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JOURNALS
OF
CONGRESS:

PROCEEDINGS

FROM JANUARY 1, 1778, TO JANUARY 1, 1779.

PUBLISHED BY AUTHORITY.

VOLUME IV.

FROM FOLWELL'S PRESS.

PHILADELPHIA.

1800.

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" RESOLVED

BY the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Senate and the Clerk of the House of Representatives, be authorized and directed, to subscribe, on such terms as they may deem eligible, for the use of the Senate and House of Representatives, for four hundred Copies of the Journals of Congress, which are proposed to be published by RICHARD FOLWELL, and such number of copies of different volumes of the sets now in print, as may be necessary to complete the same.

JONATHAN DAYTON, *Speaker of the
House of Representatives.*

JAMES ROSS, *President of the Senate pro tempore.*

APPROVED, March 2d, 1799 :

JOHN ADAMS, *President
of the United States."*



JOURNALS OF CONGRESS.

THURSDAY, January 1, 1778.

A MEMORIAL from the chevalier de Villefranche was read, setting forth, that though he received a gratification and money for his return to France, yet, upon reconsideration, he would rather stay in this country, if he could be employed in the corps of engineers, under brigadier du Portail, in which case he would return the money and bill of exchange granted him; whereupon,

Resolved, That the chevalier de Villefranche be appointed major in the corps of engineers, under the command of the brigadier du Portail.

An extract of a letter from major-general de Kalb, and a memorial from Lewis Calmer, baron de Holzendorf, were read:

Ordered, That they be referred to the board of war.

The marine-committee, to whom was referred the letter of the 6th of Dec. last, from Thomas Cushing, Esq; with a bill of exchange enclosed, report,

“That, in their opinion, the said bill ought to be paid by a warrant on the treasurer in favour of the persons in whose behalf the bill is drawn:”

Resolved, That Congress agree to the report of the committee.

Ordered, That the said report, with the bill and letter, be referred to the board of treasury.

Resolved, That gen. Washington be directed to order the commanding officers of the continental regiments, now in camp, to make exact returns of the soldiers in their respective regiments to the paymasters thereof, to prevent any imposition in the payment of the one-month's pay extraordinary, which Congress, in their resolve of the 30th of Dec. last, have ordered to be given to the brave officers and soldiers of the continental army, on account of their soldierly patience, fidelity and zeal, in hutting, &c. as expressed in the said resolve.

A memorial to Congress and the supreme executive council of Pennsylvania, from Israel Pemberton and others; also, a letter from Owen Jones, jun. to James Duane, Esq; were read:

Resolved, That the consideration thereof be postponed.

Three o'clock, P. M.

The committee on the treasury brought in a report; whereupon, Congress came to the following resolutions:

Whereas Dennis John du Bouchet, who, for his merit and spirited conduct in the late northern-army, upon the special recommendation of major-gen. Gates, commander in chief in the northern-department, was created a major in the service of the United States of America, hath signified to Congress his desire of returning to France, as his state of health will not permit him to engage in actual service; therefore,

Resolved, That he be permitted to quit the service, and to return to France whenever he may have an opportunity ; and, in consideration of his merit, that a sum of 100 dollars be presented to him to defray his expenses to the port of embarkation, and a bill of exchange for 900 livres tournois, on the commissioners of the United States at the court of France, to defray the expenses of his passage, and travelling expenses to Paris, and in full of all demands for his services and pay.

Colonel Samuel Washington having, on account of his ill state of health, declined the office of commissioner to the westward, Congress proceeded to the election of another in his stead ; and, the ballots being taken, John Walker, Esq; was elected.

A letter, of the 8th, and one, of Dec. 13th, from Dr. B. Rush to Mr. Duer, were laid before Congress, and read :

Ordered, That the said letters, and also the letter of the 25th of Dec. from gov. Livingston, be referred to a committee of five :

The members chosen, Mr. Witherspoon, Mr. Harvie, Mr. Lewis, Mr. Dana and Mr. Harnett.

Resolved, That the said committee be fully authorized to take every measure, which they shall deem necessary, for the immediate relief of the sick, and report such alteration in the medical-department, as they shall judge best adapted to answer the end of its institution.

The delegates from Massachusetts-Bay laid before Congress the credentials of their appointment, which were read as follows :

" State of Massachusetts-Bay : Council-chamber, Boston, Dec. 4, 1777.

" The general assembly having, this day, come to the choice of seven gentlemen to represent this state in the honorable continental Congress, by joint ballot of both houses, to serve for the ensuing year, it appeared, after counting and sorting the votes, the following gentlemen were chosen, viz. hon. John Hancock, Samuel Adams, John Adams, Robert T. Paine, Elbridge Gerry, Francis Dana and James Lovell, Esqrs; Attest, JOHN AVERY, Deputy Secretary."

A letter, of Dec. 26th, from gen. Washington, and one, of the same day, from Thomas Wharton, president of the council of Pennsylvania, to the delegates of that state in Congress, were read :

Ordered, That the last be referred to the board of war, and the members added thereto, for a particular purpose, on the 29th of Dec. last.

The several matters to this day referred, being postponed,

Adjourned to ten o'clock to-morrow.

FRIDAY, January 2, 1778.

A letter and memorial from the chevalier Armand de la Rouerie were laid before Congress, and read :

Ordered, That they be referred to the board of war.

A letter, from the chevalier de Roche Fermoy, was read :

Ordered, That it be referred to the delegates from Massachusetts-Bay.

Congress having no farther occasion for the service of Eslek Hopkins, Esq; who, on the 22d of Dec. 1775, was appointed commander in chief of the fleet fitted out by the naval-committee,

Resolved, That the said Eslek Hopkins, Esq; be dismissed from the service of the United States.

Three o'clock, P. M.

Congress took into consideration the resolutions agreed to in a committee of the whole, and, the first resolution being amended so as to read,

That the charge made by lieut. gen. Burgoyne, in his letter to major-gen. Gates, of the 14th of Nov. of a breach of public faith on the part of these states, is not warranted by the just construction of any article of the convention of Saratoga; that it is a strong indication of his intention, and affords just grounds of fear, that he will avail himself of such pretended breach of the convention, in order to disengage himself and the army under him, of the obligations they are under to these United States; and that the security which these states have had in his personal honor is hereby destroyed.

The resolution being divided, and the question put to agree to the two first clauses, resolved in the affirmative.

Question put to agree to the last clause, viz. 'and that the security, &c.'

| | | | | |
|---------------------------|-------------------|----|---|----|
| <i>New-Hampshire,</i> | Mr. Folsom, | ay | } | ay |
| | Mr. Frost, | ay | | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } | ay |
| | Mr. Lovell, | ay | | |
| | Mr. Dana, | no | | |
| | Mr. Ellery, | no | | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } | no |
| <i>Connecticut,</i> | Mr. Dyer, | no | | |
| <i>New-York,</i> | Mr. Lewis, | ay | } | ay |
| | Mr. Duer, | ay | | |
| <i>New-Jersey,</i> | Mr. Witber Spoon, | no | } | no |
| | Mr. Clark, | no | | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } | ay |
| | Mr. Clingan, | ay | | |
| | Mr. J. B. Smith, | ay | | |
| | Mr. James Smith, | ay | | |
| <i>Virginia,</i> | Mr. F. L. Lee, | no | } | no |
| | Mr. Harvie, | no | | |
| <i>North-Carolina,</i> | Mr. Harnett, | ay | } | ay |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | | |
| <i>Georgia,</i> | Mr. Wood, | ay | } | ay |
| | Mr. Langworthy, | ay | | |

So it was resolved in the affirmative.

The second resolution was read, and sundry amendments being made,

Resolved, That the farther consideration thereof be postponed till to-morrow.

The several matters to this day referred, being postponed,

Adjourned to ten o'clock to-morrow.

SATURDAY, January 3, 1778.

A letter of the 15th of Dec. from Jonathan Trumbull, jun. paymaster in the northern-department, was read, enclosing a warrant in his favour on N. Appleton, Esq; commissioner of the loan-office in the state of Massachusetts-Bay, dated Oct. 16th, 1777, returned for want of pay:

Ordered, That it be referred to the board of treasury.

A letter of the 7th of Dec. from P. Colt, Esq; at Boston, and another, of the 16th of the same month, from him at New-Haven, both directed to W. Buchanan, commissary-general of purchases, were read :

Ordered, That they be referred to the board of war.

A letter of Dec. 26th, from the navy-board, at Bordenton, with sundry papers enclosed, respecting the conduct of lieut. Henessy, was read :

Ordered, That it be referred to the marine-committee.

Resolved, That gen. Washington be authorized to appoint such a number of aids-de-camp, as he may, from time to time, judge necessary, and to make choice of regimental-officers for that purpose, if he thinks proper ; any thing in former resolutions of Congress to the contrary notwithstanding.

—♦—
Three o'clock, P. M.

A petition from Daniel Lush was read :

Ordered, That it be referred to the board of treasury.

A letter of Dec. 29th, from brigadier Weedon, was read :

Ordered to lie on the table.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 200,000 dollars be advanced to the board of war, to be by them transmitted to Jonathan Trumbull, jun. pay-master in the northern-department, for the use of his district, and for which he is to be accountable :

That 13,339 dollars be paid to John Brown, for discharging Thomas Cushing's bill on H. Laurens, Esq; president of the marine-committee, in favour of Andrew & James Caldwell & Co. dated Boston, Dec. 6th, 1777, and expressed to be for the use of the continental ships building in Massachusetts-Bay ; the said marine-committee to be accountable :

That 675 dollars be paid to Mr. Caldwell, in discharge of John Ashe's two bills on the continental treasurer, dated N. Carolina, the 27th of March last, in favour of Francis Brice, one for 275, and the other for 400 dollars, the state of N. Carolina to be accountable, and the sum to be considered as part of the 500,000 dollars appropriated for the use of that state.

Congress resumed the consideration of the 2d resolution passed in committee of the whole, on report of the committee on lieutenant-general Burgoyne's letters, and, sundry amendments being made, so as to read thus :

“ *Resolved*, therefore, That the embarkation of lieut. gen. Burgoyne, and the troops under his command, be suspended till a distinct and explicit ratification of the convention of Saratoga shall be properly notified by the court of Great-Britain : ”

On the question put, to agree to the resolutions as amended,

| | | | |
|---------------------------|-------------|------------------|------|
| <i>New-Hampshire,</i> | Mr. Folsom, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | |
| | Mr. Lovell, | ay | |
| | Mr. Dana, | no | } ay |
| <i>Rhode-Island,</i> | Mr. Ellery, | declined voting. | |
| <i>Connecticut,</i> | Mr. Dyer, | declined voting. | |
| <i>New-York,</i> | Mr. Lewis, | ay | } ay |
| | Mr. Duer, | ay | |

| | | | |
|------------------------|-------------------------|-----------|-------------------|
| <i>New-Jersey,</i> | Mr. <i>Witherspoon,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Clark,</i> | <i>ay</i> | |
| <i>Pennsylvania,</i> | Mr. <i>Roberdeau,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>J. B. Smith,</i> | <i>ay</i> | |
| | Mr. <i>Clingan,</i> | <i>ay</i> | |
| | Mr. <i>James Smith,</i> | <i>ay</i> | |
| <i>Virginia,</i> | Mr. <i>F. L. Lee,</i> | <i>ay</i> | |
| | Mr. <i>Harvie,</i> | <i>no</i> | } <i>divided.</i> |
| <i>North-Carolina,</i> | Mr. <i>Harnett,</i> | <i>ay</i> | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>ay</i> | } <i>ay</i> |
| <i>Georgia,</i> | Mr. <i>Wood,</i> | <i>ay</i> | |
| | Mr. <i>Langworthy,</i> | <i>ay</i> | |

So it was resolved in the affirmative.

Ordered, That the resolutions passed by Congress, and the report on which the same are grounded, be re-committed.

Resolved, That Monday next be assigned for appointing auditors of accounts in the northern and eastern-departments, and for the army in the middle-department.

The several matters to this day referred, being postponed,

Adjourned to ten o'clock on Monday.

MONDAY, January 5, 1778.

A letter from Monsr. Laneuville; one, of this day, from the Rev. Mr. Batwell; one, of the 1st, from gen. Washington; one, of the 20th of Dec. last, from gov. Clinton, of the state of N. York; and one, of the 2d, from the council and assembly of Pennsylvania, were read:

Ordered, That the letter from Mr. Batwell be referred to the board of war; that the letter from the council and assembly of Pennsylvania be referred to a committee of three:

The members chosen, Mr. J. B. Smith, Mr. Witherspoon, and Mr. Folsom.

Ordered, That the letter from Mr. Laneuville be referred to the committee on foreign applications.

Resolved, That the Rev. Mr. Israel Evans be appointed chaplain to brigadier Poor's brigade.

The committee to whom were referred certain propositions contained in a letter from the committee lately sent to camp, dated White-Marsh, Dec. 10th, 1777, and directed to gen. Washington, brought in a report, which was read:

Ordered, That the consideration thereof be postponed to the afternoon.

Congress proceeded to the election of an adjutant-general, in the room of col. Pickering, who is called to the board of war, and, the ballots being taken,

Colonel Alexander Scammel was unanimously elected.

Three o'clock, P. M.

The committee on the treasury brought in a report; whereupon,

Ordered, That the following warrants issue in favour of Blair M'Clenachan & James Caldwell, for the payment of a quantity of salt-petre, sulphur and lead, amounting to 61,719 $\frac{30}{100}$ dols. purchased of them by the board of war for the use of the United States of Ame-

rica, and delivered to Leonard Jarvis, Esq; at Dartmouth, the 25th of Nov. last; for which the said L. Jarvis is to be accountable, viz.

One on Thomas Smith, Esq; commissioner of the loan-office in the state of Pennsylvania, for 47,000 dols. to be paid in loan-office certificates, bearing date Nov. 25th, 1777, as per agreement; and one on the treasurer for 14,719³⁰/₁₀₀ dollars.

Congress took into consideration the report of the committee on the propositions, and, after debate,

Resolved, That the consideration of the two first paragraphs be postponed to Wednesday next, and the rest of the report till to-morrow.

Resolved, That the appointment of auditors be farther postponed.

The several matters to this day referred, being postponed,

Adjourned to ten o'clock to-morrow.

TUESDAY, January 6, 1778.

A letter, of the 4th, from E. Blaine, deputy commissary, & one, of this day, from W. Buchanan, commissary-gen. of purchases, were read:

Ordered, That they be referred to a committee of six;

The members chosen, Mr. Ellery, Mr. Clark, Mr. Lewis, Mr. Harnett, Mr. J. B. Smith, and Mr. Clingan.

The committee to whom were referred the letters from gov. Livingston and Dr. Rush, brought in a report, which was taken into consideration; whereupon,

Resolved, That the clothier-general be directed to deliver to the order of the director-general as much linen and as many blankets as can be spared, to be retained in the hospital for the use of the sick:

That the clothier-general be directed to supply the convalescents with necessary clothing, in order that, when properly recovered, they may join the army:

That a member of Congress be appointed to visit the hospitals in the middle-department:

The member chosen, Mr. Penn.

Resolved, That a recommendation be sent to the clergy of all denominations in the middle-district, to solicit charitable donations of woollens and linens, made or unmade, for the sick soldiers in the hospital; and to send the same to the board of war, or any hospital, as may be most convenient.

Resolved, That Dr. Shippen and Dr. Rush be directed to attend Congress on the 26th day of Jan. inst. to be examined touching certain abuses said to prevail in the hospital.

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

Three o'clock, P. M.

Congress resumed the consideration of the report under debate this morning; whereupon,

Resolved, That the sum of 10 dols. shall be paid by every officer, and the sum of 4 dols. by every soldier, who shall enter, or be sent into any hospital to be cured of the venereal disease; which sums shall be deducted out of their pay, and an account thereof shall be transmitted by the physician or surgeon who shall have attended them, to the regimental

pay-master for that purpose; the money so arising to be paid to the director-general, or his order, to be appropriated to the purchasing blankets and shirts for the use of sick soldiers in the hospital.

Congress proceeded to the election of a secretary to the board of war and ordnance, and, the ballots being taken, James Wilkinson, Esq; was elected.

