of the United States of America.

October 8 – A treaty of amity and commerce is concluded between the United States of America and the High Mightinesses the States General of the Netherlands.

November 30 - A preliminary peace treaty is signed in Paris. Terms include recognition of American independence and the boundaries of the United States, along with British withdrawal from America.

1783

January 20 - England signs a preliminary peace treaty with France and Spain.

February 3 - Spain recognizes the United States of America, followed later by Sweden, Denmark and Russia.

February 4 - England officially declares an end to hostilities in America.

February 5 - Sweden recognizes the independence of the United States of America.

April 11 - Congress officially declares an end to the Revolutionary War.

April 15 – A treaty of amity and commerce is signed between the United States of America and Sweden.

April 18 – Congress proposes alterations to the Articles of Confederation and perpetual Union to the states in order to allow Congress to handle the increasing difficulty regarding the financial situation of the confederation.

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April 26 – In an address to the states, Congress declares the Articles of Confederation and perpetual Union and the confederation that was formed to be "the greatest trust ever confided to a political society". Besides being an international treaty and compact between thirteen sovereign and independent states (nations), the founders also created a trust for the benefit of the sovereign states, and thereby, the sovereign people populating them.

June 19 – Congress resolves the requirements for additional entries (states) into the Union.

September 3 - The Treaty of Paris is signed by the United States of America and Great Britain.

September 15 - Congress makes further revisions in voting requirements for when the 14th state and more enter the Union.

December 22 - Congress decides that these united states be considered in all such Treaties and in every case arising under them as one Nation (upon principles of the federal Constitution). This reinforces that the thirteen states are independent nations unto themselves and that NO singular nation has been created.

1784

January 14 - The Treaty of Paris is ratified by Congress. The Revolutionary War officially ends. However, unmentioned in the debates of this treaty is no provision for the King of Great Britain to actually cede land to the United States of America, as had been the principal of past treaties among sovereigns (see Treaty of Paris 1763 and how the King of France cedes land to the victor, the King of Great Britain). Word trickery is used such as "relinquishes all claims to the Government, Propriety, and Territorial Rights of the same and every Part thereof" but there is no mention of ceding the land and giving allodial title to the Americans, again as was the practice in previous treaties. Thus, the states and Americans are now sovereign but own no title to any land. Can you believe that? Yet, that is what was done.

April 23 – Congress resolves the form of a temporary government of the Western territory and makes provisions for an expanding the Union for when it grows beyond the existing thirteen states.

April 30 – Congress resolves recommendations to the states for additional taxing power in order to pay the incurred debt.

May 20 - Britain & Netherlands sign peace treaty (Peace of Paris).

June 3 – Congress, again resolves "That the district of territory lying on the west side of Connecticut river, called Vermont, within the limits and boundaries described in the act of Congress of the 20 August, 1781, and the people inhabiting the same, be, and they are hereby recognized and declared to be a free, sovereign and independent State by the name of the State of Vermont. That the said State of Vermont, being within the limits of the United States,

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shall be considered as a part of the Confederacy, on the same principles as the new states, who shall have established permanent governments agreeably to the act of Congress of the 23 day of April last, until it shall accede to the Articles of Confederation, and be admitted into the federal Union of these States."

June 4 – Congress adjourns and A Committee of the States runs the confederation in Congress's absence.

August 23 - Eastern Tennessee settlers declare their area an independent state and name it Franklin; a year later the Continental Congress rejects it.

October 22 – The Treaty of Fort Stanwix (Treaty with the Six Nations) is signed.

November 1 – Congress resumes its duty after the adjournment, thereby concluding, for the only time it has ever convened, A Committee of the States.

December 15 – In letter to Congress from the Spanish minister, it is acknowledged by Spain the claim to sovereignty of the United States of America is "founded on all the rights which an entire conquest and an uninterrupted possession can give to any power".

1785

January 21 – The Treaty of Fort McIntosh (Treaty with the Wyandot, etc.) is signed.

May 8 - Congress passes the Land Ordinance of 1785 which divides the northwest territories into townships, each set at 6 square miles, subdivided into 36 lots of 640 acres each, with each lot selling for no less than $640.

May 16 - State of Franklin Petitions for Statehood but is not admitted into the Union. The State of Franklin was an autonomous, secessionist United States territory created not long after the end of the American Revolution from territory that later was ceded by North Carolina to the federal government. Franklin's territory later became part of the state of Tennessee. Franklin was never officially admitted into the Union of the United States and existed for only four years. Congress was heavily in debt at the close of the Revolutionary War, the state of North Carolina voted, in April 1784, "to give Congress the 29,000,000 acres lying between the Allegheny Mountains (as the entire Appalachian range was then called) and the Mississippi river." This did not please the Watauga settlers who had gained an earnest foothold on the Cumberland River at Fort Nashborough. They feared Congress might in desperation sell the territory to a foreign power such as France or Spain. A few months later, the Legislature of North Carolina withdrew its gift, and again took charge of its western land because it feared the land would not be used to pay the debts of Congress.

September 10 - A treaty of amity and commerce is signed between the United States of American and the Kingdom of Prussia.

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October – Virginia legislature passes an act entitled "An Act concerning the erection of the District of Kentucky into an Independent State".

November 10 - Netherlands and France sign treaty.

November 28 - The Treaty of Hopewell was signed between the U.S. representative Benjamin Hawkins and the Cherokee Indians**.** The treaty laid out a western boundary for white settlement. The treaty gave rise to the sardonic Cherokee phrase of Talking Leaves, since they claimed that when the treaties no longer suited the Americans, they would blow away like talking leaves. A description of the boundary is found on Article 4 of the accord. The Treaty of Hopewell may refer to one of three different treaties signed at Hopewell, (the plantation of Andrew Pickens on the Seneca River in northwestern South Carolina) between the United States of America and Cherokee (1785), Choctaw and Chickasaw (1786) indigenous nations.

1786

January 21 – The Treaty of Fort Finney (Treaty with the Shwanee) is signed.

August 7 – Congress submits to the states seven additional amendments (articles) to the Articles of Confederation and perpetual Union for their approval. At this point in time, Congress realizes that the federal constitution needs to be revised in order for Congress to do the tasks assigned to them.

August 8 - Congress adopts a monetary system based on the Spanish dollar, with a gold piece valued at $10, silver pieces at $1, one-tenth of $1 also in silver, and copper pennies.

August 29 - Shay's Rebellion in Springfield, Mass.

August 31 - In Massachusetts, to prevent debtors from being tried and put in prison, ex-Revolutionary War Captain Daniel Shays, who is now a bankrupt farmer, leads an armed mob and prevents the Northampton Court from holding a session.

September 11 – The Annapolis Convention take place to determine interstate commerce and ways for the federal government to raise the money required to pay the debts incurred. Although all states are invited to send delegates, only five states send them. The Convention recommends to Congress to have another convention to meet in May to "devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union; and to report such an Act for that purpose to the United States in Congress assembled, as when "agreed to by them and" afterwards confirmed by the Legislatures of every State will effectually provide for the same." This follows the guidelines laid out in Article 13 of the Articles of Confederation and perpetual Union regarding alterations therewith.

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September 26 - Shays' rebels, fearing they might be charged with treason, confront 600 militiamen protecting the state Massachusetts Supreme Court session in Springfield and force the court to adjourn.

September 26 - Britain and France sign trade agreement.

October – Virginia legislature passes an act entitled “An Act making further provision for the erection of the District of Kentucky into an Independent State”.

October 16 - Congress establishes the United States mint.

October 20 - Congress authorizes Secretary of War Henry Knox to raise an army of 1340 men over concerns of the safety of the federal arsenal at Springfield, Mass.

December 26 - Shays assembles 1200 men near Worcester, Mass. and heads toward Springfield. Massachusetts Governor, Bowdoin, then orders mobilization of a 4400 man force.

1787

January 26 - Shays' rebels attack the federal arsenal at Springfield but are unsuccessful. Revolutionary War hero, Gen. Benjamin Lincoln, then arrives with reinforcements from Boston to pursue the rebels.

February 4 - Gen. Lincoln's troops attack Shays' rebels at Petersham, Massachusetts, and capture 150 rebels. Shays flees north to Vermont.

February 21 - Amid calls for a stronger central government, due in part to Shays' Rebellion, and any other short comings in regards to raising the revenue required to fund the federal governments and pay the debts incurred, Congress endorses a resolution calling for a convention to be held in Philadelphia, beginning in May in the words following: “Whereas there is provision in the Articles of Confederation and perpetual Union for making alterations therein by the Assent of a Congress of the United States and of the legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the states and particularly the state of New York by express instructions to their delegates in Congress have suggested a Convention for the purposes expressed in the following resolution and such Convention appearing to be the most probable mean of establishing in these states a firm national government.

Resolved that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several States to be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as

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shall when agreed to in Congress and confirmed by the States render the federal Constitution adequate to the exigencies of Government and the preservation of the Union."

It is VERY important to note the following: (1) Congress authorizes the Convention to suggest alterations to the form of the federal government by making changes to the Articles of Confederation and perpetual Union, to which after being agreed to by Congress, would ONLY THEN be passed onto the states for their approval (2) Congress did NOT authorize the Convention to devise a NEW form of government to replace the existing form of government and (3) these restrictions to what the Convention was limited to were not followed with resulting events of sedition and treason against the confederation and a usurpation of the lawful government (4) for the ignorant masses of feeble minded Americans today, how many of you are actually aware of the intended purpose of that convention? Are you aware that those so called founding fathers became founding traitors? Of course not, the rulers of the planet today do not want you to know the fraud that occurred because that is what keeps them in power today.

May 25 - With 29 delegates from nine states present, the Convention begins in the state house (Independence Hall) in Philadelphia. A total of 73 delegates have been chosen by the states (excluding Rhode Island) although only 55 will actually attend. There are 21 veterans of the Revolutionary War and 8 signers of the Declaration of Independence. The delegates are farmers, merchants, lawyers and bankers, with an average age of 42, and include James Madison, the central figure at the convention, and 81 year old Benjamin Franklin. Thomas Jefferson, serving abroad as ambassador to France, does not attend.

The delegates first vote is to keep the proceedings absolutely secret. George Washington is then nominated as president of the convention. How many of you are aware of the secrecy involved and why? The why is they purposely wanted to commit sedition by proposing a usurpation of the lawful government.

June 19 - Rather than revise the Articles of Confederation, delegates at the convention vote to create an entirely new form of national government separated into three branches - the legislative, executive and judicial - thus dispersing power with checks and balances, and competing factions, as a measure of protection against tyranny by a controlling majority.

June 20 - Oliver Ellsworth moves at the Federal Convention to call the government the United States and NOT "The United States of America" as is the style of the confederation as specified in Article 1 of the Articles of Confederation and perpetual Union. This is clearly a seditious action of identity theft by these traitorous delegates.

July 13 – After many, many months of debates Congress enacts the Northwest Ordinance which establishes formal procedures for transforming territories into states. It provides for the eventual establishment of three to five states in the area north of the Ohio River, to be

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considered equal with the original 13. The Ordinance includes a Bill of Rights that guarantees freedom of religion, the right to trial by jury, public education and a ban on slavery in the Northwest.

Of note: This Ordinance ONLY applies to the territory north and west of the river Ohio. This Ordinance does NOT apply to territory south and east of the river Ohio. The main reason the Ordinance was passed, by only 8 states, was a way for the federal government to be able to sell land and tax the inhabitants as a means of paying off the federal debt. No state ever used this ordinance and no states were created under it.

July – A treaty of friendship is signed between Morocco and the United States of American. It is the longest unbroken treaty.

September 17 - Thirty nine delegates vote to approve and then sign the final draft of the new Constitution. It may be deemed to be a "unanimous" passage but the state of Rhode Island NEVER had any delegates attend the Convention. Also, in signing the final draft, only one delegate from New York was present. Thus, this clearly was NOT unanimous among the thirteen states (nations), as is required for any changes to the federal constitution as specified in Article 13 "Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state."