A letter, of the 17th Dec. last, from the council of N. York, to the delegates of that state in Congress, was read:

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

The members chosen, Mr. Wood, Mr. J. Smith & Mr. Roberdeau.

Congress resumed the consideration of the report of the committee on certain propositions, &c. whereupon,

Resolved, That gen. Heath be directed to order the deputy quarter-master-general in the eastern-department, forthwith to provide 1000 good bell-tents, and send them to the army under the command of gen. Washington.

Resolved, That the six first paragraphs be referred to a committee of the whole Congress, and that the consideration of the last paragraph be postponed.

The committee on the treasury brought in a report; whereupon, Congress came to the following resolutions:

Whereas it appears, by a return made to the board of treasury, from the managers of the lottery of the United States, that the invasion of the state of Pennsylvania by the enemy has obstructed this business, and produced considerable delays in the sale of the tickets, in-so-much, that the number yet remaining on hand, renders it necessary once more to postpone the drawing; and whereas, Congress being desirous, as far as possible, to fulfil the expectations of the adventurers, think it proper to give them the fullest assurance, that, at the time herein proposed, the managers are to proceed on this business without further delay:

Resolved, That the drawing of the first-class of the lottery mentioned, be postponed to the 1st day of May next, at which time the managers are directed to proceed therein, and complete it as soon as may be, and that all the tickets, then unfold, shall be the property and at the risk of the United States:

That half per centum upon the amount of tickets sold be allowed to the persons employed by the managers, or by the several states to sell tickets, in lieu of the encouragement given by a resolution of Congress of the 30th November, 1776.

The several matters to this day referred, being postponed,
Adjourned to ten o'clock to-morrow.

WEDNESDAY, January 7, 1778.

A letter, of the 20th of December last, from general Spencer, with sundry papers enclosed, was read:

Ordered, That it be referred to the board of war.

A letter, of the 5th, from the president and council of Pennsylvania, was read.

Three o'clock, P. M.

The committee on the treasury brought in a report, which was read, whereupon Congress came to the following resolution:

Whereas the issuing-commissary who was stationed at Fort-Montgomery, has deserted to the enemy, by which circumstance, the officers, at that post, have not had it in their power to receive pay for their back-rations for want of proper certificates ; therefore,

Resolved, That the pay-master-general, or his deputy, be directed to pay the said back-rations, on an account thereof being exhibited on oath by any of the said officers to brigadier Clinton, or the commanding officer, and a warrant drawn by him for that purpose.

Ordered, That a warrant be drawn on Thomas Harwood, Esq; commissioner of the continental loan-office in the state of Maryland, in favour of Stephen Steward, for 6000 dollars advanced him on account of the commercial committee, who are to be accountable.

The delegates from Massachusetts-Bay laid before Congress a resolution of the legislature of that state, respecting the powers of their delegates in Congress, which was read as follows :

“ State of Massachusetts-Bay.

In the House of Representatives, Dec. 12, 1777.

Whereas the hon. John Hancock, Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry, Francis Dana, and James Lovell, Esqrs; have been chosen, by joint ballot of the two houses of this assembly, to represent the state aforesaid, in the American Congress, for one year, to commence on the 1st day of January next ensuing :

Resolved, That the above-named gentlemen be, and they hereby are, fully empowered, with other delegates from the American states for the term above-mentioned, to concert, direct and order such further measures as to them shall appear best calculated for the establishment of right, liberty and independence to the American states, upon a basis permanent and secure, for prosecuting with vigour the present just and necessary war, concluding peace, contracting alliances, regulating commerce, and guarding against all encroachment and machinations of the enemies of the United States, and to adjourn to such times and places as shall appear most conducive to the public safety and advantage : and, it is further resolved, that not less than three of the above-mentioned gentlemen shall make a representation of this state ; the majority of those present, after consultation, to give the voice of the state, notwithstanding it is expected that five of them will attend as generally as may be. Sent up for concurrence,

“ J. WARREN, Speaker.

“ In Council, December 13, 1777. Read and concurred,

JOHN AVERY, Deputy Secretary.”

A letter, of the 2d, from general Washington, with copies of letters between him and general Conway, were read :

Ordered, That they be referred to the board of war.

A letter, of the 15th of Dec. last, from Samuel A. Otis, was read.

The several matters to this day referred, being postponed,

Adjourned to ten o'clock to-morrow.

THURSDAY, January 8, 1778.

A letter, of the 28th of December last, from John Baynton, pay-master at Fort-Pitt, was read :

Ordered, That it be referred to the board of treasury.

A letter, of the 16th of December last, from the navy-board at Bordenton, was read :

Ordered, That it be referred to the marine-committee.

The committee on the treasury brought in a report ; whereupon,

Resolved, That one million of dollars be emitted under the direction of the board of treasury and on the faith of the United States :

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 3d day of Dec. last, be numbered from the last number of each respective denomination of that emission progressively, and consist of the following denominations, viz.

| | | |
|-------------------------------------|------------|---------|
| 15,384 bills of the denomination of | 3 dollars, | 46,152 |
| 15,384 do. | of 4 do. | 61,536 |
| 15,384 do. | of 5 do. | 76,920 |
| 15,384 do. | of 6 do. | 92,304 |
| 15,384 do. | of 7 do. | 107,688 |
| 15,385 do. | of 2 do. | 30,770 |
| 15,385 do. | of 8 do. | 123,080 |
| 15,385 do. | of 30 do. | 461,550 |

1,000,000

That all powers and duties of Michael Hillegas, Esq; and of the inspectors of the prefs, signers and printers of the said emission, directed on the 20th day of May last, shall extend to the said one million to be emitted, subject, however, to such directions and instructions as the board of treasury may judge expedient.

The marine committee, to whom was referred the letter of the 18th of Nov. last from the navy-board in the eastern-department, brought in a report ; whereupon,

Resolved, That, considering the necessity of the case, the encouragement given by the said board, to man the ship Providence, be approved :

That the bounties given to seamen by the resolve of Congress of the 29th of March, 1777, is not to be stopped out of their wages, but deducted from their prize-money, where any future prize-money is obtained :

That the said navy-board be supplied with a number of blank commissions, and that they be empowered to grant commissions to officers not above the rank of lieutenants, where vacancies may happen, and the good of the service absolutely requires that they should be immediately filled, but not otherwise :

That the commissary-general of purchases be directed to give an order upon the late commissary, J. Trumbull, for 500 bushels of salt, in favour of the navy-board in the eastern-department, unless they should be already provided therewith.

Resolved, That the remainder of the report be postponed.

The committee to whom was re-committed the report of the committee on the letters that passed between gen. Heath and lieutenant gen. Burgoyne, to gen. Gates, brought in a report, which was read.

—♦—
Three o'clock, P. M.

Congress took into consideration the report of the committee read just before the adjournment this morning, which was as follows :

“ That they have considered, with mature attention, the convention entered into at Saratoga betwixt major-gen. Gates and lieut. gen. Burgoyne, in Oct. last, and find numbers of the cartouch boxes, and several other articles of military accoutrements, annexed to the persons of the non-commissioned officers and soldiers, in gen. Burgoyne’s army, have not been delivered up, and that, agreeably to the spirit of the convention, and the technical interpretation of the word “ arms,” they ought to have been delivered up :

This opinion is warranted not only by the judgment of the most approved writers, but by the interpretation and practice of British officers in similar cases in the course of the present war, particularly in the capitulation of St. John’s on the 2d of Nov. 1775 :

Your committee farther report, that there are so many other circumstances attending the delivery of the arms and military-stores, which excite strong suspicions, that the convention has not been strictly complied with on the part of gen. Burgoyne, agreeably to its true spirit and intention of the contracting parties, and so many instances of former fraud in the conduct of our enemies, as to justify Congress, however cautious, to avoid even the suspicion of want of good faith, in taking every measure for securing the performance of the convention, which did not impose any new condition nor tend to delay its execution. Of this nature, your committee consider the resolution of Congress of the 3th of Nov. last, directing gen. Heath “ to cause to be taken down, the name and rank of every commissioned officer, and the name, former place of abode, occupation, size, age and description of every non-commissioned-officer and private soldier, and all other persons comprehended in the convention of Saratoga.”

This cannot be considered as imposing any new condition, but as a measure naturally resulting from the articles of convention, which the conquering party has a right to avail itself of, and which is strictly justifiable, had no just suspicion of the want of good faith in the party surrendering presented itself. Your committee are of opinion, that the reasons, which gen. Burgoyne adduces for refusing a compliance, are inapplicable to the case, and they beg leave to observe, that he is totally mistaken in his appeal to the conduct of sir Guy Carleton and himself with respect to the prisoners released from Canada in August 1776 : for, notwithstanding his express declaration to the contrary in his letter of the 23d of Nov. last, to gen. Heath, it appears from the original list of the prisoners released from Canada, which is herewith presented, the provinces, counties and towns, to which the prisoners released that belonged, were annexed to their respective names, which, for the greater security of the conquering party, were in the hand-writing of the respective prisoners. Your committee, therefore, cannot but consider gen. Burgoyne’s refusal to give descriptive lists of the non-commissioned officers and soldiers belonging to his army, when connected with his former conduct and ill-grounded assertion on this occasion, in an alarming point of view ; more especially, when they consider, that nine days previous to this refusal, he had, without just cause given, declared in a letter to gen. Gates, that the public faith, plighted in the convention of Saratoga, was broken on the part of these states :

This charge of a breach of public faith is of a most serious nature,

pregnant with alarming consequences, and deserves greater attention, as it is not dropped in a hasty expression, dictated by sudden passion, but is delivered as a deliberate act of judgment, committed to writing and sent to the general with whom he made the convention; and if credit is to be given to gen. Burgoyne's account of himself in his letter to gen. Heath of the 23d of Nov. he cannot be considered "of so light a character as to have acted in a serious matter of state upon a sudden impression."

The reason on which he grounds this charge is, that the officers included in the convention, have not since their arrival in Massachusetts-Bay, been accommodated with quarters agreeable to their respective ranks: on which your committee beg leave to observe, that tho' from the sudden and unexpected arrival of so large a body of troops, the concourse of strangers in and near Boston, the devastation and destruction occasioned by the British army, not long since blocked up in that town, and by the American army which besieged them; and considering that the officers were not to be separated from their men, and that the troops could not be quartered with equal convenience in any other place within the limits pointed out and described in the convention, as there are not a sufficient number of barracks in any other part of that state; tho' from these, and many other unavoidable circumstances, the accommodation of gen. Burgoyne and his officers might not be such as the public could wish or he expect, yet, his charge of a breach of the public faith, on this account, is not warranted either by the letter of the preliminary articles agreed on between himself and gen. Gates, on the 14th day of Oct. or by the spirit of the convention, signed on the 16th of the same month; since, by an examination of these articles, it will appear, that the stipulation, with respect to the quartering of officers, was not to be construed in that rigorous sense in which gen. Burgoyne affects to consider it; but, on the contrary, that it was "agreed to as far as circumstances would admit."

Your committee forbear to lay any stress on the attempt of the enemy to alter the place of embarkation from the port of Boston to that of R. Island or the sound so contiguous to the port of N. York, which, as well as that of R. Island, is at present in their possession; on the seemingly inadequate number of vessels (being only 26 transports sent to R. Island, as appears in a letter from gen. Pigot to gen. Burgoyne, dated the 5th of Dec.) for an army consisting of 5642 men, in a winter's voyage to Europe; or on the improbability of the enemy's being able, on so short a notice, to victual such a fleet and army for a voyage of such length; since the declaration of lieut. gen. Burgoyne, "that the public faith is broke," is of itself sufficient to justify Congress in taking every measure for securing the performance of the convention, which the laws of nations, in consequence of this conduct, will warrant.

These facts and opinions, your committee, in a matter of such high moment to the honor and safety of these states, esteem it their duty to report specially; and considering that gen. Burgoyne has not fully complied with the convention of Saratoga, particularly in not delivering up the cartouch-boxes and accoutrements; that he has expressly, and without just foundation, charged these states with a breach of public faith; that, in consequence of this declaration, whilst in our power, he

may deem himself, and the army under him, absolved from their compact, and may, therefore, have refused compliance with a measure naturally resulting from the convention, and which only tended to render his officers and men insecure in case the convention, on their part, was not complied with; considering, farther, that, from the distance between America and G. Britain, there is no opportunity of accommodating this dispute in any reasonable period of time with the sovereign of the state, in behalf of which this convention was made, and that the operations of gen. Burgoyne's army in America would not only defeat the main object of the convention, but prove highly prejudicial to the interests of these states; your committee submit the whole to the consideration of Congress, in order that such measures may be adopted as are consistent with the safety and honor of the United States."

Whereupon, Congress came to the following resolutions:

Resolved, That as many of the cartouch-boxes and several other articles of military accoutrements, annexed to the persons of the non-commissioned officers and foldiers, included in the convention of Saratoga, have not been delivered up, the convention, on the part of the British army, has not been strictly complied with;

| | | | |
|----------------------------|------------------|----|--------------------|
| <i>Massachusetts-Bay</i> , | Mr. Dana, | | } declined voting. |
| | Mr. Lovell, | ay | |
| <i>Rhode-Island</i> , | Mr. Ellery, | no | } no |
| <i>Connecticut</i> , | Mr. Dyer, | no | |
| <i>New-York</i> , | Mr. Lewis, | ay | } ay |
| | Mr. Duer, | ay | |
| <i>New-Jersey</i> , | Mr. Witherspoon, | ay | } divided. |
| | Mr. Clark, | no | |
| <i>Pennsylvania</i> , | Mr. Roberdeau, | ay | } ay |
| | Mr. J. B. Smith, | ay | |
| | Mr. Clingan, | ay | |
| | Mr. James Smith, | ay | |
| <i>Virginia</i> , | Mr. F. L. Lee, | ay | } divided. |
| | Mr. Harvie, | no | |
| <i>North-Carolina</i> , | Mr. Penn, | ay | } ay |
| | Mr. Harnett, | ay | |
| <i>South-Carolina</i> , | Mr. Laurens, | ay | } ay |
| <i>Georgia</i> , | Mr. Langworthy, | ay | |
| | Mr. Wood, | ay | |

So it passed in the affirmative.

Resolved, That the refusal of lieutenant gen. Burgoyne to give descriptive lists of the non-commissioned officers and privates belonging to his army, subsequent to his declaration that the public faith was broke, is considered by Congress in an alarming point of view; since a compliance with the resolution of Congress could only have been prejudicial to that army in case of an infraction of the convention on their part.

Resolved, That the charge made by lieutenant gen. Burgoyne, in his letter to major-gen. Gates, of the 14th of Nov. of a breach of the public faith on the part of these states, is not warranted by the just construction of any article of the convention of Saratoga; that it is a strong

indication of his intention; and affords just ground of fear, that he will avail himself of such pretended breach of the convention, in order to disengage himself, and the army under him, of the obligation they are under to these United States; and that the security, which these states have had in his personal honour, is hereby destroyed.

Resolved, therefore, That the embarkation of *lieut. gen. Burgoyne*, and the troops under his command, be suspended till a distinct and explicit ratification of the convention of Saratoga shall be properly notified by the court of G. Britain to Congress.

Adjourned to ten o'clock to-morrow.

FRIDAY, January 9, 1778.

The committee on the treasury brought in a report; whereupon,

Ordered, That 20,000 dols. be advanced to John Baynton, pay-master at Fort-Pitt, for the payment of the troops in the western-department; the said sum to be delivered to major Ewing, to be conveyed to the said pay-master, who is to be accountable:.

That a warrant issue on Thomas Harwood, Esq; commissioner of the loan-office in the state of Maryland, for 6492 $\frac{66}{100}$ dollars, in favour of Gordon & Patton, saddlers, in discharge of col. George Baylor's order of the 27th of Dec. last, for that sum, in their favour, for equipping his regiment of light-dragoons, the said col. Baylor to be accountable.

The committee appointed to take into consideration the letter of the 2d from the council and assembly of the state of Pennsylvania, brought in a report, which was read.

The committee to whom were referred the letters from William Buchanan, commissary-general, and E. Blaine, deputy commissary-general of purchases, brought in a report, which was read.

Three o'clock, P. M.

Congress resolved itself into a committee of the whole, to consider the report of the committee on the propositions of the committee lately sent to camp, and, after some time spent thereon, the president resumed the chair, and Mr. F. L. Lee reported, that the committee of the whole Congress have had under consideration the matter to them referred, but, not having come to a conclusion, desire leave to sit again:

Resolved, That to-morrow Congress be resolved into a committee of the whole, to consider farther the report of the committee on the proposition from the committee lately sent to camp.

Adjourned to ten o'clock to-morrow.

SATURDAY, January 10, 1778.

A letter, of the 24th and 28th of Dec. from brigadier Hand, at Fort-Pitt, to the board of war, and one, of the 9th, from W. Palfrey, pay-master-general, to the board of treasury, were laid before Congress, and read:

A letter, of the 2d, from gen. Washington, at Valley-Forge, was read, recommending major Clark to the notice of Congress:

Ordered, That the letters from gen. Washington and brigadier Hand be referred to the board of war.

Resolved, That his excellency gov. Henry be requested to enquire

of Gabriel Jones & John Walker, Esqrs; two of the commissioners appointed to repair, without delay, to Fort-Pitt, agreeably to a resolution of the 20th of Nov. last, whether they accept the appointment, and if they, or either of them, decline, to appoint a proper person or persons in his or their stead, who shall enter on the business without delay.

Congress proceeded to the election of two auditors to audit and settle the public accounts in the main-army, and, the ballots being taken, Matthew Clarkson & John Clark, Esqrs; were elected.

Ordered, That the letter from W. Palfrey be referred to the board of treasury.

The committee on the treasury brought in a report; whereupon,

Ordered, That 276 $\frac{45}{100}$ dollars be advanced to John Penn, Esq; delegate from the state of N. Carolina, and charged to the said state, as part of the 500,000 dols. appropriated for the use of the said state:

That a warrant issue on John Gibson, auditor-general, for 500 dols. in favour of William Palfrey, Esq; pay-master-general, for which he is to be accountable:

That 40 dols. be paid to Mons. Lotbinier, a Canadian chaplain, for his pay due this day:

That 500 dols. be advanced to capt. William Scott, for the pay, and to purchase blankets for the use, of his company, belonging to one of the 16 battalions, commanded by col. Thurston; the said capt. Scott to be accountable.

—+—
Three o'clock, P. M.

The committee to whom was referred the motion for appointing a committee of Congress to repair to camp, brought in a report, which was taken into consideration, and, thereupon, Congress came to the following resolution:

Whereas, it is essential to the promotion of good discipline and economy in the army of these states, that the most speedy and effectual measures should be adopted for reducing the number of regiments in the continental service, and for reforming the abuses which have too long prevailed in the different departments belonging to the army:

Resolved, That three members of Congress, together with three members of the board of war, be appointed a committee to repair to gen. Washington's head-quarters as soon as may be, and, in concert with him, to form and execute a plan for reducing the number of battalions in the continental service, reporting to Congress the names and ranks of such officers of merit now in the service as cannot be annexed to the battalions retained on the establishment, taking particular care in the appointment of officers to these battalions not to annex officers belonging to one state, to the battalions raised by another state; to recommend to Congress the necessary appointments of general-officers; to remove officers in the civil-departments of the army for misconduct, negligence or incompetency, and to appoint others in their room, till the pleasure of Congress can be known; to remove all just causes of complaint relative to rank, confining it as nearly as possible to the military line; to report upon the expediency of appointing brigade instead of regimental chaplains, and also to remove from office any

chaplain for ignorance or negligence in the duties of his office or for immoral conduct; to determine, and report as soon as may be, to Congress, their opinion of the necessary reinforcements for the cavalry, artillery and infantry, and the best mode of obtaining them; to report such alterations as they shall deem expedient in the regulations of the several departments, and, in general, to adopt such other measures as they shall judge necessary for introducing economy and promoting discipline and good morals in the army.

The members of Congress chosen, Mr. Dana, Mr. Reed & Mr. Folsom. Adjourned to ten o'clock on Monday.

MONDAY, January 12, 1778.

The president laid before Congress a packet containing blank papers, which he informed Congress he received yesterday from a John Folger, who says he was sent by the commissioners at Paris with dispatches to Congress:

Ordered, That Mr. Dana and the board of war examine the said John Folger respecting this packet.

Congress proceeded to the election of three members of the board of war to join the three members of Congress, and proceed to camp, for the purposes mentioned in the resolution passed on Saturday, and, the ballots being taken,

Major-general Gates, major-general Mifflin, and colonel Pickering, were elected.

Resolved, That another member of Congress be added to the foregoing committee: The member chosen, Mr. Harvie.

A letter, of the 10th, from Samuel & Robert Purviance, at Baltimore, was read.

Three o'clock, P. M.

The committee appointed to examine J. Folger, respecting the dispatches with which he was charged by the commissioners at Paris, laid before Congress his examination, reduced to writing, which was read; whereupon,

Ordered, That the president inform gov. Caswell of N. Carolina of the purport of the said examination, and request him to examine the persons who came over in the vessel with J. Folger, and inform Congress of every circumstance that may come to his knowledge respecting the said dispatches:

That the board of war be directed to confine the said John Folger in close prison, till advice can be received from gov. Caswell, or till farther orders from Congress.

Resolved, That copies of the report of the committee on the letters that passed between gen. Heath and gen. Burgoyne, and gen. Burgoyne's letter to gen. Gates, together with the resolutions of Congress thereon, signed by the president and attested by the secretary, be transmitted to the several states, to gen. Washington, and two copies to major-gen. Heath, who is directed to furnish lieut. gen. Burgoyne with one of them; and to order the vessels which may have arrived, or which shall arrive for the transportation of the army under lieutenant-general Burgoyne, to quit, without delay, the port of Boston.

Resolved, That the council of Massachusetts-Bay be requested to

afford gen. Heath the necessary assistance for immediately encreasing the guards placed over the troops of gen. Burgoyne, to the number, if they judge proper, of 1500 or more, and that they be not reduced until the transports of the enemy shall have left the port of Boston, and so long afterwards as the council shall judge necessary.

Whereas, Congress have received information, that a sloop named the Pennsylvania-Farmer, is arrived at Baltimore from Curracoa, with a load of salt, the property of Mr. Gerardus Beekman, a citizen of the state of N. York, but now with the enemy in the city of Philadelphia: and whereas, the delegates representing the state of N. York have applied for the interposition of Congress, that proper measures might be taken for seizing the salt; and whereas, the public service will suffer the most material injury if the most expeditious measures are not adopted for securing this cargo for the use of the United States:

Resolved, That the governor and council of the state of Maryland be desired forthwith to take measures for securing the said salt for the use of the United States, and to cause the same, without delay, to be delivered to the commissary-general of purchases, or any of his deputies; and in case the information given to Congress should be ill-founded, and that the cargo above-mentioned should be *bona fide* the property of any faithful citizen of these states, or of any foreigner, that the governor and council of the state of Maryland be desired to seize the same, as well as all other quantities of salt, and to cause the same to be delivered agreeably to the directions above-mentioned.

Adjourned to ten o'clock to-morrow.

TUESDAY, January 13, 1778.

A letter from Mons. de la Balme; one, of the 13th of Dec. last, from col. la Radiere, with a memorial from the same; one, of the 6th of Dec. from baron Steuben, at Portsmouth, in N. Hampshire, with sundry letters, recommending him to Congress; one, of the 10th inst. from James Mease, at Lancaster; one, of the 18th of Dec. from lieutenant col. Campbell, a prisoner at Concord, in the state of Massachusetts-Bay; one, of the 17th, and one, of the 25th of Dec. last, from gen. Heath; also, one of the 4th, one, of the 5th, and one, of the 9th, from gen. Washington; and one, of the 10th, from capt. Barry, attending in York-town, were read:

Ordered, That the letter from Mons. de la Balme, the letter and memorial from col. Radiere, the letter from lieutenant col. Campbell, and the letter of the 5th, and that of the 9th, from gen. Washington, be referred to the board of war:

That the letter from Mr. Mease be referred to the board of treasury, and the letter from captain Barry to the marine-committee.

Whereas the declaration of lieutenant gen. Burgoyne, in his letter of the 14th of Nov. last, to major gen. Gates, "that the public faith is broke on the part of these states, and other reasons set forth in the resolutions of Congress of the 8th of Jan. inst. compelled Congress to adopt measures for securing the performance of the convention of Saratoga on the part of the court of G. Britain, whereby the embarkation of lieutenant gen. Burgoyne's army has been necessarily suspended; and whereas, the substance of that army, in the state of Massachusetts-Bay, is not only

extremely burthensome to these states, but tends greatly to distress the inhabitants of the country wherein they are quartered, and it is contrary to the principles of justice, that these states should suffer inconveniences from the conduct of lieut. gen. Burgoyne, which could not be foreseen at the time when the convention of Saratoga was entered into:

Resolved, That gen. Washington be directed again to require of gen. Howe proper passports for vessels to transport to Boston, salted meat, flour and fuel, necessary for the subsistence of lieut. gen. Burgoyne's army, during the time they shall be necessarily detained in the state of Massachusetts-Bay, in consequence of the resolutions of Congress of the 8th of Jan. inst. and that gen. Howe be informed, that in case of his refusal to comply with this just request, these states will not deem themselves answerable for subsisting gen. Burgoyne's army, agreeably to the terms of the convention of Saratoga; but shall think themselves at liberty to remove or separate the said army, to such parts of the state of Massachusetts-Bay, as they may be conveniently subsisted in, till the convention of Saratoga shall be ratified by the court of G. Britain, and properly notified to Congress.

—•—
Three o'clock, P. M.

The committee on the treasury brought in a report, which was taken into consideration; whereupon,

Resolved, That William Palfrey, Esq; pay-master-gen. be directed to order William Bedlow, his assistant, at Peekskill, to pay up the troops there to the 31st of Dec. last; and that Jonathan Trumbull, jun. Esq; deputy pay-master-gen. be directed to pay from that time, all the troops under the command of any officer or officers in the northern-department, or state of New-York:

That the pay-master-general be empowered to appoint an assistant in his office, and a clerk for six months, in addition to one already employed by him:

That 70 dollars a-month, and two rations a-day, be hereafter allowed to each assistant, and 50 dollars a-month to each clerk, in the office of the pay-master or deputy pay-master general.

The board of war, to whom was referred the letter of the 20th of December from general Spencer, brought in a report; whereupon,

Resolved, That it be earnestly recommended to the states of New-Hampshire, Massachusetts-Bay, Rhode-Island, and Connecticut, immediately to furnish, and keep up constantly in the state of R. Island and Providence Plantations, for the defence of the said state, their several quotas of troops, as adjusted by the resolution of a committee from the said states and the state of New-York, which met at Springfield, the 30th of July last:

That a deputy quarter-master-general, a deputy adjutant-general, a deputy muster-master-general, and a deputy commissary-general of issues, be appointed to act, *pro tempore*, for the troops aforesaid: that the deputy commissary-general of issues be appointed by the council of war of the state of Rhode-Island and Providence Plantations; that the deputy quarter-master-general, deputy adjutant-general, and deputy muster-master-general, be appointed by the officer commanding at that post; and that each of the foregoing officers take the oath of

fidelity and office required before they enter upon the execution of their respective offices :

That general Spencer, or the commander of the forces aforesaid, be informed, that if provisions cannot be procured at reasonable rates, and he shall be obliged to impress them, he shall direct certificates to be granted, promising payment at such rates as shall be settled by the convention of committees to meet at New-Haven, the 15th inst. in pursuance of a resolution of Congress of the 22d of Nov. last ; and that this resolution have retrospect as to all accounts not liquidated for provisions or services supplied or performed to the 1st day of Nov. which are to be paid at the convention-prices, and all other unliquidated accounts for services or provisions supplied or performed since that period to the date of this resolution, to be paid for at the prices for which they are contracted.

Resolved, That general Spencer's resignation, for the reasons offered by him in his letter of the 20th of Dec. be accepted, when he shall be relieved from his present command by a suitable officer of the rank of a major-general, who is to be immediately sent to take the command of the troops raised for the defence of the state of Rhode-Island and Providence Plantations.

Resolved, That such parts of the letter from general Spencer as relate to money, be referred to the board of treasury, also that part relating to his allowance as in a separate department.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, January 14, 1778.

Resolved, That two members be added to those who at present conduct the business of the board of war, till the commissioners for that purpose appointed can meet :

The members chosen, Mr. Langworthy and Mr. J. B. Smith.

Congress took into consideration the report of the committee on the letters from W. Buchanan, and E. Blaine ; whereupon,

Resolved, That the order of the commissary of prisoners shall be a sufficient voucher to the commissary, or deputy commissary-general of purchases, for the delivery of provisions for the use of the prisoners of war.

Resolved, That by the resolution of the 22d of October, 1777, the commissary-general of purchases is invested with powers adequate to, and sufficient for, the purpose of importing salt for the use of the army.

Resolved, That the powers and directions contained in the resolution aforesaid, for procuring salt, be extended to the article of rum for the army.

Ordered, That the farther consideration of the report be postponed till the afternoon.

Three o'clock, P. M.

Resolved, That the board of war of the state of Massachusetts-Bay be requested to import from the middle or southern-department 15,000 barrels of flour, to supply the magazines of the eastern-district for the next campaign, over and above what may be imported by the deputy commissary-general of purchases for that purpose ; and deliver the same to the deputy commissary-general of issues or his deputies, there to be deposited, agreeably to the orders of the commanding officer in that

district, and that compensation be made to the board for their trouble herein :

That the said board be empowered to purchase, charter or hire on freight, as they may judge most for the interest of these states, vessels for this purpose, and draw on Congress for the money to purchase the flour, or on W. Aylett, Esq; deputy commissary-general of purchases in Virginia, for so much of the flour as they may order to be shipped from Virginia : that if the whole quantity of flour cannot be readily obtained, the board be empowered to make up the deficiency by importing rice from South-Carolina.

Ordered, That a warrant for 50,000 dols. be drawn on the commissioner of the loan-office in the state of Massachusetts-Bay, in favour of the said board of war, for the purpose mentioned in the foregoing resolution.

The commissioners of claims report,

That there is due to Dr. John Houston, for his and his assistant's pay, while they acted in a battalion of York county associators, commanded by col. Donaldson, as per brigadier Mercer's orders to R. Dallam, paymaster, $63\frac{4\frac{5}{9}}{90}$ dollars :

To the hon. Eliphalet Dyer, for the expenses of a committee of Congress, sent to the assembly of the state of Pennsylvania on public business, $127\frac{3\frac{9}{9}}{90}$ dollars :

To the hon. Elbridge Gerry, for the expenses of himself and Mr. Jones on a committee to confer with gen. Washington, $145\frac{7\frac{8}{9}}{90}$ dollars :

To capt. Ephraim Pennington, for the pay of a detachment of York county militia, raised for the purpose of guarding public stores in the town of York, by order of the board of war, $646\frac{6\frac{7}{9}}{90}$ dollars :

Ordered, That the said accounts be paid.

Whereas baron Steuben, a lieutenant-general in foreign service, has, in a most disinterested and heroic manner, offered his services to these states in the quality of a volunteer :

Resolved, That the president present the thanks of Congress, in behalf of these United States, to baron Steuben, for the zeal he has shewn for the cause of America, and the disinterested tender he has been pleased to make of his military talents ; and inform him, that Congress cheerfully accept of his service as a volunteer in the army of these states, and wish him to repair to gen. Washington's quarters as soon as convenient.

Congress resumed the consideration of the report of the committee on the letters from W. Buchanan and E. Blaine ; whereupon,

Resolved, That a deputy commissary-general of purchases be appointed for the middle-district, in addition to E. Blaine, and that the commissary-general of purchases, after consulting with Mr. Blaine, be directed to assign the part of the district in which the additional deputy commissary-general shall act.

Resolved, That the commissary's system be referred to a committee of three, and that they be directed to revise the same, and to report such alterations therein as they shall deem best calculated to answer the end of its institution :

The members chosen, Mr. Clark, Mr. J. B. Smith and Mr. Gerry.