September 19 - For the first time, the proposed Constitution is made public as printed copies of the text are distributed. A storm of controversy soon arises as most people had only expected a revision of the Articles of Confederation and perpetual Union, not a new central government with similarities to the British system they had just overthrown. The delegates at this convention knew the limits of Congress on what they can and cannot discuss and also required the approval of Congress. They carefully constructed a way to usurp the lawful government by resolving that Congress just pass on the Constitution to the states WITHOUT taking any action, thereby bypassing the requirements of Article 13 for making any alterations to the form of government.

September 20 – Congress receives the work from the Convention, which includes the Constitution, a letter from the delegates in the Convention, and a letter from George Washington, President of the Convention.

September 22 – The inhabitants of the District of Kentucky vote and approve, with the Virginia legislature's consent, to turn the district into an independent state and apply for admission into the Union of the thirteen states.

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September 27 – Congress officially begins debate about what to do with the results of the Convention. They realize that the Convention violated the Resolution of the 21st of February, 1787, which authorized the Convention to ONLY make changes to the Articles of Confederation and perpetual Union and not devise a new form of government. The first entry in the *Journals of the Continental Congress* is stricken through on this day, as though it never occurred. The reason for striking out the first entry is that Congress would be shown to be guilty of sedition and treason against the existing confederation by approving a new form of government when their power restricts them ONLY to working with the existing form of government.

The second entry on this day, is a motion of Nathan Dane (Delegate from Massachusetts) acknowledging the difficult position that Congress has been put in "which constitution appears to be intended as an entire system in itself, and not as any part of, or alteration in the Articles of Confederation; to alterations in which Articles, the deliberations and powers of Congress are, in this Case, constitutionally confined, and whereas Congress cannot with propriety proceed to examine and alter the said Constitution proposed, unless it be with a view so essentially to change the principles and forms of it, as to make it an additional part in the said Confederation and the members of Congress not feeling themselves authorised by the forms of Government under which they are assembled, to express an opinion respecting a System of Government no way connected with those forms; but conceiving that the respect they owe their constituents and the importance of the subject require, that the report of the Convention should, with all convenient dispatch, be transmitted to the several States to be laid before the respectful legislatures thereof therefore

Resolved that there be transmitted to the supreme executive of each State a copy of the report of the Convention of the States lately Assembled in the City of Philadelphia signed by their deputies the seventeenth instant including their resolutions, and their letter directed to the President of Congress."

Congress expected to see proposed changes/alterations to the existing federal constitution but was confronted with a proposal that had NOTHING at all to do with the existing form of government. However, falling to celebrityitus, acknowledging the esteem of their colleagues present at the Convention, Congress fails to do the lawful thing and recommends passing the Constitution directly onto the states for their ratification WITHOUT voting on it themselves, as is specified in Article 13 of the existing federal constitution regarding any alterations. Thus, Congress commits sedition and treason against the confederation by providing a path to the usurpation of the lawful government.

September 28 - Congress votes to send the Constitution to the state legislatures for their ratification, needing the approval of ONLY nine states (and not a unanimous approval as per Article 13), thereby confirming their acts of sedition and treason and allowing for a path to usurp the lawful government by violating the Articles of Confederation and perpetual Union and ignoring their own Resolution of Feb. 21, 1787.

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October 27 - The Federalists, who advocate a strong central government and approval of the new Constitution (in their hidden attempt to usurp the lawful government), begin publishing essays in favor of ratification. Written by Alexander Hamilton, James Madison and John Jay, the total number of articles will eventually reach 85 and be compiled and published as the Federalist Papers.

December 7 - Delaware is the first of the nine states needed to ratify the Constitution. To be followed by: Pennsylvania (Dec. 12) New Jersey (Dec. 18) Georgia (Jan. 2, 1788) Connecticut (Jan. 9) Massachusetts (Feb. 7) Maryland (April 28) South Carolina (May 23) and New Hampshire (June 21).

1788

February 29 – The delegates of Virginia formally motion to Congress "*Resolved* that the United States in Congress Assembled do approve of the Compact solemnly entered into between the State of Virginia and the District of Kentucky for the erection of the said District into a separate and Independent Member of the federal Union".

March 24 - In Rhode Island, the Constitution is rejected by a popular referendum. The state, fearful of consolidated federal power, had refused to send a delegation to the constitutional convention in Philadelphia and had subsequently rejected a state convention to consider ratification.

April 15 - Britain, Netherlands, and Prussia sign peace treaty.

June 2 – Congress agrees "That in their opinion it is expedient that the district of Kentucky be erected into an independent state and therefore they submit the following resolution, That the address and resolutions from the district of Kentucky with the act of the legislature of Virginia therein specified be referred to a committee consisting of a member from each state, to prepare and report an act for acceding to the independence of the said district of Kentucky and for receiving the same into the Union as a member thereof, in a mode conformable to the Articles of Confederation."

July 2 – New Hampshire becomes the ninth state to ratify the Constitution for the United States. A motion in Congress is approved "*Ordered* That the ratifications of the constitution of the United States transmitted to Congress be referred to a committee to examine the same and report an Act to Congress for putting the said constitution into operation in pursuance of the resolutions of the late federal Convention."

At this point, nine state legislatures have committed treason against the confederation known as "The United States of America" by usurping the lawfully created government and Congress is

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complicit in that treason by putting time and effort to making their delegates determine a course for putting into effect the new Constitution.

July 3 – A motion is made in Congress to erect the district of Kentucky into an independent state and join the confederation of 13 states officially on January 1, 1789. However, a motion is approved to postpone that decision in the words following "Whereas application has been lately made to Congress by the legislature of Virginia and the district of Kentucky for the admission of the said district into the federal Union as a separate member thereof on the terms contained in the Acts of the said legislature and in the resolutions of the said district relative to the premises.

And whereas Congress having fully considered the subject did on the third day of June last resolve that it is expedient that the said district be erected into a sovereign and independent state and a separate member of the federal Union and appointed a committee to report An Act accordingly which committee on the second instant was discharged, it appearing that nine states had adopted the Constitution of the United States lately submitted to conventions of the people; and whereas a new confederacy is formed among the ratifying States and it is highly probable that the state of Virginia including the said district has already become a member of the said Confederacy. And whereas an Act of Congress in the present state of government of the country severing a part of the said state from the other parts thereof and admitting it into the Confederacy formed by the Articles of Confederation and perpetual Union as an independent member thereof may be attended with dangerous consequences while it can have no effect to make the said district a separate member of the federal Union formed by the adoption of the said constitution and therefore it must be manifestly inexpedient for Congress assembled under the said articles of Confederation to adopt any other measures relative to the premises than those which express their sense that the said district ought to be an independent member of the Union as soon as circumstances shall permit proper measures to be adopted for that purpose. Resolved that a copy of the proceedings of Congress relative to Kentucky be transmitted to the legislature of Virginia and that the said legislature be informed that as the constitution of the United States is now ratified Congress think it unadviseable to adopt any further measures for admitting the district of Kentucky into the federal Union as in independent member thereof under the articles of Confederation and perpetual Union, but that Congress thinking it expedient that the said district as soon after proceedings shall commence under the said constitution as circumstances shall permit recommend it to the said legislature and to the inhabitants of the said district so to alter their Acts and resolutions relative to the premises, as to render them conformable to the provisions made in the said constitution to the end that no impediment may be in the way of speedy accomplishment of this important business."

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The above motion being amended to read as "Whereas application has been lately made to Congress by the legislature of Virginia and the district of Kentucky for the admission of the said district into the federal Union as a separate member thereof on the terms contained in the acts of the said legislature and in the resolutions of the said district relative to the premises. And whereas Congress having fully considered the subject did on third day of June last resolve that it is expedient that the said district be erected into a sovereign and independent state and a separate member of the federal Union and appointed a committee to report an Act accordingly, which committee on the second instant was discharged, it appearing that nine states had adopted the constitution of the United States lately submitted to Conventions of the people. And whereas a new Confederacy is formed among the ratifying States and there is reason to believe the State of Virginia including the said district did on the 25 of June last become a member of the said Confederacy; And Whereas An Act of Congress, in the present state of government of the country, severing a part of the said state from the other parts thereof and admitting it into the confederacy formed by the articles of Confederation and perpetual Union as an independent member thereof may be attended with many inconveniences while it can have no effect to make the said district a separate member of the federal Union formed by the adoption of the said constitution and therefore it must be manifestly improper for Congress assembled under the said Articles of Confederation to adopt any other measures relative to the premises than those which express their sense that the said district ought it be an independent member of the Union as soon as circumstances shall permit proper measures to be adopted for that purpose."

This is the most telling of all passages in the Congressional Journals regarding the sedition and treason that has resulted because of the lawful process not being followed in presenting and passing the Constitution for the United States. A new confederacy has been set up between nine states. Yet those nine states did not leave the existing confederacy of thirteen states. Thus, all government employees, civil or military, Congress, and the state legislatures commit treason with everything they do because which form of government do they follow? The two forms are repugnant to one another and when one does something following one form, they commit treason against the other form, and vice versa. Congress clearly knows this but does not come out and express it in terms that all can follow.

July 8 - A committee in the old Congress (still under the Articles of Confederation and perpetual Union) is established to prepare for an orderly transfer of power, including procedures for electing representatives to the first Congress under the new Constitution and procedures for choosing the electors of the first president. Thus the reference to famous quotes from George Washington that are paraphrased as follows "Do not ask my about the legality of the Constitution" and "The first time in history that a government has changed hands without bloodshed". Washington was the biggest usurper of all and stood to benefit the most.

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August 15 – In letter from the Secretary for foreign affairs, two things are disclosed "On the letter of 2 June last from Mess N and J Staphorst, which was transmitted to Congress the 12 inst by the Sec. for foreign affairs and in which Messrs Van Staphorst earnestly desire to be furnished with a compleat sett of the Journals of Congress as a mean of providing in the best manner the monies necessary to support the credit of the United States until the new government can be organized and operate to this effect; And to lay the foundation for transferring to the money lenders in Holland the debt due by the US to the crown of France."

Most people, again, are not aware of either point. The first making a reference to the "new government" (to be known as the "United States", which has usurped the old but lawful government of the confederation known as "The United States of America" and stolen the identity thereof) and France has sold the debt America owes her to private money lenders in the Netherlands.

Keep in mind that the base word of constitution is constitute and an offshoot of that is constitutor. A constitutor is one who is responsible for paying another's debt, either voluntarily or involuntarily. Hence, what has happened is that an unlawful process allowed for the usurpation of the lawful government, to that lawful government was created by sovereign states and people. That lawful government was subservient to the states, and thus the people within them. The "new government" under the Constitution for the United States, usurped the lawful government through an unlawful process, stole the identity of the lawful government, made the states subservient (and losing their sovereignty) to the "new government" and thus the people within them being subservient (or subject to and losing their sovereignty) to the "new government, and made the people, as whole, be responsible for paying the debts created by all the states. Prior to the usurpation, the people within each state were responsible for their own state's debt and not another state's debt. This is the fraud that has been perpetrated upon the American people by not fully disclosing what had happened by the traitors who committed these crimes against humanity.

Also, like under the Articles of Confederation and perpetual Union, no singular nation was created under the Constitution for the United States either. If you think otherwise, prove it. The Scribe dares you to find the evidence of such an act.

October 10 – This the last day there was a quorum to do business in the original and lawful confederation of thirteen states (nations) known as "The United States of America".

November 1 - The old Congress, operating under the Articles of Confederation and perpetual Union, adjourns. Currently, neither confederation has an operating central government. Although Congress may have adjourned, the original and lawful confederation known as "The United States of America" is NOT dissolved, done away with, super ceded, or whatever terms

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you want to use with the introduction of the "new government" under the Constitution for the United States. The trust that was created under the original confederation still exists today, as well, and thus ends the American Experiment which lasted from 1774/76 until 1788. This was the ONLY time in written, recorded history where people were freely given a chance to govern themselves and not be governed by other. It has not happened since.