Resolved, That gen. Heath be directed to appropriate to the use of the troops in the continental service, and of the prisoners in the eastern-

district, such of the salted provisions there, belonging to the United States, as cannot be preserved for the next campaign.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the commissioner of the loan-office in the state of Maryland, for 10,000 dols. in favour of the marine-committee, to answer a demand made by Samuel and Robert Purviance, continental agents in Baltimore; the said committee to be accountable.

Resolved, That Ebenezer Hancock, Esq; deputy pay-master-general of the eastern-district, be directed to appoint, forthwith, an assistant pay-master, constantly to attend and pay the army stationed in or near Providence, for the defence of R. Island and Providence Plantations, applying to Congress, from time to time, for the necessary supplies of money for the same; and that the commanding officer in the said state be fully empowered to draw on the said assistant pay-master for the necessary supplies of the army aforesaid.

Ordered, That 350,000 dols. be advanced to the board of war, of which they are to transmit 100,000 dols. to Ebenezer Hancock, deputy pay-master-general at Boston, and 250,000 dols. to his assistant, in the state of R. Island and Providence Plantations; the said Ebenezer Hancock to be furnished with a copy of this order, and to be accountable for the whole sum.

Ordered, That 700,000 dols. be advanced to the board of war, to be by them transmitted, 500,000 dols. to William Palfrey, pay master-general, and 200,000 dols. to William Bedlow, his assistant, at Peekskill; the said pay-master-general to be accountable.

Resolved, That gen. Heath be informed, it is the intention of Congress that officers in the departments of the commissary, quarter-master, or clothier-general, should receive the money required by them to make the necessary purchases, by applying to the officers at the head of the respective departments, and that he make no advances in future to any of them, unless it shall be absolutely necessary, in which case, he is to inform the board of treasury of the sums advanced, and the particular circumstances of the case.

Ordered, That 4000 dollars be advanced to William Palfrey, pay-master-general, for the use of the N. Carolina light-horse; the said pay-master-general to be accountable.

Adjourned to ten o'clock to-morrow.

THURSDAY, January 15, 1778.

Resolved, That a committee of three be appointed to take into consideration the state of Georgia:

The members chosen, Mr. Harnett, Mr. F. L. Lee & Mr. Dyer.

The committee appointed, in conjunction with the board of war, to take into consideration the necessity and propriety of laying up magazines of provisions for the army, brought in a report, which was read and debated, and sundry amendments made; after which it was moved,

In lieu of the whole, "That the board of war be directed to write immediately to the president of the executive council of the state of Pennsylvania on the subject of purchasing flour for the army, and laying up magazines, and if it should appear, that the said state have taken effectual measures for procuring the same, that the board of war

direct the transportation thereof to the army, or such magazines as they may think proper ; but, if such measures have not been taken for that purpose, as the board of war may think will be certain and effectual, then the board of war to appoint suitable persons to execute that business ;

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Folsom, | ay | } ay |
| | Mr. Frost, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | } no |
| | Mr. Dana, | no | |
| | Mr. Lovell, | no | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| <i>Connecticut,</i> | Mr. Dyer, | ay | |
| <i>New-York,</i> | Mr. Lewis, | no | } no |
| | Mr. Duer, | no | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } ay |
| | Mr. Clark, | ay | |
| <i>Pennsylvania,</i> | Mr. J. B. Smith, | ay | } ay |
| | Mr. Clingan, | ay | |
| | Mr. James Smith, | ay | |
| <i>Virginia,</i> | Mr. F. L. Lee, | no | } no |
| | Mr. Harvie, | no | |
| <i>North-Carolina,</i> | Mr. Penn, | no | } no |
| | Mr. Harnett, | no | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } no |
| <i>Georgia,</i> | Mr. Langworthy, | no | |
| | Mr. Wood, | no | } no |

So it passed in the negative.

— o —
Three o'clock, P. M.

Congress proceeded on the report of the committee under debate in the forenoon ; whereupon,

Resolved, That one or more proper persons be immediately employed by the board of war, on the best terms in their power, to purchase 30,000 barrels of flour, or wheat equivalent, and have it ground into flour, and to deposit 12,000 barrels. part thereof at or near Lancaster, 8000 barrels at or near Reading, 6000 barrels at or near Bethlehem, 2000 barrels at Downing-town, and 2000 barrels at Pottsgrove :

That the commissioner or commissioners, employed to execute this business, have full power and authority to employ all mills, millers and coopers necessary, on the best terms they can, to complete the said quantity of flour, with all-possible expedition :

That the commissioner or commissioners be empowered to hire or impress waggons sufficient to make the necessary transportation of the flour to the places where it is to be deposited, and to pay the hire of the said waggons, at the same rate paid by the quarter master-general :

That the board of war be empowered to limit the prices to be given for the said wheat and flour, and to give such orders and directions to the commissioners as they shall think proper or necessary, from time to time : provided, that no limitation to be made by the board of war, with respect to price, shall contravene any acts of the legislature of Pennsylvania, or any of the regulations which may be made hereafter

by the convention of committees which is to meet at N. Haven, in Connecticut, on this 15th day of January :

That these magazines, being established without the interference of the commissary-general or his officers, shall, when necessary, be ordered under the direction of the issuing commissary-general by the board of war :

That gen. Washington be directed to support the commissioners in the execution of their duty, with military force, if necessary :

That the board of war be empowered to direct the said commissioners to purchase any fat cattle and salted meat they may meet with in their tours thro' the country, on the best terms in their power, and deliver the same to the commissary-general or his deputies, taking their accountable receipts for what they so deliver :

That the board of war enquire of his excellency Thomas Wharton, Esq; president of the council of the state of Pennsylvania, what measures have been taken by the legislature of that state, for laying up magazines for the army ; and, if it should appear to the board, after such enquiry, that measures for that purpose have been taken adequate to the present critical situation of the army with respect to supplies, they be authorized and directed to suspend the execution of the whole, or such parts of the foregoing resolutions, as they shall deem most conducive to the general weal.

The board of war brought in a report ; whereupon,

Resolved, That the board of war be authorized to direct col. Flower to make a contract with Mr. Whitehead Humphreys, on the terms of the former agreement or such other as col. Flower shall deem equitable, for making a quantity of steel, for the supply of the continental artificers and works with that necessary article ; and as the iron made at the Andover-works only will with certainty answer the purpose of making steel, that col. Flower be directed to apply to the government of N. Jersey to put a proper person in possession of these works, (the same belonging to persons who adhere to the enemies of these states) upon such terms as the government of the state of N. Jersey shall think proper ; and that col. Flower contract with the said person for such quantity of iron as he shall think the service requires.

Resolved, That a letter be written by the board of war to the governor and council of the state of N. Jersey, setting forth, the peculiarity of the demand for these works. being the only proper means of procuring iron for steel, an article without which the service must irreparably suffer ; and that the said governor and council be desired to take such means as they shall think most proper for putting the said works in blast and obtaining a supply of iron without delay.

Resolved, That the memorial of the chevalier Armand be referred to the committee appointed by Congress to repair to camp for the reformation of the army :

That the letter from col. Alexander Scammel to general Folsom, which was referred to the board of war, be referred to the committee appointed to reform the army ; and that they be instructed to enquire, in their progress to camp, into the state of the clothing-department at Lancaster, and to take such measures for the relief of the N. Hampshire troops as shall be consistent with regard to the general wants of the army.

The board of war having reported, that, in pursuance of the resolution of Congress of the 8th of Nov. last, they have entered into articles of agreement with Mr. Fouquet, the father and his son, and have engaged them in the service of the United States ;

Resolved, That in compliance with the said agreement, Mr. Fouquet, the father, have the brevet rank of captain, and Mark Fouquet, the son, the brevet rank of lieutenant of artillery in the army of the United States, and that their brevets bear date from the 17th of Nov. last, the day the contract was entered into :

A memorial from W. Buchanan, commissary-general of purchases, was read :

Ordered, That it be referred to the board of war.

A proposition being laid before Congress for supplying the army with whiskey, &c. at certain stipulated prices,

Ordered, That it be referred to the board of war, who are directed to report thereon.

Adjourned to ten o'clock to-morrow.

FRIDAY, January 16, 1778.

The board of war brought in a report, which was taken into consideration, and after some time spent thereon,

Resolved, That it be re-committed.

Three o'clock, P. M.

A letter, of the 11th, from gov. Johnson of Maryland, was read :

Ordered, That it be referred to the board of war.

Congress took into consideration the report of the committee on the letter of the 2d, from the council and assembly of the state of Pennsylvania ; whereupon,

Resolved, That Congress highly applaud the rising spirit of the inhabitants of Pennsylvania, to regain the capital of their state and drive out our cruel invaders ; that Congress are ready and willing with all their power to co-operate with them for effecting this salutary purpose ; that to this end, the committee appointed to go to the camp, be directed to consult with the president and council of the state of Pennsylvania, and with gen. Washington, on the subject, and if upon consultation the measure shall be deemed practicable, that they be fully empowered to call upon the neighbouring states for such aids as they shall think necessary, and take every measure which they shall think proper for effecting the end proposed.

Resolved, That Mr. J. B. Smith be added to the committee for printing the journals of Congress.

Ordered, That the letter of the 18th of Dec. from lieutenant-col. Campbell, which was referred to the board of war, be referred to the committee going to camp.

Ordered, That the letters of the general-officers, which gen. Washington delivered to the committee lately sent to camp, and which were laid upon the table, agreeably to the order of Congress, for the perusal of the members, be returned to the general by the committee now going to camp.

Adjourned to ten o'clock to-morrow.

SATURDAY, January 17, 1778.

Mr. Carroll and Mr. Forbes, two of the delegates from Maryland, attended and produced the credentials of their appointment, which were read as follows :

" By the General Assembly of the State of Maryland, Dec. 22d, 1777.

" Resolved, That Samuel Chafe, George Plater, Charles Carroll of Carrollton, Thomas Stone, James Forbes, and John Henry, jun. Esqrs; or any two of them, be delegates to represent this state in Congress, for and during the term of one year.

By order,

" A. C. HANSON, C. S.

" G. DUVALL, C. H. D."

The committee on the treasury brought in a report; whereupon, *Resolved, That ten million of dollars be borrowed on the credit of the United States, at an annual interest of six per cent. and that loan-office certificates of the following denominations be forthwith struck, under the direction of the treasury-board, and signed by Michael Hillegas, Esq; treasurer, or Samuel Hillegas, and countersigned by the respective commissioners who shall borrow the money, viz.*

| | | | |
|------|-----------------|-------------------|-----------|
| 3333 | certificates of | 200 dollars each, | 666,600 |
| 3333 | do. | of 300 do. | 999,900 |
| 3333 | do. | of 400 do. | 1,333,200 |
| 3333 | do. | of 500 do. | 1,666,500 |
| 3333 | do. | of 600 do. | 1,999,800 |
| 3334 | do. | of 1000 do. | 3,334,000 |

10,000,000

Resolved, That the committee to whom was referred the letter from the council of safety of New-York, be discharged from that service. Adjourned to ten o'clock on Monday.

MONDAY, January 19, 1778.

A letter, of the 18th, from W. Shippen, jun. director-general, and one, of the 12th, from Jonathan Hudson, at Baltimore, were read :

Ordered, That the last be referred to the board of treasury.

Resolved, That Mr. Forbes be added to the committee of commerce.

Resolved, That a member from Maryland be elected for the marine-committee; the member chosen, Mr. Forbes.

Resolved, That four members be added to the board of treasury, and that any three of the members form a board, and be empowered to proceed to business.

The members chosen, Mr. Clark, Mr. Roberdeau, Mr. Forbes and Mr. Langworthy.

A petition from capt. Durkee, lieut. Spaulding, and Timothy Pierce, was read :

Ordered, That it be referred to the committee appointed to go to camp.

The committee on the treasury brought in a report; whereupon,

Ordered, That 500 dollars be advanced to the board of war, at their request, to enable them to send off the several sums of money ordered by Congress to camp, to Albany, and to Boston; the said board to be accountable.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to a detachment of York county militia, commanded by capt. Ephraim Pennington, appointed as guards to the public stores, &c. in the town of York, for parts of rations retained by the issuing-commissary, 73 $\frac{9}{10}$ dollars :

Ordered, That the said account be paid.

Congress resumed the consideration of the report of the marine-committee of the 8th inst. whereupon,

Resolved, That officers of the navy, not in actual service, be entitled, to their pay, but not to rations, nor to the subsistence-money allowed by the resolution of the 25th of July, 1777.

Congress took into consideration the report of the committee on the allowance to be made to officers captured by the enemy ; whereupon,

Resolved, That all continental officers in the land service, who are or may be captured by the enemy, be allowed their pay while in the enemy's possession, and also when admitted on their parole, for so long time as they continue to be officers of the United States, and liable to be called into service upon being released from their captivity ; and that their rations be allowed them during the term of their captivity ; deducting therefrom such supplies as they may, in that time, have received from the enemy, or from the commissary of prisoners :

That all flying-camp and militia-officers captured by the enemy, while in the service of the United States, be allowed their pay while in the enemy's possession ; and also their rations during the term of their captivity, deducting therefrom such supplies as they may, in that time, have received from the enemy or the commissary of prisoners ; and also that pay be allowed to such flying-camp and militia-officers, who have been or may be admitted to their parole for so long time as the soldiers under their respective commands were ordered into service.

Three o'clock, P. M.

The board of war, to whom the memorial from W. Buchanan was referred, brought in a report ; whereupon,

Resolved, That copies of the proposals of W. Buchanan, commissary-general of purchases, for establishing a communication to transport provisions from South-Quay on Albemarle Sound, in the state of North-Carolina, to Elkridge-Landing, at the head of Potapsc, in the state of Maryland, be transmitted to the governors of N. Carolina, Virginia, and Maryland, and that it be earnestly recommended to them forthwith to establish a sufficient number of waggons and boats, under the direction of active and careful persons, for transporting weekly 500 barrels of meal across the communication in their respective states, as specified in Mr. Buchanan's proposals, or on such other as they shall deem more eligible, and to open proper roads, if necessary, for such purpose.

Resolved, That the said governors be desired to co-operate with each other in this matter, and to communicate, from time to time, to the board of war, their opinions and proceedings relative thereto :

That the governors of the respective states above-mentioned, be authorized to draw bills on the continental treasury, for such sums as may

be necessary for procuring waggons and proper boats for the purpose specified in the foregoing resolution.

A letter, of the 6th, from brigadiers M^cIntosh, Knox, Maxwell, Poor, Weedon, Huntington, Scott, Patterfon and Varnum, and a letter, of the 12th, from major-general Greene, respecting the promotion of gen. Conway, were read :

Ordered to lie on the table.

A letter, of the 31st of Oct. last, from Mr. Ferd. Joseph Sebast. de Brahme, one, of the 20th, and one, of the 31st of Dec. from gov. Clinton, of N. York, and one, of the 7th and 8th inst. from gov. Livingston, of New-Jersey, were read :

Ordered, That they be referred to the board of war.

A letter, of the 23d of Dec. from J. Adams, was read, informing Congress of his accepting the office of commissioner to the court of France.

A letter, of the 13th, from gen. Washington, was read, wherein he recommends the chevalier de Maduit du Plessis to be promoted to the rank of lieutenant-colonel, adding that "the gallant conduct of this young gentleman, at Brandywine, Germantown, and his distinguished services at Fort-Mercer, where he united the offices of engineer and commandant of artillery, entitle him to the particular notice of Congress;" that "he made several judicious alterations in the works at Red-Bank, shewed great good conduct during the action, in which the Hessians were repulsed; that after the evacuation was determined on, he became the means of saving some valuable artillery and stores, and cherefully undertook as volunteer the hazardous operation of blowing up the magazine, &c. without apparatus usually provided upon such occasions;" concluding in Mr. du Plessis' favour "that he possesses a degree of modesty not always found in men who have performed brilliant actions;" whereupon,

Resolved, That a brevet of lieutenant-colonel be granted to the chevalier de Maduit du Plessis, as a reward for his services and an encouragement to merit; and that his commission bear date the 26th of Nov. 1777, in order that the recompence may more immediately follow the the services which he has done.

Adjourned to ten o'clock to-morrow.

*
TUESDAY, January 20, 1778.

Mr. Henry, a delegate from Maryland, and Mr. G. Morris, a delegate from New-York, attended, and took their seats.

Ordered, That the members attending the business of the board of war, enquire of gen. Gates whether he can go to camp, agreeably to his appointment, for the purpose expressed in the resolution of the 10th inst. and when he can set out on that business.

The committee on the treasury brought in a report; whereupon,

Ordered, That 3022 $\frac{61}{90}$ dols. be paid to Whitehead Humphreys, being the balance of his account for steel furnished col. B. Flower, commissary-general of military-stores, as appears by the certificate of Cornelius Sweer, col. Flower's deputy, and agreeably to a contract made by direction of the board of war; the said commissary-general to be accountable:

That 200 dollars be advanced to William Dodd, an express-rider; he to be accountable.

That 200 dollars be advanced to Lewalin Barry, an exprefs-rider ; he to be accountable.

Resolved, That the resolution paffed yesterday, refpe<ting the pay of officers of the navy not in a<ual fervice, be re-confidered.

The board of war laid before Congrefs a letter of the 8th, from gov. Livingfton, of New-Jerfey :

Ordered, That it be referred to the board of treafury.

Three o'clock, P. M.

A letter, of Dec. the 29th, from gen. Schuyler, was read, wherein, among other things, he preffes for a speedy enquiry into his conduct ; whereupon,

Ordered, That the committee appointed to enquire into the caufes of the evacuation of Ticonderoga and Mount-Independence, and into the conduct of the general-officers in the northern-department, proceed immediately on that bufinefs, and report on Monday next.

Resolved, That Mr. Lovell be added to that committee, in the room of Mr. Dana, who is abfent.

A letter, of the 12th, from gen. Washington, and one, of the 17th, from brigadier Smallwood, refpe<ting fome captures made in the river Delaware, were read :

Ordered, That they be referred to the marine-committee.

A letter, of the 24th of Dec. from S. A. Otis, deputy clothier-general at Bofton, was read :

Ordered, That it be referred to the board of treafury.

A petition from fundry inhabitants of the western frontiers was read :

Ordered, That it be referred to the commissioners appointed to repair to the western-frontiers :

The members who conduct the bufinefs of the board of war reported to Congrefs fundry reafons affigned by gen. Gates, why the members of the board of war ought immediately to enter on the bufinefs of that department ; whereupon,

Resolved, That gen. Gates, gen. Miffin, and col. Pickering, be excufed from attending on the bufinefs mentioned in the resolution of the 10th, and that gen. Miffin, col. Pickering, and col. Trumbull, be directed to repair immediately to this place.

Resolved, That two members be added to the committee appointed to repair to camp, to execute the bufinefs prefcribed in the resolution of the 10th inft.

The members chofen, Mr. Carroll and Mr. G. Morris.

A letter, of the 9th, from Thomas Webb, a prifoner at Bethlehem, directed to Mr. Roberdeau, was laid before Congrefs, and read :

Ordered, That it be referred to the board of war.

The board of war brought in a report :

Ordered, That the fame be taken into confideration to-morrow.

Ordered, That Mr. Lewis have leave of abfence for eight days.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, January 21, 1778.

A letter, of the 18th, from G. Read, prefident of the Delaware ftate, and one, of the 20th, from W. Buchanan, commiffary-general of purchafes, were read :

Ordered, That the latter be referred to the committee of commerce.

Congress proceeded to re-consider the resolution of the 19th, respecting the pay of the officers of the navy, and sundry amendments being moved,

Ordered, That the resolution, with the amendments moved, be referred to a committee of three ;

The members chosen, Mr. G. Morris, Mr. Harvie and Mr. Clark.

Ordered, That the committee sit on this business, and report in the afternoon.

—♦—
Three o'clock, P. M.

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

Ordered, That the same be taken into consideration to-morrow.

The committee to whom was referred the resolution of the 19th, with the amendments moved, brought in a report :

Ordered, That the consideration thereof be postponed till to-morrow.

A letter, of the 12th, from the commissioners of Indian affairs in the northern-department, enclosing a letter from the Rev. Mr. Wheelock, and intelligence from col. Bedel ; and one, of the same date, from Mr. Duane, were read :

Ordered, That they be referred to the board of war.

A letter, of the 12th, from major-gen. Schuyler, and one, of the 6th, from major-gen. Arnold, were read :

Ordered, That they be referred to the board of treasury.

The report from the board of war was read as follows :

That having conferred with Mr. Elias Boudinot, commissary of prisoners, on the 21st of Dec. and carefully examined the evidences produced by him, the board esteem it their duty to state to Congress the following facts, relating to the American prisoners in the power of the enemy :

That as far as can be collected from the testimony of prisoners and inhabitants, who have left the enemy, there are about 900 privates and 300 officers in the city of N. York, and about 500 privates and 50 officers in the city of Philadelphia :

That the privates in N. York have been crowded all summer in sugar-houses, and the officers boarded on Long-Island, except about 30, who have been confined in the provost-guard in the most loathsome gaols :

That since the beginning of Oct. all these prisoners, both officers and privates, have been confined in prison-ships or the provost :

That the privates in the city of Philadelphia have been kept in the two public gaols, and the officers in the state-house :

That from the best evidence which the nature of the subject will admit of, it appears that the general allowance of provisions at the most, does not exceed four ounces of meat and the same quantity of bread. (often so damaged as not to be eatable) per man per day, and oftentimes much less ; altho' the professed allowance is from eight to ten ounces ; and that the prisoners have been treated in general (officers not excepted,) with a cruelty scarce to be paralleled, and with the most studied and illiberal insult :

That it has been a common practice with the enemy, on a prisoner's

being first captured, to keep him three, four, and even five days, without a morsel of provisions of any kind, and then to tempt him to enlist with the new levies, in order to save his life :

That there are numerous instances of prisoners of war perishing in all the agonies of hunger from their severe treatment :

That being generally stripped of what clothes they have when taken, they have suffered greatly for want thereof during their confinement :

That in the beginning of last summer, bills of exchange to the amount of £. 600 sterling, purchased of David Franks, British commissary of prisoners, residing within the jurisdiction of these states, were sent into N. York for the relief of the prisoners ; that every obstacle was thrown in the way to prevent the negociation of these bills, and after a delay of two months, they were returned to Mr. Boudinot, the American commissary of prisoners :

That the American commissary of prisoners had permission to send provisions from Hudson's and Rariton rivers into N. York, and to purchase clothing there for about two months' past ; but, on this condition, that the sloop, carrying the provisions, stop at the man of war stationed at the mouth of Hudson's river, where the hands are taken on board of the ship, and the agent for American prisoners in N. York is obliged to send hands from thence to take the sloop over to the city and return her again to the man of war, which not only renders it very tedious and expensive, but prevents getting sloops for the purpose, as very few owners choose to trust their vessels in the enemy's hands, and to remain prisoners on board the man of war till the sloop returns :

That provisions, which have been sent into the city of N. York for the subsistence of the American prisoners have been prevented by a public ordinance from being sold at a higher rate than 45*s*. per hundred for flour, although the current price of that article was £. 6 per hundred, and it actually sold current at that price betwixt individuals, while the flour belonging to these states was sold at the ordinance price :

That the American prisoners in the power of the enemy have not had any allowance made to them for their subsistence, although the British officers in the power of these states have been allowed by a resolution of Congress two dollars a-week for their subsistence :

That in consequence of repeated remonstrances from gen. Washington to gen. Howe concerning the injurious treatment of prisoners in his power, gen. Howe in his letter to gen. Washington in Nov. last promised, " that a commissary should be permitted to carry in a supply of clothing, money and other necessaries for the prisoners in Philadelphia, and to visit the places where they were confined :"

That on a conference which passed betwixt Mr. Ferguson, the British commissary of prisoners, and Mr. Boudinot, the commissary of prisoners for these states, who was ordered by gen. Washington to visit the prisoners, agreeably to gen. Howe's promise, Mr. Ferguson said that he was desired by gen. Howe to let Mr. Boudinot know, " that there could be no necessity for his coming into the city, as he would see that the prisoners were properly dealt by ;" and Mr. Boudinot was not suffered to go in :

That, on this conference, Mr. Ferguson, the British commissary of prisoners, complaining of the inattention paid to the supplying of pri-

foners in their hands with clothes, said, "that there was plenty of clothing in Philadelphia, which we were at liberty to purchase for provisions, and to appoint agents for that purpose; that on Mr. Boudinot's expressing his doubts on this point, Mr. Ferguson shewed great surprize at his unbelief, and assured him repeatedly that full liberty to purchase clothing would be granted:"

That Mr. Ferguson, in his letter of the 2d of Dec. says, "that permission will be given to send in clothing to our prisoners, but that gen. Howe does not think fit to allow it to be purchased in Philadelphia."

Congress taking into consideration the foregoing facts, and considering, that during the whole time in which the American prisoners have suffered such unparelled rigor and insult, and every obstacle has been thrown in the way of their relief, the prisoners taken from the enemy have been plentifully supplied with provisions, either at the expense of these states, or by commissaries in the service of the enemy, permitted to reside, and purchase, without controul, within the jurisdiction of these states; that their officers have been admitted, on their parole, in good quarters, and a weekly allowance made them; that few even of their privates, have been, for any time, confined in gaol; but, on the contrary, that they have been permitted to work abroad, and to receive the full price of their labour; thereupon,

Resolved, That the allowance of two dollars a-week to officers, who are prisoners of war to these United States, do cease, unless to those officers who may be entitled thereto by any contract made on or before their captivity or surrender:

That neither David Franks, nor any other agent or person whatsoever, be permitted to negotiate bills within these United States for the supply of provisions taken from the enemy, or to purchase provisions, or other necessaries for such purpose, within the jurisdiction of these states, except in the manner herein-after provided:

That every British commissary, or any other persons or agents, employed to supply prisoners taken from the enemy, with provisions, shall make return of the prisoners under his or their respective care to the purchasing commissary of the district, wherein such prisoners are confined, who shall deliver a sufficient number of rations for their weekly or monthly subsistence, as circumstances shall render necessary, taking duplicate promissary receipts for the same, payable in 30 days after date, one of which receipts shall be forthwith transmitted to the commissary-general of purchases, or to the deputy commissary-general of purchases of the department in which the provisions are supplied:

That the provisions so received shall be paid for in the manner prescribed by the resolution of Congress of the 19th of Dec. last; and, in case the same shall be accounted for in gold and silver, the commissary-general or deputy commissary of purchases receiving the same, shall remit it, without delay, to the board of treasury, in order that the same may be applied as a fund for relieving the distresses of the prisoners in the power of the enemy:

That, in case failure shall be made by any person signing such receipt, in discharging the amount, when it shall become due, no farther provisions shall be issued for the maintenance of the prisoners under the care of the person or persons so failing:

That, in return for the permission hereby given to purchase provisions of the American commissaries, for the use of the enemy's prisoners, gen. Washington be directed to demand of gen. Howe, liberty to purchase clothing in such places as may be under his power, for the use of the American prisoners; the clothing so furnished to be paid for either in gold or silver, or in provision, to be sent in and sold at the market-price: and that in case gen. Howe should choose to order provisions and other necessaries to be sent out for the supply of the prisoners in our power, instead of the mode proposed by the former resolutions, he be permitted to send what supplies may, from time to time, be necessary, to such post as the American commissary of prisoners shall direct, which provision when sent out, shall be issued to the prisoners by persons appointed by gen. Howe for that purpose, provided that permits be granted by gen. Howe for transporting provisions either by land or water, as shall be most convenient, from the states of New-York, New-Jersey, Pennsylvania, Maryland and Virginia, for the use of the American prisoners in the cities of New-York, and Philadelphia, and in the town of Newport, in Rhode-Island; and the provisions so sent in, be issued out by commissaries or other persons appointed for such purpose, by these states, who shall be permitted to reside at the places where the prisoners are confined:

That, in return for the permission given by the resolution of Congress of the 21st of May, 1776, for a commissioned officer from the British army to visit monthly the prisoners in the power of these states, "in order to count their numbers and certify their rolls," gen. Washington be directed to demand peremptorily of gen. Howe, a like permission, or to agree upon any other equal mode, for ascertaining the situation of the American prisoners, which shall be deemed most expedient; and in case of gen. Howe's refusal to give satisfaction on this point, that gen. Washington regulate his future conduct by the conduct of gen. Howe:

That gen. Washington be directed to enquire of gen. Howe the reasons why several officers in the service of these states, and other citizens, now in his power, have been so long confined either in the provost-guard or loathsome gaols, and treated with such unparalleled rigour; and if gen. Howe shall refuse to make any answer to this requisition, within the space of five days, or give such reasons for the treatment of these unfortunate persons as shall not be justifiable by the laws of nations, gen. Washington be directed immediately to order a number of the enemy's officers, as nearly equal in rank and condition of life as possible, to the persons so confined without just cause, forthwith to be imprisoned, subsisted and treated in the same manner, as the persons above alluded to are imprisoned, subsisted and treated; and that he be informed, that it is the expectation, and express order of Congress, that this mode of treatment, in general, be continued, changed or suspended, as the conduct of the enemy, with respect to American prisoners, shall, from time to time, render just and necessary, without waiting for any special order from Congress for such purpose:

That the commissary-general of prisoners, and his respective deputies, be forthwith directed to call in all the officers and privates belonging

to the enemy, and to confine them in such places, and order them to be subsisted and treated in such manner, as shall render their situation similar in all respects to that of the officers and privates who are prisoners with the enemy; and that they continue this mode of treatment, till such time as a change of conduct, on the part of the enemy, shall induce Congress, or the commander in chief of the armies of these states, to give directions for a different line of conduct on their part:

That it be recommended to the government of the respective states, where prisoners of war are confined, to give every assistance in their power to the commissary-general of prisoners or his deputies, by putting them in possession of gaols or other proper buildings, and by furnishing them with guards, in order to enable them to execute the foregoing resolution.

And, whereas, gen. Howe, by his letter to gen. Washington in Nov. last, affects to make a distinction in the treatment of persons taken in arms, and of the faithful citizens of these states subjected to his power, in a manner not only contrary to reason and the principles of humanity, but inconsistent with the sentiments expressed by gen. Howe himself, in his letter to gen. Washington, dated Staten-Island, 1st of Aug. 1776:

Resolved, That gen. Washington be directed to require of gen. Howe an explanation of those parts of his letter of Nov. 1777, which imply this distinction, and the line of conduct which he means to observe for the future, with respect to such of the faithful citizens of these states as may be subjected to his power.

Resolved, That a committee of four be appointed to prepare a manifesto on the injurious treatment our prisoners and faithful citizens receive from the enemy:

The members chosen, Mr. Wither Spoon, Mr. J. B. Smith, Mr. Lovell and Mr. G. Morris.

Adjourned to ten o'clock to-morrow.

THURSDAY, January 22, 1778.

A letter, of the 1st, from B. Harrison, deputy pay-master-general at Williamsburgh, and one, of the 21st, from James Mease, clothier-general, at Lancaster, were read:

Ordered, That they be referred to the board of treasury.

A letter of the 19th, from gov. Johnson of Maryland, was read:

Ordered, That it be referred to the committee of commerce.

A letter, of the 6th, and one, of the 8th, from major-gen. Heath, at Boston, with copies of letters that passed between him and lieut. gen. Burgoyne, were read.

The committee on the treasury brought in a report; whereupon,

Ordered, That 200,000 dols. be paid to the board of war, to be by them transmitted to Ebenezer Hancock, Esq; deputy pay-master-general of the eastern-district, who is to be accountable.

Resolved, That two millions of dollars be emitted, under the direction of the board of treasury, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed the 7th inst. be numbered from the last number of each respective denomination of that emission progressively, and consist of the following denominations, viz.

| | |
|--|-----------|
| 30,768 bills of the denomination of 3 dollars, | 92,304 |
| 30,768 do. - - - 4 do. | 123,072 |
| 30,768 do. - - - 5 do. | 153,840 |
| 30,768 do. - - - 6 do. | 184,608 |
| 30,768 do. - - - 7 do. | 215,376 |
| 30,770 do. - - - 2 do. | 61,540 |
| 30,770 do. - - - 8 do. | 246,160 |
| 30,770 do. - - - 30 do. | 923,100 |
| | <hr/> |
| | 2,000,000 |

That all powers and duties of Michael Hillegas, Esq; and of the inspectors of the prefs, signers and printers of the emission directed on the 20th of May last, shall extend to the said two millions now to be emitted, subject, however, to such directions and instructions as the board of treasury may judge expedient.