1789

March 4 – The first Constitution Congress meets and declares constitution in effect (9 senators, 13 reps).

The rest, as we say is history. So, if you wonder why things seem screwed up and there is no law in today's world of 2015, now you know the precedents that have allowed that to occur.

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Sedition and Treason in the Confederation, the Usurpation of the Lawful Government, and the Ruination of the American Experiment.

FOUNDATION:

Some writer coined the phrase "American Experiment" some time ago. The "American Experiment" can be defined as, for the first time in written history, a chance to see if people can govern themselves without being governed by another. The only possible exception to this, in written history, might be the Celts and the Druidic Society that came out of Ireland and swept over Northern Europe many, many, many centuries ago. The Celts, who were free people, selected, elected, and held accountable all people entrusted to lead them. For all other instances, in written history, the people were ruled by a Monarch, other type of "royalty", or by some despot. The people under these types of rulers were not free.

In 1774, the Colonies appointed Delegates to represent them in a Congress to address issues they were having at the time. The Articles of Association was an agreement between the Colonies to act in concert with one another realizing that their common interests were the same. In 1775, physical war broke out between them and the troops of the King's (Great Britain) army at Lexington and Concord in the Colony of Massachusetts Bay. To this day no one is positive as to who fired first, but it is referred to as "the shot heard around the world". Troops (militia) were raised in the Colonies to fight the British, Washington appointed as Commander-in-Chief, and yet, many were still holding out hope that reconciliation with the Mother Country could still take place.

By 1776, with Thomas Paine's *Common Sense* inspiring the average American and instilling the idea of independence, Congress was at a standstill deciding which direction they should go. By July, it was resolved that independence was the course. The Declaration of Independence, mostly written by Thomas Jefferson, was written, debated, agreed, and copies sent to, the now, States to be read before the public. One has to remember, that in 1776, the word "state" meant "nation" as in nation-state. These thirteen, lowly populated, financially and militarily weak, nations had the audacity to declare their independence from the most powerful nation on the planet and fight a war to win their independence.

Not only that but when one reviews the second to last sentence of the Declaration of Independence, it clearly shows what they *actually* declared:

> "That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political

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connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do".

To translate this for the ill-informed public, the founders declared that those Colonies will now be free and independent nations (states) on par with Great Britain, France, Spain, Sweden, etc., and have the same rights as all other nations of the world. This was a very bold statement indeed and one that had NEVER been successfully accomplished in written history. Not even the Celts had to declare their independence from a previous ruler. ***They created 13 nations, not one singular nation!*** This is a fact that seems to be lost on historians and school textbooks everywhere.

Yet, the ideals they represented still resonate today. With a victory on the battle field at Ticonderoga (New York), they were able to approach France to illicit their help in this just cause. And help came, not only from the French but the Spanish too. Loans were able to be made in other European countries as well.

CONFEDERATION:

In late 1777, Congress resolved out of that august body, the Articles of Confederation and perpetual Union, and passed it along to the States for their approval. On March 1, 1781, all thirteen nations had fully ratified the Articles of Confederation and perpetual Union. This created a confederation of sovereign, independent states and was considered their "constitution" and the working law form for the Confederation. The States retained all their rights except those expressly enumerated in the Articles of Confederation and perpetual Union. And remember, you cannot have a sovereign state unless the people in that state are also sovereign.

In October 1781, Washington, with the aid of the French navy and army, defeated Lord Cornwallis on the battlefield at Yorktown, Virginia. Articles of Capitulation were signed as the means of surrender. According to the Law of Nations, defeating a sovereign through conquest in battle, is a means of gaining sovereignty. Thus, these thirteen States were now truly sovereign. The "American Experiment" seemed to be going well indeed.

On April 26, 1783, Congress wrote an address to the states, keeping in mind that the peace treaty has not yet been signed, and thus, technically were still in a state of war. Here is the last paragraph of that address:

"Let it be remembered finally, that it has ever been the pride and boast of America, that the rights for which she contended, were the rights of human nature. By the blessing of

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the author of these rights, on the means exerted for their defence, they have prevailed against all opposition, and form the basis of thirteen independent states. No instance has heretofore occurred, nor can any instance be expected hereafter to occur, in which the unadulterated forms of Republican government can pretend to so fair an opportunity of justifying themselves by their fruits. In this view the citizens of the United States are responsible for the greatest trust ever confided to a political society. If justice, good faith, honor, gratitude and all the other qualities which ennoble the character of a nation, and fulfil the ends of government, be the fruits of our establishments, the cause of liberty will acquire a dignity and lustre which it has never yet enjoyed; and an example will be set which cannot but have the most favourable influence on the rights of mankind. If on the other side, our governments should be unfortunately blotted with the reverse of these cardinal and essential virtues, the great cause which we have engaged to vindicate will be dishonored and betrayed; the last and fairest experiment in favour of the rights of human nature will be turned against them, and their patrons and friends exposed to be insulted and silenced by the votaries of tyranny and usurpation."

There are four extremely important points made in just this one paragraph that still resonate today. The first is another statement re-emphasizing the thirteen independent states and NOT A SINGULAR COUNTRY. The notion that the founders created a singular country is purely false! They created thirteen countries, a point that is lost on historians and school textbooks today because the rulers today do not want you to know about the freedom the people and the states once actually had. The second is that the Articles of Confederation and perpetual Union, besides being an international treaty (still recognized today!) among thirteen sovereign and independent states, and a compact (contract), is ALSO a trust that had been set up between those states and the people therein. The third is that the founders in declaring independence was trying to set something up that would be perpetual for the benefits and rights of mankind. The fourth, probably, is the very first reference to the "American Experiment" by the reference of ". . . fairest experiment . . .", and another statement of human rights.

However, since the governing body of the Confederation, namely Congress, or more precisely the United States in Congress assembled, was very weak in terms of power since the states retained so much of theirs. One area Congress was the most weak was raising money to pay the debts incurred, both domestically and foreign, in gaining their independence. Millions of dollars had been borrowed. The economy was in shambles. One hope was to be able to sell off the new lands gained in the conquest, namely the Western (Northwest) territory. But that would be a very long process and not provide the finances needed to pay off the loans on time.

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Congress, having pledged the "faith of the United States" was very concerned regarding the destruction of that faith by not being able to pay off the loans on time.

Realizing that the Articles of Confederation and perpetual Union was not a perfect document and that Congress was weak in certain areas and could not get the states to abide by their agreements and pay their portions of the overall expenses, Congress, on many occasions, passed resolutions and suggested revisions to the federal constitution to the states for their approval. One issue, besides the finances and the means to raise them, was that according to Article 13, is that any change to the Articles of Confederation and perpetual Union had to be unanimous. Getting a majority can be difficult in dire times, let alone it having to be unanimous. Think about that in today's age.

The multiple suggestions for revisions to the federal constitution (at least 14 proposed additional Articles), the means to raise the necessary finances (at this point only agreed to by 10 states), and means to provide for the security of the states was fully supported by some states, partially supported by others, and other states refused or couldn't follow through on their obligations to the others.

Thus in 1786, by a resolution authorized by Congress, they finally agreed to a convention of Commissioners, to be appointed by each state to represent it, to discuss the necessary changes to the federal constitution. In order to make any changes to the federal constitution, let us look at Article 13 of the Articles of Confederation and perpetual Union:

> "Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state."

For those who are not knowledgeable with the first federal constitution, let us review this Article (shown above). The first sentence needs no explanation. The second sentence has many portions to it. The Union shall be perpetual, as in never ending unless it was decided to eliminate it by unanimous consent. This is important because that NEVER happened, and thus, it still exists today but is unoccupied. The last portion is of utmost importance because that is where the eventual sedition and treason occurs.

Let us look at this portion closely,
"unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state".

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This means that any changes first have to be agreed to in a Congress and then sent off to the states for their unanimous approval. So there is a procedure that is established for making revisions.

Back to September 1786, a letter was received by Congress sent by John Dickinson, Chairman, of the convention that was held in Annapolis, which states:

> "To His Excellency,
>
> The President of Congress
>
> ANNAPOLIS, *September 14th, 1786*.
>
> SIR: Agreeably to the request of the Commissioners assembled at this place, I do myself the Honor to transmit to your Excellency, a Copy of their Report to the Legislatures of those States by who they were appointed.
>
> I remain etc.
>
> JOHN DICKINSON,
>
> *Chairman*.
>
> His Excellency,
>
> The President of Congress.
>
> To the Honorable the Legislatures of Virginia, Delaware, Pennsylvania, New Jersey, and New York:
>
> The Commissioners from the said states respectively assembled at the City of Annapolis, humbly beg leave to report:
>
> That, pursuant to their several appointments, they met at Annapolis, in the State of Maryland, on the eleventh day of September Instant, and, having proceeded to a communication of their powers, they found that the States of New York, Pennsylvania, and Virginia, had in substance, and nearly in the same terms, authorised their respective Commissioners "to meet such Commissioners as were or might be appointed by the other States in the Union, at such time and place as should be agreed upon by the said Commissioners, to take into consideration the trade and commerce in the commercial intercourse and regulations might be necessary to their Common interest and permanent harmony, and to report, to the several States, such an Act relative to this great

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object, as when unanimously ratified by them would enable the United States in Congress Assembled effectually to provide for the same."

That the State of Delaware has given similar powers to their Commissioners, with this difference only, that the Act to be framed in virtue of these powers is required to be reported "to the United States in Congress assembled to be agreed to by them and Confirmed by the Legislatures of every State."

That the State of New Jersey had enlarged the object of their appointment, empowering their Commissioners "to consider how far an uniform system in their Commercial regulations and other important matters might be necessary to the common interest and permanent harmony of the several States and to report such an Act on the subject, as when ratified by them would enable the United States in Congress assembled effectually to provide for the exigencies of the Union."

That appointments of Commissioners have also been made by the States of New Hampshire, Massachusetts, Rhode Island, and North Carolina, none of whom have however attended, but that no information has been received by your Commissioners of any appointment having been made by the States of Connecticut, Maryland, South Carolina, or Georgia.

That the express terms of the powers to your Commissioners supposing a deputation from all the States, and having for object the trade and Commerce of the United States, Your Commissioners did not conceive it advisable to proceed on the business of their mission under the Circumstance of so partial and defective a representation.

Deeply impressed, however, with the magnitude and importance of the object confided to them on this occasion, Your Commissioners cannot forbear to indulge an expression of their earnest and unanimous wish that speedy measures may be taken to effect a general meeting of the States in a future Convention, for the same, and such other purposes, as the situation of public affairs may be found to require.

If in expressing this wish, or in intimating any other Sentiment your Commissioners should seem to exceed the strict bounds of their Appointment, they entertain a full confidence, that a conduct dictated by an anxiety for the welfare of the United States, will not fail to receive an indulgent Construct.

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In this persuasion, your Commissioners submit an opinion, that the Idea of extending the powers of their deputies to other objects than those of Commerce, which has been adopted by the State of New Jersey, was an improvement on the original plan, and will deserve to be incorporated into that of a future Convention. They are the more naturally led to this conclusion, as in the course of their reflections on the subject, they have been induced to think, that the power of regulating Trade, is of such comprehensive extent, and will enter so far into the general system of the Federal Government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, may require a correspondent adjustment of other parts of the Federal system.

That there are important defects in the system of the Federal Government, is acknowledged by the Acts of all those states which have concurred in the present Meeting. That the defects upon a closer examination may be found greater and more numerous than even these acts imply, is at least so far probably from the embarrassments which characterize the present State of our national affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate and candid discussion, in some mode, which will unite the sentiments and Councils of all the States.

In the choice of the mode your Commissioners are of opinion that a Convention of deputies from the different States, for the special and sole purpose of entering into this investigation and digesting a plan for supplying such defects as may be discovered to exist will be entitled to a preference, from consideration which will occur without being particularized.