Ordered, That 50,000 dols. be advanced to William Buchanan, commissary-general of purchases, to be by him transmitted to the western-district, for the use of his department; he to be accountable:

That a warrant issue on the loan-officer of Pennsylvania, for 100,000 dols. and one other on the treasurer for 50,000 dols. in favour of James Mease, clothier-general, to answer the draughts of his deputies in the several states, for clothing purchased by them, and that he be directed to transmit to the board of treasury, a list of the draughts which he shall have paid, with the money aforesaid, before he applies for further sums for this purpose; the said James Mease to be accountable.

Resolved, That the clothier-general be directed to pay to Mr. Paul Zantziuger, the balance which shall appear to be due to him for 650 suits of clothes, or for any part thereof, which he has purchased by order of brigadier Wayne, upon Mr. Zantziuger producing sufficient vouchers of the cost of the clothing, and proper receipts of the delivery thereof.

—+—
Three o'clock, P. M.

Resolved, That the pay-master-general, or his deputies, be directed to pay the aids-de-camp of the marquis de la Fayette, according to their rank, as the aids of other major-generals are paid.

The committee of commerce, to whom were referred the letters from gov. Johnson, of Maryland, and W. Buchanan, commissary-general of purchases, brought in a report; whereupon,

Resolved, That the commissary-general of purchases be directed to purchase in the states of Maryland and Virginia, upon the most reasonable terms, such a quantity of salt as he may think necessary for the immediate use of the army: and that the president write to the governor of Maryland, thanking him for the pains he has taken on this matter, and requesting him to assist the commissary-general in the business aforesaid.

The board of war, to whom the several dispatches from the northern-department were committed, brought in a report; whereupon,

Resolved, That an irruption be made into Canada, and that the board of war be authorized to take every necessary measure for the execution of the business, under such general-officers as Congress shall

appoint, and apply for such sums of money as may be thought by them proper and requisite for the expedition.

Ordered, That the appointment of the general-officers to conduct the irruption, be postponed till to-morrow.

A letter, of this day, from W. Palfrey, pay-master-general, and one from W. Buchanan, commissary-general of purchases, and a petition from Isaac Zane, Joseph Janney, Benjamin Wright, William Jackson, John Parrish and Joseph Wright, were read :

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

The members chosen, Mr. Ellery, Mr. Henry & Mr. Clark.

Adjourned to ten o'clock to-morrow.

FRIDAY, January 23, 1778.

A letter, of the 8th, from E. Hancock, deputy pay-master-general, with a monthly account enclosed ; one, of the 5th, from William Whipple, " wishing to be excused from attending the enquiry into the cause of the failure of the late expedition against Newport," and a petition from colonels Sheppard, Bailey, Tupper, &c. were read.

Resolved, That the resolution passed yesterday, directing the commissary-general to purchase salt in Maryland and Virginia, be reconsidered, and that the same, together with the letter from gov. Johnson, be referred to a committee of three ;

The members chosen, Mr. Forbes, Mr. Witherspoon, and Mr. J. B. Smith.

The auditor-general, in consequence of an adjustment by the commissioners of claims, reports,

That there is due to a detachment of N. Carolina continental troops, under the command of col. John Williams, and belonging to the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, & 9th regiments of that state, up to the 1st of Jan. as by particular muster and pay-rolls, 3959 dols. which is to be advanced to capt. Benjamin Williams, who is to be accountable for that sum :

Ordered, That the same be paid.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the commissioner of the continental loan-office in the state of N. Hampshire, for 50,000 dols. in favour of the president and council of the said state, which is to be accountable :

That 400 dols. be advanced to Robert Hide Saunders, lieut. in the Virginia state regiment, commanded by col. George Gibson, for the use of a party of the said regiment on their march to camp ; the said colonel Gibson to be accountable :

That 1000 dols. be advanced to the board of war, for public service ; the said board to be accountable.

Congress proceeded to the election of general-officers to conduct the irruption into Canada, and, the ballots being taken,

Major-general the marquis de la Fayette, major-general Conway, and brigadier Stark, were elected.

A petition from Lott Hall was read :

Ordered, That it be referred to the marine-committee.

The committee appointed to take into consideration the wants of the army, and the letter from the committee at camp, Dec. 10, 1777,

to gen. Washington, brought in a farther report, which was read : after debate,

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

The members chosen, Mr. James Smith, Mr. Ellery & Mr. Dyer.

Adjourned to ten o'clock to-morrow.

SATURDAY, January 24, 1778.

The committee to whom were referred the resolution of the 22d, respecting the purchase of salt in Maryland and Virginia, and the letter of the 19th from gov. Johnson, brought in a report ; whereupon,

Resolved, That a letter be written to gov. Johnson, thanking him for the pains he has taken as to the purchase of salt, and excepting the 1350 bushels mentioned in his letter, to be delivered to the order of the commissary-general, who has undertaken to proceed in the purchase of what more is immediately necessary, agreeably to the information given by the governor on that subject.

The board of war brought in a report ; whereupon,

Resolved, That it be earnestly recommended to the government of the state of N. York, forthwith to call out 400 militia of that state, under the command of an active and vigilant officer, to serve for the space of four months, under the command of the officer commanding in the northern-department ; the said militia, when raised, to repair to Albany.

The committee to whom was referred the report under debate yesterday, brought in their report, which was read : after debate,

Ordered, That it be re-committed.

The marine-committee, to whom were referred the letters of gen. Washington and brigadier Smallwood, respecting the capture of several vessels and goods by detachments of the main army, brought in a report ; whereupon,

Resolved, That the vessels and goods lately captured as aforesaid, ought to be libelled in the court of admiralty in that state where the capture was made ; but if no such court be erected in that state, then the prosecution should be in the court of such state as the captors may find convenient, the judge whereof, on condemnation, will order distribution to be made agreeably to the resolution of Congress ; and that six printed copies of the extracts of the journals of Congress relative to the capture and condemnation of prizes, &c. be transmitted to gen. Washington and brigadier Smallwood.

A letter, of the 22d, from Samuel & R. Purviance, was read :

Ordered, That it be referred to the board of treasury.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 300,000 dollars be advanced to W. Buchanan, commissary-general of purchases, for the use of his department ; he to be accountable :

That 27 $\frac{84}{100}$ dollars be paid to major John Clarke, for his expenses attending the board of treasury, by their order, and for two pair of shears purchased by him for the use of the auditors at head-quarters :

That a warrant issue on Thomas Harwood, Esq; commissioner of the continental loan-office for the state of Maryland, for 20,000 dollars, in favour of his excellency governor Johnson, for the purpose of

recruiting the continental army in that state; the said state to be accountable:

That a warrant issue on Joseph Borden, Esq; commissioner of the continental loan-office for the state of New-Jersey, for 10,000 dollars, in favour of his excellency the governor of the said state, to be paid out of the first money brought into the office, for the purpose of recruiting the continental battalions of the said state; for which the said state is to be accountable:

That 50,000 dollars be advanced to Benjamin Flower, commissary-general of military-stores, and paid to his deputy Cornelious Sweers, for the use of his department; the said commissary-general to be accountable.

A motion was made, that Congress sit but once a-day:

The previous question was moved, and after debate,

The determination thereof, at the request of a state, was postponed.

Adjourned to ten o'clock on Monday.

MONDAY, January 26, 1778.

The committee on the treasury brought in a report; whereupon,

Ordered, That 13,000 dollars be advanced to col. John Williams, to purchase 12 waggons, with horses, for the purpose of transporting a quantity of goods, purchased by the clothier-general in the state of North-Carolina; the said colonel Williams to be accountable:

That the following warrants issue in favour of Alexander Rose, for the payment of five bills, drawn by Samuel A. Otis, on James Mease, Esq; clothier-general; one, dated Dec. 19th, for 24,000 dols. in favour of John Tracey; one, dated Dec. 22d, in favour of Alexander Rose, for 40,000 dols. one, dated Dec. 22d, in favour of Alexander Rose, for 10,000 dols. one, dated Dec. 25th, in favour of Jonathan Jackson, for 23,333 $\frac{30}{90}$ dols. and one, in favour of Isaac Sears, for 13,333 $\frac{30}{90}$ dols. amounting, in the whole, to 110,666 $\frac{2}{3}$ dollars, being for the payment of clothing, purchased in the state of Massachusetts-Bay, by the said Otis, for the use of the army; the clothier-general to be accountable, viz.

One on the treasurer for 50,666 $\frac{60}{90}$ dollars; one on the commissioner of the continental loan-office in the state of South-Carolina, for 25,000 dollars; and one on the commissioner of the continental loan-office in the state of Virginia, for 35,000 dollars.

Ordered, That 180 dollars be advanced to colonel Kermovan, engineer, on his pay; for which he is to be accountable.

A letter, of the 24th, from Major-general Gates, president of the board of war; one of Dec. 20th, from John Langdon, Esq; at Portsmouth, directed to the marine-committee, with a bill of exchange enclosed; one, of the 15th of Dec. and one, of the 10th inst. from Jonathan Trumbull, jun. pay-master in the northern-department, were read;

Ordered, That the two last be referred to the board of treasury.

A letter, of this day, from W. Buchanan, commissary-gen. of purchases; one, of the 16th, from gov. Trumbull, by chevalier de Gracey; one, of the 5th, from gov. Cook; and one, of the 13th, from gov. Trumbull, were read:

Ordered, That they be referred to the board of treasury.

Resolved, That Congress highly approve the conduct of the governor and council of safety of Connecticut, in the appointment of Mr. Cham-

pion, and their other measures for providing public stores and provisions; and depend upon their constant attention to this important object.

A letter, of the 16th, from governor Trumbull, was read:

Ordered, That it be referred to the board of treasury.

A letter, of the 24th, from major Clark, was read:

Ordered to lie on the table.

Three o'clock, P. M.

A letter, of the 22d, from col. de la Balme, was read:

Ordered, That it be referred to the board of war.

A letter, of the 25th, from Dr. Rush, was read.

Resolved, That Mr. Witherpoon and Mr. Roberdeau be added to the committee on the commissary's department.

Congress took into consideration the letter from major-gen. Gates, president of the board of war; whereupon,

Ordered, That 10,000 dols. be advanced to the board of war, for contingent expenses; the said board to be accountable.

The committee appointed to enquire into the causes of the evacuation of Ticonderoga, &c. report, that they are not yet ready.

Adjourned to ten o'clock to-morrow.

TUESDAY, January 27, 1778.

On a representation from the committee appointed to enquire into the causes of the evacuation of Ticonderoga, &c.

Resolved, That Mr. James Smith be added to that committee.

A letter, of the 13th, from col. la Radiere, at Fish-Kill, was read:

Ordered, That it be referred to the board of war.

A letter, of the 31st of Dec. from Egbert Benson, Esq; was read, representing, that, for sundry reasons, he cannot attend the enquiry into the causes of the failure of the late intended expedition against R. Island.

A letter from Monf. la Neuville; one, of the 25d, from gen. Washington; and one, of the 26th, from major-general Conway, in recommendation of Monf. la Nouville, were read:

Ordered, That they lie until the committee, sent to Camp, shall return, and make report.

A letter, of the 26th, from gen. Gates, president of the board of war, was read:

Ordered, That it be referred to the board of treasury.

A letter from Dr. Shippen, director-general, and one from Dr. Brown, both directed to the medical-committee, were laid before Congress, and read:

Ordered, That the same, together with the letters some time since received from Dr. Shippen and Dr. Rush, and from gov. Livingston, relative to the hospital-department, be referred to a committee of five, and that the committee be instructed to send for Dr. Shippen and Dr. Rush, and to hear them, and to report specially:

The members chosen, Mr. Witherpoon, Mr. Penn, Mr. Lovell, Mr. Gerry and Mr. Roberdeau.

Three o'clock, P. M.

Resolved, That to-morrow be assigned for the appointment of a

general-officer to relieve major-general Spencer, in his command, at Rhode-Island and Providence Plantations.

The committee on the treasury, brought in a report ; whereupon,

Ordered, That a warrant issue on John Lawrence, Esq; commissioner of the continental loan-office in the state of Connecticut, in favour of his excellency the governor and council of safety of the said state, for 200,000 dols. to be by them appropriated for the purchase of provisions for the use of the continental army; the said governor and council to be accountable :

That 12,000 dollars be advanced to the marine-committee, to discharge a bill, dated the 20th of Dec. last, drawn by John Langdon, continental agent at Portsmouth, in New-Hampshire, on the said committee, in favour of Stephen Hooper, Esq; for that sum; the said committee to be accountable :

That 100,000 dols. be advanced to William Buchanan, commissary-general. of purchases, to be by him transmitted to Mr. Colt, for the purpose of purchasing provisions in the eastern-district, for the use of the army; the said commissary-general to be accountable :

That 2000 dols. be advanced to the delegates of Massachusetts-Bay, on their application, for which the said state is to be accountable :

That 500 dols. be paid to Mr. E. Dyer, delegate from the state of Connecticut, on his application; the said state to be accountable.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, January 28, 1778.

A letter from Jacob Rush was read, requesting leave to resign his office of deputy-secretary.

A letter, of the 26th, from the council of Pennsylvania, and one, of the 26th, from Mr. G. Morris, at camp, were read :

Ordered, That the two last be referred to the board of war.

A letter, of the 23d of Dec. from S. A. Otis, directed to James Mease, clothier-general, enclosing one of the 10th of Dec. from J. Trumbull, was read :

Ordered, That the same be referred to the board of treasury.

A letter, of the 12th, from Henry Hay, with a return of the cannon found at Ticonderoga, &c. and one from E. Allen, were read :

Ordered, That they be referred to the board of war.

The committee on the treasury brought in a report, which being read, on motion,

Ordered, That it be referred to the committee appointed to take into consideration the state of Georgia.

In pursuance of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to captain Benjamin Williams, acting as pay-master to the Virginia and N. Carolina troops in this town, by the appointment of the board of treasury, for the balance of pay due to a detachment of the 1st, 2d, 4th, 5th, 6th, 9th, 10th, 12th, 14th, 15th, and 16th regiments of Virginia troops; for an advance to a drill-serjeant, and for his services as pay-master from the 1st to the 27th inst. 80 dollars :

Ordered, That the said account be paid.

Resolved, That the resignation of J. Rush be accepted.

The committee to whom the petition from J. Zane and others was referred, reported verbally :

Ordered, That the consideration of this matter be postponed till to-morrow.

Adjourned to ten o'clock to-morrow.

THURSDAY, January 29, 1778.

A letter, of the 28th, from brigadier de Roche Fermoy, was read :

Ordered, That it be referred to the board of war.

In pursuance of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to brigadier Thompson, for fundry advances made on his credit by Mr. Freeman and Mr. Cord, merchants in Quebec, to fundry officers and wounded soldiers, who were there prisoners, the sum of 2343 $\frac{33}{90}$ dollars, which sum is to be accounted for as follows, viz. By col. Christopher Green, for himself and officers, 1340 $\frac{31}{90}$ dollars.

| | |
|---|---------------------|
| captain, now col. Daniel Morgan, | 421 $\frac{21}{90}$ |
| captain, now col. John Lamb, - - | 229 $\frac{12}{90}$ |
| lieutenant, now major Francis Nichols, | 64 $\frac{53}{90}$ |
| captain Moses M'Clane, - - | 34 $\frac{39}{90}$ |
| army, for advances to wounded soldiers, | 252 $\frac{46}{90}$ |
| add for fractions, - - - | $\frac{11}{90}$ |

Making in the whole, 2343 $\frac{33}{90}$

To brigadier Thompson, for his pay from the 1st of May to the 31st of Dec. 1777, and for his rations from the 1st of March to the 31st of July, 1164 dollars :

Ordered, That the said accounts be paid.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 1300 dollars be advanced to the delegates of New-York, on the application of Mr. Duer, one of the said delegates, for which sum the said state is to be accountable.

A memorial from lieutenant-colonel Thomas Dyer was read, representing his early and continued services in the army, and his loss of health, for the recovery of which he had obtained from the general, a furlough for six weeks, and praying, as his furlough is near expiring, and state of health is such as renders him utterly unable to bear the fatigues of the service, that he may, for that reason, have leave to resign his commission :

Ordered, That it be referred to the board of war.

Congress resumed the consideration of the petition of Isaac Zane, &c. whereupon,

Resolved, That the prisoners now at Winchester, in the state of Virginia, who have been apprehended by the government of Pennsylvania, in consequence of the resolutions of Congress of the 28th of August, 1777, be discharged from their confinement on their taking and subscribing either the oath or affirmation of allegiance as prescribed by the laws of Pennsylvania, or the following oath or affirmation, at the option of the persons confined, viz. " I, A. B. do swear or affirm, that I acknowledge myself a subject of the state of Pennsylvania, as a free and independent state, and that I will, in all things demean myself as a good and faithful subject ought to do."

Ordered, That the president write to the governor of Virginia, and inform him of this resolution.

Congress took into consideration the report of the committee appointed to devise effectual means to prevent persons disaffected to the interest of the United States from being employed in any of the important offices thereof, and after debate,

Ordered, That it be re-committed.

A motion being made for preventing abuses by officers in the civil-departments of the army,

Ordered, That it be referred to the foregoing committee.

Three o'clock, P. M.

A letter, of the 16th, from Messrs. Hewes & Smith, from Edenton, was read :

Ordered, That it be referred to the board of treasury.

A letter, of the 19th, from F. Hopkinson, one of the commissioners of the navy-board, concerning the conduct of captain Barry, was read ; whereupon,

It was moved, that captain Barry be not employed on the expedition assigned to his conduct by the marine-committee, with the approbation of Congress, until further orders of Congress :

Question put, the states were equally divided.

Adjourned to ten o'clock to-morrow.

FRIDAY, January 30, 1778.

Mr. Thomas M'Kean, a delegate from the state of Delaware, attended, and produced the credentials of his appointment, which were read as follows :

" In Council, Wednesday, P. M. December 17, 1777.

" Whereas, Cæsar Rodney, Nicholas Vandyke, and Thomas M'Kean, Esqrs; have been choosen by joint ballot of the two houses of assembly to represent Delaware state in the continental Congress : Resolved, That they, or any one or more of them, are hereby fully authorized and empowered for and in behalf of this state, to concert, agree to and execute any measure which they or he, together with a majority of the continental Congress, shall judge necessary for the defence, security, interest and welfare of this state in particular and America in general ; with power to adjourn to such times and places as shall appear most conducive to the public safety and advantage.

" Extract from the minutes,

" BENJAMIN VINING, Clerk of the Council.

" Sent up for concurrence.

" In the House of Assembly, eodem die.

" Read and concurred in,

SAMUEL WEST, Speaker.

" I do certify, that the foregoing is a true extract from the minutes of the council.

" BENJAMIN VINING, Clerk of the Council."

The committee of treasury brought in a report ; whereupon,

Ordered, That 20,000 dollars be advanced to Dr. Jonathan Potts, deputy director-general of the hospital in the northern-department, for the use of his district ; he to be accountable.

A letter, of the 30th, from Edward Stevens, was read, desiring leave to resign his commission :

Ordered, That it be referred to the board of war.

The board of war sent to Congress a letter, of the 26th, from gen. Washington to gen. Gates, president of the board, which was read :

Ordered, That it be returned to the board of war, and that the board be directed to enquire immediately into the number and rank of the commissioned and non-commissioned officers who have come out of Philadelphia with clothing for the prisoners taken from the enemy, and into the conduct of all the persons who compose the escort, whilst they have been on the route, and that they report specially to Congress the result of their enquiry.

Three o'clock, P. M.

A letter, of the 17th, from brigadier Hand, was read :

Ordered, That the consideration thereof be postponed.

A letter from Dr. Rush was read, requesting leave to resign :

Resolved, That his resignation be accepted.

A letter, of this day, from brigadier de Roche Fermoy, and one, from Mr. Kermovan, were read :

Ordered, That they be referred to the board of war.

An account of Archibald Steel was presented to Congress :

Ordered, That it be referred to the board of treasury.

The board of treasury brought in a report :

Ordered, That it be re-committed.

The board of war brought in a report :

Ordered, That the consideration thereof be postponed.

On motion, *Ordered*, That the quarter-master-general immediately prepare and render an account to Congress of all his public expenditures.

The committee to whom was referred the report of the committee appointed to consider the proposals contained in a letter to gen. Washington from the committee lately sent to camp, brought in a report, which was read ; after debate,

Ordered, That it be re-committed, and that Mr. McKean be added to the committee.

Adjourned to ten o'clock to-morrow.

SATURDAY, January 31, 1778.

A letter, of the 29th, from James Meafe, with one enclosed from Samuel Caldwell, was read :

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

The members chosen, Mr. Lee, Mr. Lovell and Mr. Duer.

A letter, of the 28th, from the committee at camp was read, representing the necessity of appointing, without delay, a quarter-master-general.

Congress resumed the consideration of the report from the board of war, respecting the quarter-master's department ; whereupon it was moved,

“ That an officer of rank, activity, and well acquainted by experience with the business of quarter-master-general, be immediately ap-

pointed to that office, and that he be empowered to arrange the department with the approbation and concurrence of the board of war :”

An amendment was moved, “ immediately to enter upon the execution thereof, under the present regulations, and that the quarter-master be directed, in concurrence with the board of war, to prepare a new arrangement for that department, to be laid before Congress for consideration :” after debate,

A motion was made, that the consideration of the subject be postponed till Monday :

| | | | |
|---------------------------|--------------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Frost, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | | } * |
| | Mr. Lovell, | no | } |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } ay |
| <i>New-York,</i> | Mr. Duer, | no | } * |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | } |
| | Mr. Glark, | ay | } divided. |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | no | } |
| | Mr. J. B. Smith, | ay | } |
| | Mr. Clingan, | ay | } divided. |
| | Mr. James Smith, | no | } |
| <i>Delaware,</i> | Mr. M ^c Kean, | no | } no |
| <i>Maryland,</i> | Mr. Henry, | no | } * |
| <i>Virginia,</i> | Mr. Lee, | no | } * |
| <i>North-Carolina,</i> | Mr. Penn, | no | } no |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| <i>Georgia,</i> | Mr. Wood, | no | } no |

So it passed in the affirmative.

The board of war brought in a report ; whereupon,
Resolved, That the resignation of colonel Stevens be accepted.

Resolved, That baron Holzendorf have leave to resign his commission of lieutenant-colonel, and have liberty to depart to France :

That brigadier de Roche Fermoy have leave to resign his commission in the service of these states, and to return to France :

That it be referred to the board of treasury to consider and report whether any, and what compensation shall be made to the two last gentlemen for their losses, and what sums shall be paid them to defray their expenses home.

The board of war made a report on Indian affairs, which was read :
Ordered, That it be referred to a committee of three ;

The members chosen, Mr. M^cKean, Mr. Ellery and Mr. Clark.

The committee of commerce laid before Congress an account received from captain Willing :

Ordered, That it be referred to the board of treasury.

Adjourned to ten o'clock on Monday.

— ❁ —
Monday, February 2, 1778.

A letter, of the 31st of January, from the board of war, was read :
Ordered, That it be referred to the board of treasury.

A letter, of this day, from general Gates, was read :

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

The members chosen, Mr. M^cKean, Mr. Forbes & Mr. James Smith.

Resolved, That Monf. des Epiniers, now a captain in the fervice of thefe ftates, be advanced to the rank of major, in confideration of the fervices rendered by his uncle, Monf. de Beaumarchais, and of his having ferved with reputation in the American army.

The committee on the treasury brought in a report ; whereupon, *Ordered*, That 125 dollars be paid to Jacob Ruff, for his falary as deputy-fecretary, from the 7th of November to the 28th of January, deducting one month that he was abfent, at 75 dollars per month.

In confequence of an adjustment by the commiffioners of claims, the auditor-general reports,

That there is due, on a pay-roll of a company of guards ftationed at Carlifle for the purpofe of guarding ftores, commanded by major James Armftrong Wilfon, commencing the 6th of Oct. 1777, and ending the 31ft of Jan. 1778, inclusive, the fum of 1149 $\frac{30}{100}$ dollars :

To a detachment of continental troops belonging to brigadier Wayne's divifion, ftationed at Carlifle, under the command of major Wilfon, for guarding ftores, &c. from the 8th of Dec. 1777, to the 31ft of Jan. 1778, inclusive, 135 dollars, both which fums, amounting to 1284 $\frac{30}{100}$ dollars, fhould be paid to major Wilfon :

Ordered, That the faid fums be paid.

—♦—
Three o'clock, P. M.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant iflue on Jofeph Clark, Efq; commiffioner of the continental loan-office in the ftate of Rhode-Ifland, for 60,000 dollars, in favour of James Meafe, clothier-general, to be by him tranfmitted to Samuel A. Otis, for the payment for clothing purchafed for the ufe of the army :

That a warrant iflue on Nathaniel Appleton, Efq; commiffioner of the continental loan-office in the ftate of Maffachufetts-Bay, in favour of James Meafe, clothier-general, for 100,000 dollars, to be tranfmitted by him to his deputy, S. A. Otis, for the payment for clothing purchafed for the ufe of the army ; for which two fums the clothier-general is to be accountable.

Ordered, That the warrant on the treafurer in favour of the board of war, for 200,000 dollars, in purfuanee of the order of the 22d of Jan. be returned and cancelled, and in lieu thereof, that a warrant iflue on Jofeph Clark, Efq; commiffioner of the loan-office in the ftate of R. Ifland, for 100,000 dollars, in favour of Ebenezer Hancock, deputy pay-master-general in the eastern-department ; and that 100,000 dollars be paid to the board of war, to be by them tranfmitted to the faid deputy pay-master-general, who is to be accountable.

That 200,000 dollars be paid to the board of war, to be by them tranfmitted to Jonathan Trumbull, jun. pay-master in the northern-department, which fum the treafurer is directed to have in readinefs on Monday next ; the faid pay-master to be accountable.

A letter from the prefident of the board of war, was read :

Ordered, That it be referred to the board of treasury.

A letter from Mr. la Neuville, and one from Charles Frederick Bedaulx, were read :

Ordered, That the fame, together with the letters from Mr. la Neuville, read on Thursday laft, be referred to the board of war.

A letter, of January 20th, from gov. Henry, of Virginia, was read.

The committee to whom was referred the letter from the commissioners for Indian affairs in the northern-department, together with the papers enclosed, and the opinion of the board of war thereon, brought in a report ; whereupon,

Resolved, That the commissioners be instructed to speak to the Indians at the intended treaty at Johnston, in language becoming the representatives of free, sovereign and independent states, and in such a tone as will convince them that we feel ourselves to be so ; but whether it will be prudent to insist upon the Indians taking an active part in behalf of these states, must depend upon the temper they shall appear to be in ; that this particular, therefore, be submitted to the discretion of the commissioners.

Resolved, That an addition of one commissioner be made, and it is expected by Congress that general Schuyler will attend the treaty.

Resolved, That gov. Clinton, of New-York, be empowered and requested to appoint a suitable person to be the commissioner of Indian affairs in the northern-department, and to direct him to attend the treaty above-mentioned.

Resolved, That the commissioners speak and act in such manner as they shall think most likely to obtain the friendship or at least the neutrality of the Indians, and that Congress will support the commissioners in any measures they shall conceive best calculated to answer these ends :

That the commissioners be authorized to purchase 5 or 600 blankets, or to order that number to be sent to Johnston, from any of the public stores to the eastward, if to be had there, to be given as presents to the Indians :

That the commissioners be informed, that the hard money in the military-chest at Albany, is already appropriated.

A letter, of the 31st of January, from general Washington, was read, and also a memorial from colonel Forman, requesting a company to guard his salt-works, on condition of furnishing for the use of the army, at a reasonable price, the salt made at the said works :

Ordered, That the consideration thereof be postponed till to-morrow.

Adjourned to ten o'clock to-morrow.

TUESDAY, February 3, 1778.

A letter of Joseph Simons, at Lancaster, to Mr. Elling, at Yorktown, was laid before Congress, and read ;

Ordered, That it be referred to the board of war.

A letter, of the 24th of January, from colonel Mason, was read :

Ordered, That it be referred to the board of treasury.

The committee of commerce brought in a report ; whereupon,

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 attorneys in each state for recovering all commercial debts due to the United States of America, and for claiming the continental share of all prizes libelled in the court of admiralty of the state where they may 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.

The committee on the treasury brought in a report ; whereupon,
Ordered, That 400 dollars be advanced to lieutenant-col. du Pleſſis, on the application of the marquis de la Fayette, who is to be accountable :

That 700 dollars be paid to lieutenant-colonel du Pleſſis, for pay due to lieutenant-colonel Gimat, as a major from the first of December, 1776, to January, 1778, inclusive, being 14 months ; the said lieutenant-colonel Gimat to be accountable :

That 260 dollars be paid to Robert Patton, for his wages as messenger to Congress, and for his extraordinary services and expenses from the 12th of September, 1777, to the 21st of January last :

That 200,000 dols. be advanced to the board of war, for the purpose of forming a magazine of 30,000 barrels of flour for the use of the army, agreeably to the orders of Congress ; the said board to be accountable.

Resolved, That two commissioners of accounts be forthwith appointed for the northern-district, in the room of Mr. Carter and Mr. Millegan, the first of whom has resigned, and the latter is appointed a commissioner of claims :

That one other be appointed to act with the commissioners of accounts at Hartford, in the room of William Denning, Esq ; who has declined that business.

— — — — —
Three o'clock, P. M.

The committee of commerce having recommended Abraham Livingston, Nathaniel Ruffel and Josiah Smith, jun. as suitable persons to be appointed attorneys for recovering all commercial debts due to the United States of America, and for claiming the continental share of all prizes libelled in the admiralty-court in the state of South-Carolina, the said Nathaniel Ruffel and Josiah Smith, or either of them, to act in case of the absence or death of the said Abraham Livingston :

Resolved, That the persons above-mentioned be approved, and that the president be directed to execute a letter of attorney to them accordingly.

Congress proceeded to the election of commissioners of accounts, and, the ballots being taken,

Joseph Henderson and Eleazer Wales, Esqrs ; were elected commissioners for the northern-district, in the room of Mr. Carter and Mr. Millegan ; and Moses Emmerſon, Esq ; was elected commissioner of accounts at Hartford, in the room of Mr. William Denning.

Congress took into consideration the report of the committee appointed to devise effectual means to prevent persons disaffected to the interest of the United States from being employed in any of the important offices thereof ; whereupon,

Resolved, That every officer who holds or shall hereafter hold a commission or office from Congress, shall take and subscribe the following oath or affirmation :

“ I, do acknowledge the United States of America 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 (or affirm) 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, with fidelity, according to the best of my skill and understanding. So help me God."

On the question, the yeas and nays being required,

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Frost, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } |
| | Mr. Lovell, | ay | |
| | | | * |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } ay |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } |
| | Mr. Clark, | ay | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } |
| | Mr. Clingan, | ay | |
| | Mr. J. B. Smith, | ay | |
| <i>Delaware,</i> | Mr. McKean, | ay | } ay |
| <i>Maryland,</i> | Mr. Forbes, | no | } |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. F. L. Lee, | | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| <i>Georgia,</i> | Mr. Langworthy, | ay | } |
| | Mr. Wood, | ay | |

So it was resolved in the affirmative.

Congress proceeded in the report ; whereupon,

Resolved, That all officers in the army shall take and subscribe the foregoing oath or affirmation before the commander in chief, or any major-general or brigadier-general :

That all officers of the navy shall take and subscribe the same before one of the commissioners of the navy-boards, or before a judge or justice of the peace of the state wherein they respectively reside, or shall receive their commissions or warrants :

That all persons, holding any civil office of trust, or profit, under the Congress of these United States, shall take and subscribe the said oath, or affirmation, before a judge, or justice of the peace of the state wherein they respectively reside :

That every officer, having the disposal of public money, or who is, or shall be entrusted with the charge or distribution of public stores, shall, at the time of taking and subscribing the foregoing oath, or affirmation, also take an oath, or affirmation of office in the following words, viz.