Your Commissioners decline an enumeration of those national circumstances on which their opinion respecting the propriety of a future Convention with more enlarged powers is founded; as it would be an useless intrusion of facts and observations, most of which have been frequently the subject of public discussion, and none of which can have escaped the penetration of those to whom they would in this instance be addressed. They are however of a nature so serious as, in the view of your Commissioners, to render the situation of the United States delicate and critical, calling for an exertion of the United virtue and wisdom of all the Members of the Confederacy.

Under this Impression your Commissioners with the most respectful deference, beg leave to suggest their unanimous conviction that it may essentially tend to advance the interests of the Union, of the States by whom they have been

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respectively delegated would themselves concur, and use their endeavours to procure the concurrence of the other States, in the appointment of Commissioners to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union; and to report such an Act for that purpose to the United States in Congress assembled, as when "agreed to by them and" afterwards confirmed by the Legislatures of every State will effectually provide for the same.

Though Commissioners could not with propriety address these observations and sentiments to any but the States they have the honor to represent, they have nevertheless concluded from motives of respect, to transmit Copies of this report to the United States in Congress assembled, and to the Executives of the other States,

By order of the Commissioners: JOHN DICKINSON,

Chairm

an.

Dated at Annapolis,

September 14th, 1786."

The important part of this letter is the portion, highlighted in green towards the end:

"Under this Impression your Commissioners with the most respectful deference, beg leave to suggest their unanimous conviction that it may essentially tend to advance the interests of the Union, of the States by whom they have been respectively delegated would themselves concur, and use their endeavours to procure the concurrence of the other States, in the appointment of Commissioners to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union; and to report such an Act for that purpose to the United States in Congress assembled, as when "agreed to by them and" afterwards confirmed by the Legislatures of every State will effectually provide for the same."

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This convention clearly understands the lawful procedures to make alterations to the Articles of Confederation and perpetual Union based on Article 13 thereof.

BEGINNINGS OF SEDITION:

On February 21, 1787 Congress passed the following resolution, based on the recommendation of that convention:

> "A motion was then made by the delegates for Massachusetts to postpone the farther consideration of the report in order to take into consideration a motion which they read in their place, this being agreed to, the motion of the delegates for Massachusetts was taken up and being amended was agreed to as follows:
>
> Whereas there is provision in the Articles of Confederation and perpetual Union for making alterations therein by the Assent of a Congress of the United States and of the legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the states and particularly the state of New York by express instructions to their delegates in Congress have suggested a Convention for the purposes expressed in the following resolution and such Convention appearing to be the most probable mean of establishing in these states a firm national government.
>
> *Resolved* that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several States to be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the federal Constitution adequate to the exigencies of Government and the preservation of the Union."

Congress clearly understands the lawful procedures to make alterations to the Articles of Confederation and perpetual Union based on Article 13 thereof. The Convention would report their findings to Congress. Congress would debate and revise such findings, then resolve to agree to such findings, and then pass them off to the states for their approval. Once all thirteen states agreed, then such proposed revisions would take place. That was the ***ONLY*** lawful procedure provided for in the Articles of Confederation and perpetual Union, the law of the Confederation, which was agreed to by the states.

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If we carefully look at the last two words of the last sentence of the second paragraph, we clearly see what the intent of the legislature of New York had in mind. The last two words, "national government", as in a singular nation. The idea that the thirteen sovereign, independent nations (states) fought and won a war for their sovereignty, would all of a sudden, decide to give that up and submit to a "nation government" is ludicrous. But, this is the beginning of the end of the "American Experiment", even though most of the founders do not yet know this.

SEDITION AND ATTEMPT TO USURP THE LAWFUL GOVERNENT:

On September 20, 1787 the initial step towards usurpation of the lawful government occurs. This is when Congress receives the results from the Philadelphia Convention that was tasked with making revisions to the Articles of Confederation and perpetual Union. Presented to Congress were three documents. The first, being the Constitution for the United States, not "The United States of America", as was the official style (or name) of the Confederation. The next document was a letter of the Delegates from that Convention. The final document was a letter from George Washington, President of that Convention.

The "Constitution for the United States" will not be reviewed, as there is no purpose to do so. However, let us review the other documents, starting with the letter of the Delegates:

"In Convention Monday September 17th 1787.

Present The States of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Resolved, That the proceeding Constitution be laid before the United States in Congress assembled, that is should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of it Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled.

Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which the Electors should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution. That after such Publication the Electors should be appointed, and the Senators and

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Representatives elected: that the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President should, without Delay, proceed to execute this Constitution.

By the Unanimous Order of the Convention

G. WASHINGTON, *President*

W. JACKSON *Secretary*"

Now let's review the lawful process of the Confederation and see if what is highlighted in pink follows it. The Convention resolves that the Constitution should be laid before Congress. Check. Then they resolved that it should be submitted to the states. Wow, wait a minute. What happened to the part where it had to be agreed to in Congress before it was passed on to the states? The answer is they purposely bypassed Congress as a way to usurp the lawful government. Those people at the Convention clearly knew the resolution that Congress has passed earlier in February. They knew the restrictions of Congress. They knew the only way to usurp the lawful government was to bypass Congress because if Congress were to review this proposed Constitution, Congress would either strike it down in its entirety or make massive alterations. The people in that secret, locked, closed doors Convention, of which no minutes were contemporarily published, knew they could not take a chance on Congress rejecting their usurpation attempt by allowing them to review, debate, and change that Constitution, thus their resolve for Congress to "just pass it along to the states". Again, according the existing laws of the day, this is sedition and treason in its purest form.

Let's look at the next paragraph in green. In the first sentence, the Convention talks of "nine states" ratifying the alterations. This does not follow the law of the Confederation which clearly states that any alteration has to be agreed to by ***ALL*** the states and not just nine out of thirteen.

So what is this letter from the Convention really saying? It says, "we the people in this Convention propose to usurp the lawful government by unlawfully hoodwinking only nine states into agreeing to give up their sovereignty". This is what eventually happened. Under the Articles and Confederation and perpetual Union, the states retained their sovereignty (through the sovereign people in each) and retained all their rights except those explicitly enumerated therein. Congress could not force the states to do anything, as each state was a sovereign

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nation unto itself with its own unique laws. However, under the "Constitution for the United States", again NOT "The United States of America", each state was forced to give up its sovereignty and submit to that Constitution as the law of the land, with what eventually became a Congress with unlimited power and the states were now helpless to resist.

There is one other piece of neat deception provided in the letter from the Convention by stating that it "was by unanimous Order of the Convention". That may be true but history records that no Delegates from the State of Rhode Island and Providence Plantations had EVER attended the Convention. Thus, ***ONLY TWELVE*** states were present and it was **NOT UNANIMOUS** among the ***thirteen*** states. Also, this Scribe has not reviewed the rules of that Convention. That is if they can found? If they acted in a similar manner as Congress, this would require, at least, two Delegates from each State, for that State to be effectively counted as being present when it comes to voting. Notice that only "Alexander Hamilton of New York" is mentioned, meaning only one Delegate from that state and not more. If this indeed is the true fact, then really only eleven States were fully present and not twelve, let alone the full thirteen.

Now let us look at the letter from George Washington:

> "In Convention Monday September 17th 1787.
>
> SIR: We have now the honor to submit to the consideration of the United States in Congress Assembled, that Constitution which has appeared to us the most adviseable.
>
> The friends of our Country have long seen and desired, that the power of making war, peace and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities should be fully and effectually vested in the general government of the Union: but the impropriety of delegating such extensive trust to one body of men is evident. Hence results the necessity of a different organization.
>
> It is obviously impracticable in the federal government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was encreased by a difference among the several States as to their situation, extent, habits, and particular interests.

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In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State is not perhaps to be expected, but each will doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is as liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect,

We have to honor to be

Sir

Your Excellency's

Most Obedient and humble servant

GEORGE WASHINGTON, *President*

By Unanimous Order of the Convention.

His Excellency

THE PRESIDENT OF CONGRESS."

Let us look at the items highlighted in pink. In the first paragraph Washington refers to "friends of our country". What friends and where are they from? To which one of the thirteen countries is Washington referring to? These have never been explained and the only possibility is that Washington was looking to usurp the thirteen country's lawful governments, along with the existing federal government, in order to actually try and create a singular country. Again, according the existing laws of the day, this is sedition and treason in its purest form. Later in

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the paragraph, Washington refers to a "different organization". This will be discussed later when we get to September 27, 1787.

The beginning of the second paragraph lets the cat out of the bag, so to speak, and reveals the real intention of that Convention. It starts with saying "It is obviously impracticable in the federal government of these States, to secure all rights of independent sovereignty to each" and then "Individuals entering into society, must give up a share of liberty to preserve the rest" and then "rights which must be surrendered". Sound familiar? This is where we are today! See where it started? If you don't, then I can only paraphrse a passage from the Bible "there are none so blind as those who choose not to see". It is clearly the intention of that Convention to create an all-powerful government which acts like a monarch and has made the states and people subject to its whims. No more freedom. The next paragraph talks about consolidating the union for that purpose.

In the last paragraph, that Washington acknowledges that all states may not submit to this proposed all powerful government. He was right, as Rhode Island and Providence Plantations rejected it, outright on the first vote, and said so to Congress. Eventually, they were forced into that union.

Now, let us see what Congress decides to do regarding the proceedings from this now unlawful Convention. On September 27, 1787, Congress takes up the debate of the documents presented to them. There are two separate entries this day in the Journals of the Continental Congress. Here is the first entry, and notice it is stricken through, which poses another question, as well.

> ~~"According to Order Congress resumed the Consideration of the form of a Constitution for the United States of America framed and transmitted to Congress by the Convention of the States held at Philadelphia pursuant to the Resolve of the twenty first day of February last. And a motion being made by Mr. R[ichard] H[enry] Lee seconded by Mr. [Melancton] Smith in the words following "Resolved That Congress after due attention to the Constitution under which this body exists and acts find the said Constitution in the thirteenth Article thereof limits the power of Congress to the amendment of the present confederacy of thirteen states, but does not extend it to the creation of a new confederacy of nine states; and the late Convention having been constituted under the authority of twelve state in this Union it is deemed respectful to transmit and it is accordingly ordered that the plan of a new federal constitution laid before Congress by the said convention be sent to the executive of every state in this Union to be laid before their respective legislatures."~~

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~~A motion was made by Mr. [Abraham] Clark seconded by Mr. [Nathaniel] Mitchel to postpone the consideration of that Motion in order to take up the following "That a copy of the Constitution agreed to and laid before Congress by the late Convention of the several states with their resolutions and the letter accompanying the same be transmitted to the executives of each state to be laid before their respective legislatures in order to be by them submitted to conventions of delegates to be chosen agreeably to the said resolutions of the Convention".~~

~~On the question to postpone for the purpose above mentioned the yeas and nays being required by Mr. R[ichard] H[enry] Lee.~~

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

~~On motion of Mr. [Edward] Carrington seconded by Mr. [William] Bingham the motion of Mr. [Abraham] Clark was postponed to take into consideration the following motion viz "Congress proceeded to the consideration of the Constitution for the United States by the late Convention held in the City of Philadelphia and thereupon resolved That Congress do agree thereto and that it be recommended to the legislatures of the several states to cause conventions to be held as speedily as may be to the end that the same may be adopted ratified and confirmed~~.

First, let us comment on what it means to have the entry stricken out. This is not the first time the Scribe has seen this in the Journals. When an entry has been stricken, it is as if it never occurred. The only question then, is if "it never occurred", then why is it recorded? The original Journal was written in a bound book and removing the individual pages was not permitted. The Scribe can only speculate on why this entry was reproduced and that is to "give remedy" for those who seek it. For instance, when this current corporatized, foreign owned, for profit, de facto government creates a legality (it is impossible for it to create an actual law) it must provide remedy for those who seek it. Just because it is legal does not make it lawful. Since these Journals were reproduced under this de facto government, all of the entries, even if stricken out, are reproduced as their way of creating that remedy.

In the first paragraph, Congress realizes the sedition and usurpation attempt of the lawful government, although not stating it in those terms. Congress realizes that according to Article 13 of the ***current federal constitution***, Congress's function is limited to the confederation of thirteen states and does not extend to the creation of a new confederacy of nine states. Also, Congress acknowledges the Convention of being only 12 states only and not the full confederacy of the thirteen.

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In the last paragraph is a motion of Mr. Edward Carrington and seconded by Mr. William Bingham. Had this motion actually not been stricken out, Congress would have been guilty of treason against the confederation of 13 states. The motion says ". . . ~~resolved That Congress do agree thereto~~. . ." meaning Congress would have agreed to commit sedition (against the current confederation) by discussing a document with intentions to create a new confederacy of nine states that has nothing to do with the original 13. By agreeing to this usurpation of the nine over the thirteen, including stealing the identity of the existing government, among others, and thus, were guilty of treason as well.

The next entry on September 27 is a motion of Mr. Dane, which clearly describes the dilemma that Congress was subjected.

> "Whereas Congress sensible that there were defects in the present Confederation; and that several of the States were desirous that a Convention of Delegates should be formed to consider the same, and to propose necessary alterations in the federal Constitution; in February last resolved that is was ~~in their opinion~~ expedient that a Convention of the States should be held for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as should when agreed to in Congress, and be confirmed by the States, render the federal Constitution adequate to the exigencies of Government, and the preservation of the Union.
>
> And whereas it appears by Credentials laid before Congress, that twelve States appointed Delegates who assembled in Convention accordingly, and who did on the 17th instant, by the unanimous consent of the States then present in convention agree upon, and afterwards lay before Congress, a Constitution for the United States, to be submitted ~~with the~~ to a convention of Delegates, chosen in each State by the people thereof, under the recommendation of its legislature, for their Assent and ratification which constitution appears to be intended as an entire system in itself, and not as any part of, or alteration in the Articles of Confederation; to alterations in which Articles, the deliberations and powers of Congress are, in this Case, constitutionally confined, and whereas Congress cannot with propriety proceed to examine and alter the said Constitution proposed, unless it be with a view so essentially to change the principles and forms of it, as to make it an additional part in the said Confederation and the members of Congress not feeling themselves authorised by the forms of Government under which they are assembled, to express an opinion respecting a System of Government no way connected with those forms; but conceiving that the respect they owe their constituents and the importance of the subject require, that the report of the

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Convention should, with all convenient dispatch, be transmitted to the several States to be laid before the respectful legislatures thereof therefore

Resolved that there be transmitted to the supreme executive of each State a copy of the report of the Convention of the States lately Assembled in the City of Philadelphia signed by their deputies the seventeenth instant including their resolutions, and their letter directed to the President of Congress.

Make no mistake, Congress is clearly committing sedition against the current confederation at this point. Let us examine each paragraph.

The first paragraph acknowledges that revisions need to be made to the current constitution (the Articles of Confederation and perpetual Union) because there are certain unworkable conditions in governing. In February of 1787, Congress authorizes a Convention of the States for the "sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as should when agreed to in Congress, and be confirmed by the States, render the federal Constitution adequate to the exigencies of Government, and the preservation of the Union." This follows the law of the land based on Article 13. The Convention were to report their results to Congress, Congress would debate and amend such results, then agree to such, and then pass them on to the States for their unanimous approval.

In the second paragraph, Congress acknowledges that only 12 states were present, not 13, and even though being unanimous of the 12, the Convention DID NOT DO WHAT THEY WERE TASKED TO DO, AND PRESENTED TO CONGRESS NOT ANY ALTERATIONS OF THE CURRENT CONSTITUTION BUT A SYSTEM THAT HAD NOTHING TO DO WITH IT, in the following words ". . . for their Assent and ratification which constitution appears to be intended as an entire system in itself, and not as any part of, or alteration in the Articles of Confederation; to alterations in which Articles, the deliberations and powers of Congress are, in this Case, constitutionally confined, and whereas Congress cannot with propriety proceed to examine and alter the said Constitution proposed, unless it be with a view so essentially to change the principles and forms of it, as to make it an additional part in the said Confederation . . ."

This in itself is a violation of a Congressional resolution, and thus violated federal law. The people involved in that Convention are guilty of sedition against the confederation of 13 states and should have been punished as such. Closely examining the portion in pink reveals much more as well. Congress has limitations imposed on it by the current law form. The people of that Convention knew those limitations and were hoping to be able to bypass Congress and go directly to the states in order to complete their usurpation. Since Congress was limited in their power, they could not even debate the merits of the Constitution for the

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United States, and thus propose amendments because it had nothing to do with the existing law form. Knowing that if any discussion thereof occurred, that Congress would be guilty of sedition against the confederation.

This brings us to the last portion of the second paragraph and the resolve in the third:

"but conceiving that the respect they owe their constituents and the importance of the subject require, that the report of the Convention should, with all convenient dispatch, be transmitted to the several States to be laid before the respectful legislatures thereof therefore

Resolved that there be transmitted to the supreme executive of each State a copy of the report of the Convention of the States lately Assembled in the City of Philadelphia signed by their deputies the seventeenth instant including their resolutions, and their letter directed to the President of Congress."

Now Congress has definitely committed sedition against the confederation of thirteen by agreeing to pass it along to the states for their ratification. Congress is guilty of the eventual usurpation of the federal government. Here is where the Delegates of the Convention played their most powerful card. The prestige of those whom attended was such that most Americans could not deny their loyalty to such people who, up to now, have proved their allegiance to creating the existing confederation. It was not conceivable that those same people have now presented a plan usurp it.

What Congress should have done, is reject the results of the Convention as a violation of the Congressional resolution that created the Convention. Then Congress should have exposed those people in the Convention as committing sedition in their attempt at usurpation. Then punishment should have followed. But no, Congress in their cowardliness, and falling to the human frailty of succumbing to the celebrity status of their famous constituents in that Convention (Congress kind of viewed it as some of the members of that Convention were too famous to fail or go against), and not fulling understanding Congress's fiduciary duties as trustees of the trust (Articles of Confederation and perpetual Union), allowed a path to breach that trust, thus being willing accomplices in that crime.

To get more of a glimpse into the mindset of the time, let us look at the notes of the debates, taken by James Madison, on February 21, 1787, when debating the resolution that created the Convention.

"The Report of the Convention at Annapolis in September 1786 had been long under consideration of a Committee of the Congress for the last year; and was referred over to a Grand Committee of the present year. The latter committee after considerable

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difficulty and discussion, agreed on a report by a majority of *one* only [see the Journal], which was made a few days ago to Congress and set down as the order for this day. The Report coincided with the opinion held at Annapolis that the Confederation needed adjustments and the proposed Convention was the most eligible means of effecting them. The objections which seemed to prevail against the recommendation of the Convention by Congress, were with some 1. That it tended to weaken the federal authority by lending its sanction to an extraconstitutional mode of proceeding – with other 2. That the interposition of Congress would be considered by the jealous as betraying an ambitious wish to get power into their hands by any plan whatever that might present itself. Subsequent to the Report, the Delegates from N. York received instructions from its Legislature to move in Congress for a recommendation of a convention; and those from Massachusetts had, it appeared, received information which led them to suppose it was becoming the disposition of the Legislature of that State to send deputies to the proposed Convention in case Congress should give their sanction to it. There was reason to believe however from the Language of the instructions from N York that her object was to obtain a new convention, under the sanction of Congress rather than to accede to the one on foot, or perhaps by dividing the plans of the States in their appointments to frustrate all of them. The latter suspicion is in some degree countenanced by their refusal of the Impost a few days before the instruction passed, and by their other marks of an unfederal disposition. The Delegates from N.Y. in consequence of their instructions made the motion on the Journal to postpone the Report of the Committee in order to substitute their own proposition. Those who vote against it, considered it as liable to the objection abovementioned. Some who voted for it particularly Mr. Madison considered it susceptible of amendment when brought before Congress interposed in the matter at all it would be well for them to do it at the instance of a State, rather than spontaneously. This motion being lost, Mr. Dane from Massachusetts, who was at bottom unfriendly to the plan of a Convention, and had dissuaded his State from coming to it, brought forward a proposition, in a different form, but liable to the same objection with that from N. York. After some little discussions, it was agreed on all sides except by Connecticut who opposed the measure in every form, that the Resolution should pass as it stands on the Journal, sanctioning the proceedings & appointments already made by the States as well as recommending farther appointments from other States, but in such terms as do not point directly to the former appointments.

It appeared from the debates & still more from the conversation among the members that many of them considered this resolution as a deadly blow to the existing Confederation. Doctor Johnson who voted against it, particularly declared himself to

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that effect. Others viewed it in the same light, but were pleased with it as the harbinger of a better Confederation.

The reserve of many of the members made it difficult to decide their real wishes & expectations from their present crisis of our affairs. All agreed & owned that the federal Government in its existing shape was inefficient & could not last long. The members from the Southern & Middle States seemed generally anxious for some republican organization of the system which would preserve the Union and give due energy to the Government of it. Mr. Bingham alone avowed his wishes that the Confederacy might be divided into several distinct confederacies, its great extent & various interests, being incompatible with a single Government – The Eastern members were suspected by some of leaning towards some antirepublican establishment,(the effect of their late confusions) or of being less desirous or hopeful of preserving the Unity of the Empire. For the first time the idea of separate Confederacies had got into the Newspapers. It appeared to day under the Boston head. Whatever the views of leading men in the Eastern States may be, it would seem that the great body of the people particularly in Connecticut, are equally indisposed either to dissolve or divide the Confederacy or to submit to any antirepublican innovations."

Madison observes that the members of Congress did feel that a convention was the best means for addressing the short comings of the current constitution but Congress also felt that such a convention should be under their "sanction" and not outside of it, as it ended up being, for fear of weakening the power of Congress. Madison also notices the jealousies that certain states have versus others and that their legislatures were proposing numerous ruinous ideas, i.e., and that this convention would lend an ear to those ideas which could be a "dangerous blow to the existing Confederation".

Madison also notes that the Southern and Middle States were looking to preserve the union, along with Connecticut, and that the other Northern States differed substantially. Some even proposed creating multiple confederations. Ironically, that is what EXACTLY happened, although the public were NEVER told this.

As we move into 1788, Congress having committed sedition by allowing the results of the Convention to be passed on to the States, continued their work. On February 1, 1788 Congress received notice from "the state of Franklin" that they intend to petition Congress for entry into the Confederation. The "state of Franklin", which eventually became Tennessee, was to break off from portions of North Carolina and Georgia to become an independent state, at a later date. Congress declines to act on this.

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On February 29, 1788, with permission from Virginia, a portion of that state was to be broken off to form an independent state to be called Kentucky. The people of Kentucky, again with Virginia's blessing, petitions Congress for entry into the union as an independent state. Congress resolves to this and creates a committee to write an Ordinance for the proceedings. A further formal resolution on this subject occurs on June 2, 1788.

TREASON IN THE CONFEDERATION AND THE END OF THE AMERICAN EXPERIMENT:

July 2, 1788, *a day that will live in infamy*, the Delegates from New Hampshire inform the President (of Congress) that their state is the

> "ninth ratification transmitted and laid before them, whereupon
>
> On Motion of Mr. [Abraham] Clarke seconded by Mr. [Pierpont] Edwards
>
> *Ordered* That the ratifications of the constitution of the United States transmitted to Congress be referred to a committee to examine the same and report an Act to Congress for putting the said constitution into operation in pursuance of the resolutions of the late federal Convention.
>
> On question to agree to this Order the yeas and nays being required by Mr. [Abraham] Yates
>
> So it passed in the affirmative".

From this point on, any time that Congress does any type of work, even if just discussions and debates, etc., with the Constitution for the United States they are committing treason against the existing Confederation.

THE SMOKING GUN OF ALL SMOKING GUNS TO WHAT HAPPENED:

July 3, 1788 is a day that the entries in the Journals of the Continental Congress clearly demonstrate the evils that has overtaken the Confederation that led to the usurpation of the lawful government, through sedition and treason, the end of the American Experiment, which was the first AND ONLY time in written history, that people were given a chance to govern themselves. Since 1789, that "experiment" has NEVER occurred again.

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Keeping in mind what occurred in Congress the prior day, which is directly referenced in the entry, it seems that it was too late for freedom for the people of an independent Kentucky. Here is the entry, and it is a very long one"

> "The Order of the day being called for, the motion of Mr. [John] Brown was read in the words following
>
> Whereas it appears to Congress that the state of Virginia by two acts of the legislature thereof, one entitled "an Act concerning the erection of the district of Kentucky into an independent State passed at their October session in the year 1785, the other passed at their October session in the year 1786 entitled "An Act making further provision for the erection of the district of Kentucky into an Independent state" hath entered into a solemn compact with that part of the said state called the district of Kentucky permitting the same to be erected into a separate and independent state to be admitted into Union with the United States as a federal member thereof upon certain terms and conditions in the said acts stipulated and it further appearing to Congress that the said district in convention assembled did in conformity to the said acts by certain resolutions entered into on the 22d day of Sept. 1787 determine that it was expedient that the said district should be erected into an independent state on the terms and conditions specified in said acts and did present to Congress an address praying to be admitted into union with the United States as a federal member and Whereas it appears to Congress to be just and reasonable that the application of the said district of Kentucky should be complied with *Resolved* therefore that the United States in Congress Assembled do ratify and confirm the compact entered into between the state of Virginia and the district of Kentucky agreeably to the acts and resolutions aforesaid and that the said district to be admitted into Union with the United States as an independent federal member on the 1st day of January 1789 and be stiled the Commonwealth of Kentucky. *Resolved* that Congress will release the state of Virginia from all federal obligations arising within the said district after the said first day of January 1789 and from such part of her quota of the continental debt as shall be apportioned to the said district whenever the same shall have been ascertained agreeably to the stipulations of the compact aforesaid. *Resolved* that the said district shall be admitted to a representation in Congress after the said first day of January 1789 provided from an accurate census it shall appear that the said district contains sixty thousand inhabitants."
>
> A motion was made by Mr. [Nathan] Dane seconded by Mr. [Thomas Tudor] Tucker to postpone the consideration of the foregoing motion in order to take up the following

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Whereas application has been lately made to Congress by the legislature of Virginia and the district of Kentucky for the admission of the said district into the federal Union as a separate member thereof on the terms contained in the Acts of the said legislature and in the resolutions of the said district relative to the premises.

And whereas Congress having fully considered the subject did on the third day of June last resolve that it is expedient that the said district be erected into a sovereign and independent state and a separate member of the federal Union and appointed a committee to report An Act accordingly which committee on the second instant was discharged, it appearing that nine states had adopted the Constitution of the United States lately submitted to conventions of the people; and whereas a new confederacy is formed among the ratifying States and it is highly probable that the state of Virginia including the said district has already become a member of the said Confederacy. And whereas an Act of Congress in the present state of government of the country severing a part of the said state from the other parts thereof and admitting it into the Confederacy formed by the Articles of Confederation and perpetual Union as an independent member thereof may be attended with dangerous consequences while it can have no effect to make the said district a separate member of the federal Union formed by the adoption of the said constitution and therefore it must be manifestly inexpedient for Congress assembled under the said articles of Confederation to adopt any other measures relative to the premises than those which express their sense that the said district ought to be an independent member of the Union as soon as circumstances shall permit proper measures to be adopted for that purpose. Resolved that a copy of the proceedings of Congress relative to Kentucky be transmitted to the legislature of Virginia and that the said legislature be informed that as the constitution of the United States is now ratified Congress think it unadviseable to adopt any further measures for admitting the district of Kentucky into the federal Union as in independent member thereof under the articles of Confederation and perpetual Union, but that Congress thinking it expedient that the said district as soon after proceedings shall commence under the said constitution as circumstances shall permit recommend it to the said legislature and to the inhabitants of the said district so to alter their Acts and resolutions relative to the premises, as to render them conformable to the provisions made in the said constitution to the end that no impediment may be in the way of speedy accomplishment of this important business.

On the question to postpone for the purpose above mentioned the yeas and nays being required by Mr. [John] Brown.

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So it passed in the Affirmative (9 yes, Virginia no, 2 states 1 Delegate only) and the first Motion being postponed and the second taken into consideration and amended; on the question to agree to the Motion as amended the yeas and nays being required by Mr. [Abraham] Yates

So it passed in the affirmative (8 states yes, New York divided, 3 states 1 Delegate only) as follows

Whereas application has been lately made to Congress by the legislature of Virginia and the district of Kentucky for the admission of the said district into the federal Union as a separate member thereof on the terms contained in the acts of the said legislature and in the resolutions of the said district relative to the premises. And whereas Congress having fully considered the subject did on third day of June last resolve that it is expedient that the said district be erected into a sovereign and independent state and a separate member of the federal Union and appointed a committee to report an Act accordingly, which committee on the second instant was discharged, it appearing that nine states had adopted the constitution of the United States lately submitted to Conventions of the people. And whereas a new Confederacy is formed among the ratifying States and there is reason to believe the State of Virginia including the said district did on the 25 of June last become a member of the said Confederacy; And Whereas An Act of Congress, in the present state of government of the country, severing a part of the said state from the other parts thereof and admitting it into the confederacy formed by the articles of Confederation and perpetual Union as an independent member thereof may be attended with many inconveniences while it can have no effect to make the said district a separate member of the federal Union formed by the adoption of the said constitution and therefore it must be manifestly improper for Congress assembled under the said Articles of Confederation to adopt any other measures relative to the premises than those which express their sense that the said district ought it be an independent member of the Union as soon as circumstances shall permit proper measures to be adopted for that purpose.

Resolved That a copy of the proceedings of Congress relative to the independency of the district of Kentucky be transmitted to the legislature of Virginia and also to Samuel McDowell esquire late president of the said Convention, and that the said Legislature and the inhabitants of the district aforesaid be informed, that as the constitution of the United States is now ratified, Congress think it unadviseable to adopt any further measures for admitting the district of Kentucky into the federal Union as in independent member thereof under the Articles of Confederation and perpetual Union; but that Congress thinking it expedient that the said district be made a separate State and

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member of the Union as soon after the proceedings shall commence under the said constitution as circumstances shall permit, recommend it to the said legislature and to the inhabitants of the said district so to alter their acts and resolutions relative to the premises as to render them conformable to the provisions made in the said constitution to the End that no impediment may be in the way of the speedy accomplishment of this important business."

The first paragraph just reiterates what has already occurred in Congress, in that Congress is prepared to bring Kentucky into the Confederation as the 14th member, officially set for January 1, 1789. Congress realizes the situation of the state of affairs, which is their own doing, and replies

". . . And whereas an Act of Congress in the present state of government of the country severing a part of the said state from the other parts thereof and admitting it into the Confederacy formed by the Articles of Confederation and perpetual Union as an independent member thereof may be attended with dangerous consequences while it can have no effect to make the said district a separate member of the federal Union formed by the adoption of the said constitution and therefore it must be manifestly inexpedient for Congress assembled under the said articles of Confederation to adopt any other measures relative to the premises than those which express their sense that the said district ought to be an independent member of the Union as soon as circumstances shall permit proper measures to be adopted for that purpose. . . ."

Dangerous? Yes, dangerous and threatening to the sovereignty of Kentucky and the people thereof. Congress now OFFICIALLY recognizes there are now two confederations. The first and still existing confederation, that started with all thirteen original states, and a new one with only nine states. Should Kentucky join the perpetual Union, she might be the only one active in it, thus, leaving Kentucky in lonely situation, since she was not offered to join this new confederation under the Constitution for the United States.

Thus Congress resolves to tell Kentucky, that they are postponing consideration of their entry into the original confederation at this time, as the future in now unknown. And further:

". . . And whereas a new Confederacy is formed among the ratifying States and there is reason to believe the State of Virginia including the said district did on the 25 of June last become a member of the said Confederacy; And Whereas An Act of Congress, in the present state of government of the country, severing a part of the said state from the other parts thereof and admitting it into the confederacy formed by the articles of Confederation and perpetual Union as an independent member thereof may be

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attended with many inconveniences while it can have no effect to make the said district a separate member of the federal Union formed by the adoption of the said constitution and therefore it must be manifestly improper for Congress assembled under the said Articles of Confederation to adopt any other measures relative to the premises than those which express their sense that the said district ought it be an independent member of the Union as soon as circumstances shall permit proper measures to be adopted for that purpose."

So there we have it.

Congress, through their seditious non-action in allowing the results of the Convention to be passed on to the States, allowed for the usurpation and identity theft of the lawful government and law form. The states also participated in this seditious action and eventual usurpation, not only of the federal government, but of each state's government as well, by allowing for conventions in each state, of which the participant committed treason, most not even knowing it. What was not realized at this point is that under the existing Confederation, the states retained almost all their rights. Under the "new confederation", the states will be eventually forced to succumb those rights as they are repugnant to the Constitution for the United States, thus forcing the people to become "subject thereof" and eventually losing their sovereignty as well, becoming subjects, not of a monarch, but a foreign owned, for profit, corporation masquerading as a de facto government, with each state government, county government, and municipal government being but a local representation of that same corporate entity.

This is the ultimate breach of trust. The trust created by the Articles of Confederation of perpetual Union has been breached by the acts of Congress. It has placed EVERY person who holds ANY type of office or direct employment of government in a position to commit treason with every act they do.

How can that be stated? Simple. Since the creation of the "new confederation", there has NEVER been any resolve, act, or ordinance from Congress, or the states combined, that has done away with, abolished, removed, consolidated, eliminated, replaced, super ceded, etc., the existing confederation. It still exists today. Thus, these people with fiduciary duties, direct or indirect, government employment of any type, an oath of office to the "old confederation" now have two governments with law forms that are repugnant to one another, and with each action, they commit treason against one of the confederations. And yet, how many actually knew any of this?

Further acts of treason due to any type of discussion, debate, work, and/or actions relating to the Constitution for the United States are recorded in the Journals for the following

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dates: July 8, July 15, July 28, August 4, August 5, August 6, August 7, August 13, August 26, September 2, September 3, September 4, September 12, September 13, and on and after September 15, no further work regarding foreign relations and committees was performed for the original confederation. October 10, 1788 was the last day that there had been a quorum in Congress to any official business under the original confederation.

Let us look at some passages from a book very few people are aware exists. This book is entitled *Secret Proceedings and Debates of the Federal Convention* written from the notes taken by Robert Yates, Esq., Chief Justice of New York, and copied by John Lansing, Jun., Esq., late Chancellor of the state, members of that convention, including *The Genuine Information*, laid before the legislature of Maryland in 1787/88, by Luther Martin, Esq., then Attorney-General of the state, and member of the same convention, and the book was published in 1844.

The following passage begins on page 17 and goes to page 27 of that book (this is an address to the Maryland legislature):

> "This, Sir, is the substance of the arguments, if arguments they may be called, which were used in favor of the inequality of suffrage. Those who advocated the equality of suffrage, took the matter up on the original principles of government; they urged, that all men, considered in a state of nature, before any government is formed, are equally free and independent, no one having any right or authority to exercise power over another, and thus without any regard to difference in personal strength, understanding, or wealth. That, when such individuals enter into government, they have each a right to an equal voice in its formation, and afterwards have each a right to an equal vote in every matter which relates to their government. That, if it could be done conveniently, they have a right to exercise in person. Where it cannot be done in person, but for convenience representatives are appointed, to act for them, every person has a right to an equal vote in choosing that representative; who is intrusted to do for the whole, that which the whole, if they could assemble, might do in person, and in the transaction of which, each would have an equal voice. That, if we were to admit, because a man was more wise, more strong, or more wealthy, he should be entitled to more votes than another, it would be inconsistent with the freedom and liberty of that other, and would reduce him to slavery. Suppose, for instance, ten individuals in a state of nature, about to enter into government, nine of whom are equally wise, equally strong, and equally wealthy, the tenth is ten times as wise, ten times as strong, or ten times as rich; if, for this reason, he is to have ten votes for each vote of either of the others, the nine might as well have no vote as all; since, though the whole nine might assent to a measure, yet the vote of the tenth would countervail, and set aside all their votes. If this tenth

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approved of what they wished to adopt, it would be well, but if he disapproved, he could prevent it; and in the same manner, he could carry into execution any measure he wished, contrary to the opinion of all the others, he having ten votes, and the others altogether but nine. It is evident, that, on these principles, the nine would have no will or discretion of their own, but must be totally dependent on the will and discretion of the tenth; to him they would be as absolutely slaves, as any negro is to his master. If he did not attempt to carry into execution any measures injurious to the other nine, it could only be said, that they had a good master; they would be totally dependent on the will of another, and not on their own will. They might not feel the chains, but they would, notwithstanding, wear them; and whenever their master pleased, he might draw them so tight as to gall them to the bone. Hence it was urged, the inequality of representation, or giving to one man more votes than another, on account of his wealth, &c., was altogether inconsistent with the principles of liberty; and in the same proportion as it should be adopted, in favor of one or more, in that proportion are the others enslaved. It was urged, that though every individual should have an equal voice in government, yet, even the superior wealth, strength, or understanding, would give great an undue advantages to those who possessed them. That wealth attracts respect and attention; superior strength would cause the weaker and more feeble to be cautious how they offended, and to put up with small injuries rather than to engage in an unequal contest; in like manner, superior understanding would give its possessor many opportunities of profiting at the expense of the more ignorant.

Having thus established these principles, with respect to the rights of individuals in a state of nature, and what is due to each, on entering into government, (principles established by every writer on liberty,) they proceeded to show, that States, when once formed, are considered, with respect to each other, as individuals in a state of nature; that, like individuals, each State is considered equally free and equally independent, the one having no right to exercise authority over the other, though more strong, more wealthy, or abounding with more inhabitants That, when a number of States unite themselves under a federal government, the same principles apply to them, as when a number of individual men unite themselves under a State government. That every argument which shows one man ought to not have more votes than another, because he is wiser, stronger, or wealthier, proves that one State ought not to have more votes than another, because it is stronger, richer, or more populous. And, that by giving one State, or one or two States, more votes than the others, the others thereby are enslaved to such State or States, having the greater number of votes, in the same manner as in the case before put, of individuals, when one has more votes than the others. That the reason why each individual man in forming a State government should have an equal vote, is because each individual, before he enters into government, is equally free and

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independent. So each State, when States enter into a federal government, are entitled to an equal vote; because, before they entered into such federal government, each State was equally free and equally independent. That adequate representation of men formed into a State government, consists in each man having an equal voice, either personally, or, if by representatives, that he should have an equal voice in choosing the representatives. So, adequate representation of States in a federal government, consists in each State having an equal voice, either in person or by its representatives, in every thing which relates to the federal government. That this adequacy of representation is more important in a federal, than in a State government, the district of which is not very large, have generally such a common interest, that laws can scarcely be made by one part, oppressive to the others, without their suffering in common; but the different States, composing an extensive federal empire, widely distant from the other, may have interests so totally distinct, that the one part might be greatly benefited by what would be destructive to the other.

They were not satisfied by resting it on principles; they also appealed to history. They showed, that in the amphictyonic confederation of the Grecian cities, each city, however different in wealth, strength, and other circumstances, sent the same number of deputies, and each had an equal voice in every thing that related to the common concerns of Greece. It was shown, that in the seven provinces of the United Netherlands, and the confederated cantons of Switzerland, each canton and each province have an equal vote, although there are as great distinctions of wealth, strength, population, and extent of territory among these provinces and those cantons, as among these States. It was said, that the maxim, that taxation and representation ought to go together, was true so far, that no person ought to be taxed who is not represented, but not in the extent insisted upon, to wit, that the quantum of taxation and representation ought to be the same; on the contrary, the quantum of representation depends upon the quantum of freedom; and therefore all, whether individual States, or individual men, who are equally free, have a right to equal representation. That to those who insist, that he who pays the greatest share of taxes ought to have the greatest number of votes, it is a sufficient answer to say, that this rule would be destructive of the liberty of the others, and would render them slaves to the more rich and wealthy. That if one pays more taxes than another, it is because he has more wealth to be protected by government, and he receives greater benefits from the government. So if one State pays more to the federal government, it is because, as a State, she enjoys greater blessings from it; she has more wealth protected by it, or a greater number of inhabitants, whose rights are secured, and who share its advantages.

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It was urged, that, upon these principles, the Pennsylvanian, or inhabitant of a large State was of as much consequence as the inhabitants of Hersey, Delaware, Maryland, or any other State. That his consequence was to be decided by his situation in his own State; that if he was there as free, if he had as great share in the forming of his government, and in the making and executing its laws, as the inhabitants of those other States, then was he equally important, and of equal consequence. Suppose a confederation of States had never been adopted, but every State had remained absolutely in its independent situation, no person could with propriety say, that the citizen of the large State was not as important as the citizen of the smaller; the confederation of the States cannot alter the case. It was said, that in all transactions between State and State, the freedom, independence, importance, and consequence, even the individuality of each citizen of the different States, might with propriety be said to be swallowed up, or concentrated, in the independence, the freedom, and the individuality of the State of which they are citizens. That the thirteen States are different distinct political individual existences, as to each other; that the federal government is, or ought to be, a government over these thirteen political individual existences, which form the members of that government; and that, as the largest State is only a single individual of this government, it ought to have only one vote; the smallest State, also being one individual member of this government, ought also to have one vote. To those who urged, that for the States to have equal suffrage was contrary to the feelings of the human heart, it was answered, that it was admitted to be contrary to the feeling of pride and ambition, but those feelings which ought not to be gratified at the expence of freedom.

It was urged, that the position, that great States would have great objects in view, in which they would not suffer the less States to thwart them, was one of the strongest reasons why inequality of representation ought not to be admitted. If those great objects were not inconsistent with the interest of the less States, they would readily concur in them; but if they were inconsistent with the interest of a majority of the States composing the government, in that case two or three States ought not to have it in their power to aggrandize themselves, at the expense of all the rest. To those who alleged, that equality of suffrage in our federal government, was the poisonous source from which all our misfortunes flowed, it was answered, that the allegation was not founded in fact; that equality of suffrage had never been complained of by the States, as a defect in our federal system; that, among the eminent writers, foreigners and others, who had treated of the defects of our confederation, and proposed alterations, none has proposed an alteration in this part of the system; and members of the convention, both in and out of Congress, who advocated the equality of suffrage, called upon their opponents, both in and out of Congress, and challenged them to produce one single

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instance where a bad measure had been adopted, or a good measure had failed of adoption, in consequence of the States having an equal vote; on the contrary, they urged, that all our evils flowed for want of power in the federal head, and that, let the right of suffrage in the States be altered in any manner whatever, if no greater powers were given to the government, the same inconveniences would continue.

It was denied that the equality of suffrage was originally agreed to on principles of necessity or expediency; on the contrary, that is was adopted on the principles of the rights of men and the rights of States, which were then well known, and which then influenced our conduct, although now they seem to be forgotten. For this, the Journals of Congress were appealed to; it was from them shown, that when the committee of Congress reported to that body the articles of confederation, the very first article, which became the subject of discussion, was that respecting equality of suffrage. That Virginia proposed divers modes of suffrage, all on the principle of inequality, which were almost unanimously rejected; that on the question for adopting the article, it passed, Virginia being the only State which voted in the negative. That, after the articles of confederation were submitted to the States, by them to be ratified, almost every State's proposed certain amendments, which they instructed their delegates to endeavor to obtain before ratification, and that among all the amendments proposed, not one State, not even Virginia, proposed an amendment of that article, securing the equality of suffrage, - the most convincing proof it was agreed to and adopted, not from necessity, but upon a full conviction, that, according to the principles of free government, the States had a right to that equality of suffrage.

But, Sir, it was to no purpose that the futility of their objections were shown, when driven from the pretence, that the equality of suffrage had been originally agreed to on principles of expediency and necessity; the representatives of the large States persisting in a declaration, that they would never agree to admit the smaller States to an equality of suffrage. In answer to this, they were informed, and informed in terms the most strong and energetic that could possibly be used, that we never would agree to a system giving them the undue influence and superiority they proposed. That we would risk every possible consequence. That from anarchy and confusion, order might arise. That slavery was the worst that could ensure, and we considered the system proposed to be the most complete, most abject system of slavery that the wit of man ever devised, under the pretence of forming a government for free States. That we never would submit tamely and servilely, to a present certain evil, in dread of a future, which might be imaginary; that we were sensible the eyes of our country and the world were upon us. That we would not labor under the imputation of being unwilling to form a strong and energetic federal government; but we would publish the system which we

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approved, and also that which we opposed, and leave it to the country, and the world at large, to judge between us, who best understood the rights of free men and free States, and who best advocated them; and to the same tribunal we would submit, who ought to be answerable for all the consequences, which might arise to the Union from the convention breaking up, without proposing any system to their constituents. During this debate we were threatened, that if we did not agree to the system proposed, we never should have an opportunity of meeting in convention to deliberate on another, and this was frequently urged. In answer, we called upon them to show what was to prevent it, and from what quarter was our danger to proceed; was it from a foreign enemy? Our distance from Europe, and the political situation of that country, left us but little fear. Was there any ambitious State or States, who, in violation of every sacred obligation, was preparing to enslave the other States, and raise itself to consequence on the ruin of the others? Or was there any such ambitious individual? We did not apprehend it to be the case; but suppose it to be true, it rendered it the more necessary, that we should sacredly guard against a system, which might enable all those ambitious views to be carried into effect even under the sanction of the constitution and government. In fine, Sir, all these threats were treated with contempt, and they were told, that we apprehended but one reason to prevent the States meeting again in convention; that, when they discovered the part this convention had acted, and how much its members were abusing the trust reposed in them, the States would never trust another convention. At length, Sir, after every argument had been exhausted by the advocates of equality of representation, the question was called, when a majority decided in favor of inequality; Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina and Georgia voting for it; Connecticut, New York, New Jersey, and Delaware against it; Maryland divided."

On pages 28-32, it says "The States have a right to an equality of representation. This is secured to us by our present articles of confederation; we are in possession of this right; it is now to be torn from us. What security can you give us, that, when you get the power the proposed system will give you, when you have men and money, that you will not force from the States that equality of suffrage in the second branch, which you now deny to be their right, and only give up from absolute necessity? Will you tell us we ought to trust you, because you now enter into a solemn compact with us? This you have done before, and now treat with the utmost contempt. Will you now make an appeal to the Supreme Being, and call on him to guarantee your observance of this compact? The same you have formerly done, for your observance of the articles of confederation, which you are now violating in the most wanton manner.

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The same reasons, which you now urge for destroying our present federal government, may be urged for abolishing the system, which you now propose to adopt; and, as the method prescribed by the articles of confederation is now totally disregarded by you, as little regard may be shown by you to the rule prescribed for the amendment of the new system, whenever, having obtained power by the government, you shall hereafter be pleased either to discard it entirely, or so to alter it as to give yourselves all that superiority, which you have now contended for, and to obtain which you have shown yourselves disposed to hazard the Union. Such, Sir, was the language used on that occasion, and they were told, that, as we could not possibly have a stronger tie on them, for their observance of the new system, than we had for their observance of the articles of confederation. Which had proved totally insufficient, it would be wrong and imprudent to confide in them. It was further observed, that the inequality of the representation would be daily increasing. That many of the States, whose territory was confined, and whose population was at this time large in proportion to their territory, would probably, twenty, thirty, or forty years hence, have no more representatives than at the introduction of the government; whereas, the States having extensive territory, where lands are to be procured cheap, would be daily increasing in the number of inhabitants, not only from propagation, but from the emigration of the inhabitants of the other States, and would have soon double, or perhaps treble the number of representatives that they are to have at first, and thereby enormously increase their influence in the national councils. However, the majority of the select committee at length agreed to a series of propositions, by way of compromise, part of which related to the representation in the first branch, nearly as the system is now published, and art of them to the second branch, securing, in that, equal representation, - and reported them as a compromise, upon the express terms, that they were wholly to be adopted, or wholly to be rejected. Upon this compromise, a great number of the members so far engaged themselves, that if the system was progressed upon agreeably to the terms of the compromise, they would lend it their names, by signing it, and would not actively oppose it, if their States should appear inclined to adopt it. Some, however, in which number was myself, who joined in the report, and agreed to proceed upon those principles, and see what kind of system would ultimately be formed upon it, yet resolved to themselves, in the most explicit manner, the right of finally giving a solemn dissent to the system, if it was thought by them inconsistent with the freedom and happiness of their country. This, Sir, will account why the members of the convention so generally signed their names to the system; not because they thought it a proper one; not because they thoroughly approved, or were unanimous for it, but because they thought it better than the system attempted to be forced upon them . . . it did not appear to me, that either of those illustrious characters, the honorable Mr. Washington

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or the President of the State of Pennsylvania, was disposed to favor the claims of the smaller States, against the undue superiority attempted by the large States; on the contrary the honorable President of Pennsylvania was a member of the committee of compromise, and there advocated the right of the large States to an inequality in both branches, and only ultimately conceded in the second branch on the principle of conciliation, when it was found no other terms would be accepted. This, Sir, I think it my duty to mention, for the consideration of those, who endeavor to prop up a dangerous and defective system by great names . . . Before the adjournment, I moved for liberty to be given to the different members to take correct copies of the propositions, to which the convention had then agreed, in order that, during the recess of the convention, we might have an opportunity of considering them, and, if it should be thought that any alterations or amendments were necessary, that we might be prepared, against the convention met, to bring them forward for discussion. But, Sir, the same spirit, which caused our doors to be shut, our proceedings to be kept secret, our journals to be locked up, and every avenue, as far as possible, to be shut to public information, prevailed also in this case."

Further along, starting on page 33 and ending on page 36, gives us this:

"Those who were for two branches in the legislature, a House of Representatives and a Senate, urged the necessity of a second branch to serve as a check upon the first, and used all those trite and common-place arguments which may be proper and just, when applied to the formation of a State government, over individuals variously distinguished in their habits and manners, fortune and rank; where a body chosen in a select manner, respectable for their wealth and dignity, may be necessary, frequently, to prevent the hasty and rash measures of a representation more popular. But on the other side, it was urged, that none of those arguments could with propriety be applied to the formation of a federal government over a number of independent States; that it is the State governments which are to watch over and protect the rights of the individual, whether rich or poor, or of moderate circumstances, and in which the democratic and aristocratic influence or principles are to be so blended, modified, and checked, as to prevent oppression and injury; that the federal government is to guard and protect the States and their rights, and to regulate their common concerns; that a federal government if formed by the States, as States, that is, in their sovereign capacities, in the same manner as treaties and alliances are formed; that a sovereignty, considered as such, cannot be said to have jarring interests or principles, the one aristocratic, and the other democratic; but that the principles of a sovereignty, considered as a sovereignty, are the same, whether that sovereignty is monarchial, aristocratical, democratical, or mixed; that the history of mankind doth not furnish an instance, from its earliest period

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to the present time, of a federal government constituted of two distinct braches; that the members of the federal government, if appointed by the States in the State capacities, that is, by their legislatures, as they ought, would be select in their choice, and, coming from different States, having different interests and views, this difference of interests and views would always be a sufficient check over the whole . . . It was urged, that the government we were forming was not in reality a federal, but a national government; not founded on the principles of the preservation, but the abolition or consolidation of all State governments; that we appeared totally to have forgot the business for which we were sent, and the situation of the country for which we were preparing our system; that we had not been sent to form a government over the inhabitants of America, considered as individuals; that as individuals, they were all subject to their respective State governments, which governments would still remain, though the federal government should be dissolved; that the system of government we were intrusted to prepare, was a government over these thirteen States; but that, in our proceedings, we adopted principles which would be right and proper, only on the supposition that there were no State governments at all, but that all the inhabitants of this extensive continent were, in their individual capacity, without government, and in a state of nature; that, accordingly, the system proposes the legislature to consist of two branches, the one to be drawn from the people at large, immediately in their individual capacity, the other to be chosen in a more select manner, as a check upon the first. It is, in its very introduction, declared to be a compact between the people of the United States, as individuals; and it is to be ratified, by the people at large, in their capacity as individuals; all which it was said would be quite right and proper, if there were no State governments, if all the people of this continent were in a state of nature, and we were forming one national government for them as individuals; and nearly the same as was done in most of the States when they formed their governments over the people who compose them.

Whereas it was urged, that the principles on which a federal governments over the States ought to be constructed and ratified, are the reverse; that instead of the legislature consisting of two branches, one branch was sufficient, whether examined by the dictates of reason, or the experience of ages; that the representation, instead of being drawn from the people at large, as individuals, ought to be drawn from the States, as States, in their sovereign capacity; that, in a federal government, the parties to the compact are not the people, as individuals, but the States, as States; and that it is by the States, as States, in their sovereign capacity, that the system of government ought to be ratified, and not by the people, as individuals.

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It was further said, that, in a federal government over States equally free, sovereign, and independent, every State ought to have an equal share in making the federal laws or regulations, in deciding upon them, and in carrying them into execution; neither of which is the case in this system, but the reverse; the States not having an equal voice in the legislature, nor in the appointment of the executive, the judges, and other officers of the government. It was insisted, that, in the whole system, there was but one federal feature, - the appointment of the senators by the States in their sovereign capacity, that is, by their legislatures, and the equality of suffrage in that branch; but it was said, that this feature was only federal in appearance."

Further along, starting on page 38 and ending on page 42:

"Viewing it as a national, not a federal government, as calculated and designed not to protect and preserve but to abolish and annihilate the State governments, it was opposed for the follows reasons. It was said, that this continent was much too extensive for one national government, which should have sufficient power and energy to pervade and hold in obedience and subjection all its parts, consistent with the enjoyment and preservation of liberty; that the genius and habits of the people of America were opposed to such a government. That, during their connexion with Great Britain, they had been accustomed to have all their concerns transacted within a narrow circle, their colonial district; they had been accustomed to have their seats of government near them, to which they might have access, without much inconvenience, when their business should require it. That, at this time, we find, if a country is rather large, the people complain of the inconvenience, and clamor for a division of their courts are held, so as to render it more central and convenient. That, in those States, the territory of which is extensive, as soon as the population increases remote from the seat of government, the inhabitants are urgent for the removal of the seat of their government, or to be erected into a new State. As a proof of this, the inhabitants of western parts of Virginia and North Carolina, of Vermont and the province of Maine, were instances; even the inhabitants of the western parts of Pennsylvania, who, it is said, already seriously look forward to the time when they shall either be erected into a State, or have their seat of government removed to the Susquehanna. If the inhabitants of the different States consider it as a grievance to attend a county court, or the seat of their own government, when a little inconvenient, can it be supposed they would ever submit to have a national government established, the seat of which would be more than a thousand miles removed from some of them?

It was insisted, that government of a republican nature are those best calculated to preserve the freedom and happiness of the citizen; that governments of this kind are

only calculated for a territory but small in its extent; that the only method by which an extensive continent like America could be connected and united together, consistent with the principles of freedom, must be by having a number of strong and energetic State governments for securing and protecting the rights of individuals forming those governments, and for regulating all their concerns; and a strong, energetic federal government over those States, for the protection and preservation, and for regulating the common concerns of the State. It was further insisted, that, even if it was possible to effect a total abolition of the State governments at this time, and to establish one general government over the people, it could not long subsist, but in a little time would again be broken into a variety of governments of a smaller extent, similar, in some manner, to the present situation of this continent; the principle difference, in all probability, would be, that the governments so established, being affected by some violent convulsion, might not be formed in principles so favorable to liberty as those of our present State governments. That this ought to be an important consideration to such of the States as had excellent governments, which was the case with Maryland and most others, whatever it might be to persons, who, disapproving of their particular State government, would be willing to hazard every thing to overturn and destroy it. These reasons, Sir, influenced me to vote against two branches in the legislature, and against every part of the system which was repugnant to the principles of a federal government. Nor was there a single argument urged, or reason assigned, which to my mind was satisfactory, to prove, that a good government on federal principles was unattainable; the whole of their arguments only proving, what none of us controverted, that our federal government, as originally formed, was defective, and wanted amendment. However, a majority of the convention hastily and inconsiderately, without condescending to make a fair trial, in their great wisdom decided, that a kind of government, which a Montesquieu and a Price have declared the best calculated of any to preserve internal liberty, and to enjoy external strength and security, and the only one by which a large continent can be connected and united, consistently with the principles of liberty, was totally impracticable; and they acted accordingly."

The Scribe has not had a chance to read this whole book, at the time of writing this. However, based upon the aforementioned, it is irrelevant what else is in the book. The preceding passages demonstrate the seditious and traitorous nature of the majority of the delegates (or deputies) representing the larger states, including the President of the convention, in wanting to destroy the confederation by subjugating the smaller states. The plan was to unlawfully usurp the existing government using their so called celebrity status to wrongfully influence the uninformed, and then get the uninformed people within the states to commit treason against the existing government by ratifying the Constitution for the United States.

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As was mentioned, the conventioneers clearly "*appeared totally to have forgot the business for which they were sent*", as is specified by the Congressional Resolution of Feb. 21, 1787. This, the conventioneers blatantly violated. Besides violating this Resolution, their actions were seditious in their approving a method to usurp the existing government by an unlawful process. Then, again, by using their celebrity status, were able to convince the uninformed feeble masses to form their state conventions and approve the ratification process, and thus, making those uninformed people commit treason against the existing confederation, and eventual slaves to the new form of government, which also enslaved their states.

So now you know why the convention had so much secrecy surrounding it. As a collective, they were committing sedition and treason against the lawful government. This coincides with the quotes of George Washington, paraphrased as "Do not ask my about the legality of the Constitution" and "The first time in history that a government has changed hands without bloodshed".

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CONCLUSION

According to the law of the time, the Articles of Confederation and perpetual Union, which Congress was to follow, the process created in that convention which had brought forth, passed, and put in place the Constitution for the United States was completely unlawful in EVERY respect.

EVEN THE EXECUTION OF RUNNING UNDER THE CONSTITUTION WAS UNLAWFUL:

What are the qualifications for being elected President of the United States under the Constitution? Here they are under Article II, Section 1, Clause 5:

"No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States."

George Washington took the oath of office in March 1789. Was he born in the United States? No, but he was born in America when the states were colonies, so, you can make the argument he was a "Citizen of the United States" when the Constitution was adopted. Was he 35 or older? Yes. Had he been a resident of the United States for fourteen years? No.

When was the United States created? The earliest possible date can only be July 4, 1776 as prior to that, the states were colonies and the people were subjects to King George III of Great Britain. One can also make the argument that the creation of the United States, or more precisely "The United States of America" occurred with the full ratification of the Articles of Confederation on March 1, 1781.

Thus, fourteen years from 1776 is 1790. Fourteen years from 1781 is 1795. So how is it that George Washington was able to take office in 1789? In 1789 there was no one alive on planet Earth that could qualify to be President.

Talk about sedition, usurpation, and treason! How many people alive on planet Earth in 2015 are even aware of this? I know the rulers are (because they still rule), but what about the subjects or the people?

The Union States Assembly Scribe rests having put forth the irrefutable evidence, direct from the Congressional Journals themselves. Now, what are the people going to do about it?

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