" I, do swear (or affirm) that I will faithfully, truly and impartially execute the office of to which I am appointed, and render a true account, when thereunto required, of all public monies by me received or expended, and of all stores or other effects to me entrusted, which belong to the United States; and will, in all respects, discharge the trust reposed in me with justice and integrity, to the best of my skill and understanding :"

That every officer taking the foregoing oaths, or affirmations, or either of them, shall obtain, from the person administering the same, duplicate certificates, specifying the time of his taking it, or them, and also his name and rank, or employment :

That every military-officer shall deliver or transmit one of the certificates so obtained to the commander in chief, or the commander of a department, or to such person as by general-orders shall be appointed to receive the same ; and the said commanding-officers shall cause the certificates so received to be sent to the secretary of Congress, and shall keep an exact list of the names of all officers whose certificates shall be received and forwarded, together with their several ranks and the times of their being qualified :

That every officer in the navy shall deliver or send one of the certificates, by him obtained, to the navy-board most convenient, who are required to transmit the same, and also a certificate of their own qualifications to the marine-committee, as soon as conveniently may be :

That every other person employed in any civil-department or office, as above-mentioned, shall send or deliver one of the certificates, by him obtained, to the secretary of the state to which he belongs, or to such other person or persons as the governor or president of such state shall direct ; and the governors or presidents of the several states are hereby requested to attend to this matter, and to cause the certificates, when received, to be transmitted to the secretary of Congress :

That each deponent or affirmant shall retain and keep the other certificate by him obtained, as a voucher of his having complied with what is hereby enjoined him.

Resolved, That every officer, civil or military, now in office, shall take and subscribe the qualification above-directed, within twenty days after notice hereof ; and every person hereafter appointed to any office, by or under the authority of the Congress of the United States of America, shall take and subscribe the same previous to his acting in such office ; and every officer, who shall continue, or presume to exercise any commission, civil or military, under the authority of the Congress of the United States of America, without taking the qualification in time and manner above-directed, shall be cashiered, and forfeit two months' pay to the use of the United States of America, and be rendered incapable of serving in the army of the said states, and of executing thereafter any office under Congress.

And, whereas, many persons employed as deputy, or assistant commissaries or quarter-masters, or in other civil-departments, are dispersed in various parts of the continent, over whom neither Congress nor the head of their respective departments can have the immediate inspection :

Resolved, That it be recommended to the legislative and executive authority of every state, to take effectual measures for preventing any person, within their states, from exercising any office in the civil-department of the army, or in any other civil-department, under Congress, who shall not, when thereunto required by any magistrate, produce a legal appointment to such office, and a certificate of his having taken the foregoing oaths or affirmations, or who shall neglect or refuse to take and subscribe the said oaths or affirmations within the time above-limited.

Resolved, That the resolutions passed the 21st day of Oct. 1776, prescribing the form of an oath or affirmation, and directing the same to be subscribed by officers holding commissions or offices from Congress, be, and they are hereby, repealed.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, February 4, 1778.

A report from the board of war being laid before Congress, the same was taken into consideration; whereupon,

Resolved, That the first paragraph relative to empowering the board of war and ordnance to contract for the casting of brass cannon, &c. be referred to a committee of four;

The members chosen, Mr. Gerry, Mr. Dyer, Mr. Lovell & Mr. Ellery:

It was then moved, "That Messrs. Goy, Pierre, Boichard, Parrison and Niverd, together with ten artillery serjeants and ten serjeants of artificers, being of the corps that came over with Monsf. du Coudray, be retained in the service of the United States:"

Question put,

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Frost, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | |
| | Mr. Lovell, | ay | } * |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } ay |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | |
| | Mr. Clark, | no | } divided. |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | |
| | Mr. J. B. Smith, | ay | } ay |
| | Mr. Clingan, | ay | |
| | Mr. James Smith, | ay | } ay |
| <i>Delaware,</i> | Mr. McKean, | ay | |
| <i>Maryland,</i> | Mr. Forbes, | ay | } divided. |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | } * |
| <i>North-Carolina,</i> | Mr. Penn, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| <i>Georgia,</i> | Mr. Langworthy, | ay | |
| | Mr. Wood, | ay | } ay |

So it was resolved in the affirmative,

Resolved, That Monsf. Goy, Monsf. Pierre, Monsf. Boichard, Monsf. Parrison, and Monsf. Niverd, be appointed captains of artillery, and receive the common appointments of that command while in America:

That the serjeants be appointed second-lieutenants of artillery with the common appointment of that command while in America.

Resolved, That capt. Isaac Corren receive monthly, 25 dollars additional pay, besides his present appointments, in consideration of his teaching the laboratory art to such officers of artillery as shall be sent to him for that purpose.

Ordered, That 2000 dollars be advanced to capt. Isaac Corren, to pay his company of laboratory artillery-men, and to recruit the said company to 100 men, agreeably to the directions of gen. Washington; he to account for the expenditure to col. Benjamin Flower, who is to be charged with the same.

Resolved, That Mr. Penn be added to the committee on the state of Georgia.

A letter, of the 28th of January, from Mr. M. Clarkfon, was read, fignifying his acceptance, of the office of auditor, to which Congress have been pleased to appoint him.

A letter, of the 20th of Jan. from gen. Sullivan; a letter, of the 12th of Jan. from A. Cary, fpeaker of the fenate, and George Wythe, fpeaker of the houfe of delegates, of Virginia, and one of the 29th, from the committee of Congress, at the camp, were read.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant iflue on the commissioner of the continental loan-office for the state of N. Carolina, for 20,000 dollars, in favour of the committee of commerce, to be by them tranfmitted to Messrs. Hewes & Smith, for public fervice; the faid committee to be accountable.

Ordered, That a warrant iflue on Nathaniel Appleton, Efq; commissioner of the continental loan-office in the state of Maffachufetts-Bay, for 3000 dollars, in favour of the committee of commerce, to be by them tranfmitted to James Warren, Efq; for public fervice; the faid committee to be accountable.

Ordered, That a warrant iflue on the treasurer in favour of William Buchanan, Efq; commiffary-general, for 312,000 dollars, of which 200,000 dollars are to be tranfmitted to William Aylett, Efq; deputy commiffary-general of purchafes for the fouthern-diftict, and the refidue, viz. 112,000 dollars, for the ufe of the middle-department; for which the faid commiffary-general is to be accountable.

Ordered, That a fet of bills of exchange be drawn by the prefident on the commissioners in France, for 600 livres tournois, in favour of lieut. Fouquet, one of the officers of the late Monf. du Coudray's corps, it being for his gratification allowed by Mr. Deane, and not included in the fettlement with Mr. le Brun, on the 13th of Nov. laft; and that the two fets of bills, drawn on the commissioners aforefaid, bearing date the 14th of Nov. laft, one in favour of capt. Fouquet, for 573 livres, and the other, in favour of lieut. Fouquet, for 287 livres tournois, be delivered to them, and be in full of their pay to the faid 14th of Nov. laft.

Adjourned to ten o'clock to-morrow.

THURSDAY, February 5, 1778.

Resolved, That the committee on foreign applications be directed to examine into the circumftances of the French officers who have been detained in this town, under a promife of having their expenfes borne until employed, or until they can have a pofitive answer that they cannot be taken into the fervice, and that the committee report what fums fhould be paid them.

Ordered. That the board of treasury take into confideration the fervices of Charles Thomfon, Efq; in executing the office of fecretary of Congress fince the 10th day of May, 1776, the time he was laft paid up to, and report an adequate allowance.

A letter, of the 3d, from the council of Pennsylvania, to the delegates of that ftate, in Congress, was laid before Congress, and read.

The committee, to whom was referred the proposal of the board of war, respecting founderies, brought in a report ; whereupon,

Resolved, That the board of war and ordnance be directed to lay before Congress an estimate of the expense of erecting and carrying on a foundery for brass ordnance, the number of persons necessary to conduct the business, and the proper salaries for each.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant be drawn on the treasurer in favour of Mr. Anthony Butler, agent to quarter-master-general Mifflin, for 12,000 dollars, for the use of three brigades of waggons about to be dispatched to North-Carolina for clothing ; for which the said quarter-master-general is to be accountable.

Ordered, That there be advanced to col. Donald Campbell, 533³⁰/₁₀₀ dollars, for which he is to be accountable, and that a warrant issue on the treasurer for the said sum.

Resolved, That the pay of commissioners of accounts in the several departments be augmented to five dollars a-day.

Resolved, That the captain or commanding-officer of each company in the 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 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.

Resolved, That the treasurer be directed to send to William Palfrey, Esq; the money ordered on the 14th of Jan. last, under such escort as the board of war shall furnish, the commanding-officer of the escort to give his receipt for the same to the treasurer, which receipt shall be cancelled, by lodging with the treasurer, in lieu thereof, the receipt of the pay-master-general.

The committee appointed on the 27th day of Aug. 1777, to collect evidence of the state of the army in the northern-department, and also of the state of the troops, military-stores and provisions at the posts of Ticonderoga and Mount-Independence, before, and at the time when the evacuation was determined on, report,

“That they have made the fullest enquiry in their power into the several articles enumerated in the resolve of Congress of the date above-mentioned, and have collected a variety of evidence, which they are ready to transmit to general Washington ;” whereupon,

Resolved, That the committee be directed to transmit the evidence by them collected to gen. Washington, and that he be authorized and directed to appoint a court-martial for the trial of the general-officers who were in the northern-department when Ticonderoga and Mount-Independence were evacuated, agreeably to the rules and articles of war :

That two counsellors, learned in the law, be appointed to assist and co-operate with the judge-advocate in conducting the trial.

Congress proceeded to the election of two counsellors, and the gentlemen following were elected, viz.

Jonathan D. Sergeant, Esq; attorney-general for the state of Pennsylvania; William Patterfon, Esq; attorney-general for the state of New-Jersey.

Resolved, That the commander in chief be directed to transmit to Congress, the proceedings of all general courts-martial held on the trial of general officers.

Congress took into consideration the letter of the 3d, from the council of Pennsylvania to their delegates in Congress; whereupon,

Resolved, That a committee of three be appointed to take into consideration the said letter; that the board of war be directed to lay before the said committee the whole of their proceedings in consequence of the resolution of Congress of the 15th of Jan. last, for the laying up magazines of flour for the use of the army; and that the said committee report, as soon as may be, what measures should be taken for that purpose:

The members chosen, Mr. M^cKean, Mr. Henry and Mr. Ellery.

A letter, of the 3d, from general Washington, was read.

Congress took into consideration the report of the board of war of the 28th of January; whereupon,

Resolved, That the following plan be adopted for carrying into immediate execution the important business of the quarter-master-general:

1st. The military-line, to be filed the quarter-master-general's, which is to include the regulating of marches, encampments, order of battle, &c. &c. as described in the books of the profession:

This officer not to have the disposal of public money, except small occasional sums for defraying petty expenses in the army.

2d. The commissary of forage, who is to be confined to that article in his purchases.

3d. The commissary for horses and waggons.

4th. The agent for the purchase of tents, entrenching-tools, building of barracks, and for all the smaller supplies of the department.

The three last to be governed in their purchases by the estimates and orders of the quarter-master-general or the board of war.

Ordered, That the board of war prepare suitable regulations for the quarter-master-general's department, agreeable to the foregoing plan.

The board of war having returned the memorial of lieutenant-colonel Dyer, with their opinion thereon, Congress took the same into consideration; and, thereupon,

Resolved, That gen. Washington be directed to extend lieutenant-colonel Dyer's furlough to the first of April; and if, at that time, he shall not have recovered his health, so as to be able to take the field, that his resignation be then accepted.

A letter, of January the 13th, from major-general Heath, at Boston, with sundry papers enclosed, was read:

Ordered, That the same be referred to the board of war.

Adjourned to ten o'clock to-morrow.

FRIDAY, February 6, 1778.

Resolved, That a committee of three be appointed as a committee of intelligence, with power to extract and publish such parts of letters and intelligence referred to them as they shall judge proper:

The members chosen, Mr. J. B. Smith, Mr. Lovell and Mr. Henry.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the delegates of the Delaware state, for 10,000 dollars, to be transmitted to the hon. George Read, Esq; vice-president of the said state, for the purpose of recruiting the Delaware battalion ; the said state to be accountable.

Ordered, That a warrant issue on the treasurer for 100,000 dollars, in favour of William PalFREY, Esq; pay-master-general, to be transmitted to him by the treasurer for the use of the army, and that the treasurer take a receipt for the money from the officer who is to convey the same, and that the officer bring back a receipt from the pay-master-general, to be lodged with the treasurer ; the pay-master-general to be accountable.

Congress took into consideration the report of the committee to whom were referred the letters from Dr. Shippen, Dr. Rush, and others ; and thereupon came to the following resolutions :

For the better regulating the hospitals of the United States,

Resolved, That there be a deputy director-general for the hospitals between Hudson's and Potowmack rivers ; and that the superintending care of the director-general be extended equally over the hospitals in every district, and that he be excused from the duty of providing supplies, when the deputy director-general shall be ready to enter upon the office :

That the several officers of the hospitals shall cease to exercise such of their former powers as are herein assigned to other officers thereof :

That in the absence of the director-general from any district, the physician-general and surgeon-general shall hereafter determine the number of hospitals to be provided by the deputy director-general for the sick and wounded, and shall superintend and controul the affairs of such hospitals :

That the director-general shall consult with the physician-general and surgeon-general in each district, about the supplies necessary for the hospitals, and shall give orders in writing to the deputy director-general thereof to provide the same ; and, in the absence of the director-general, the physician-general and surgeon-general shall issue such orders ;

That each deputy director-general shall appoint one or more of the assistant-deputy-directors under him to the sole business of providing beds, furniture, utensils, hospital-clothing, and such like articles ; and shall appoint one or more to provide medicines, instruments, dressings, herbs, and necessaries of a similar kind :

That the director-general shall frequently visit the hospitals in each district, and see that the regulations are carried into effect ; shall examine into the number and qualifications of the hospital-officers, report to Congress any abuses that may have taken place, and discharge the supernumerary officers, if there be any, that all unnecessary expense may be saved to the public : and when the director-general is in any particular district, the physician-general and surgeon-general in that district shall not appoint any officers without his consent :

That, on the settlement of hospital-accounts, the officers entrusted with public money shall produce vouchers to prove the expenditure,

and receipts from the proper officers of the hospitals, specifying the delivery of the stores and other articles purchased; and the apothecaries, mates, stewards, matrons and other officers, receiving such stores and other articles, shall be accountable for the same, and shall produce vouchers for the delivery thereof from such officers, and according to such forms as the physicians-general and surgeons-general have directed, or shall, from time to time, direct; which forms and directions the physicians and surgeons-general shall report to the board of treasury:

That the director-general, or, in his absence from the district, the physician-general and surgeon-general, shall appoint a ward-master for each hospital, to receive the arms, accoutrements and clothing of each soldier admitted therein, keeping entries of, and giving receipts for such articles, which, on the recovery of the soldier, shall be returned to him, or, in case of his death, the arms and accoutrements shall be delivered to the commissary or deputy-commissary of military-stores, and receipts be taken for the same; and the ward-master shall receive and be accountable for the hospital clothing; and perform such other services as the physician-general or surgeon-general shall direct:

That the physician-general and surgeon-general shall hereafter make no returns to the deputy directors-general, but the returns shall be made by the said officers respectively to the director-general, who shall carefully transmit copies of each with his monthly return to Congress, and suspend such of the officers aforesaid as neglect this or any other part of their duty, and shall report their names to Congress:

That the director and deputy directors-general forthwith prepare their accounts, and adjust them with the commissioners of claims:

That four dollars a-day, and the former allowance of rations, be hereafter allowed to each assistant deputy-director and the commissary of the hospitals in each district; and one dollar a-day, and two rations, to each ward-master:

Resolved, That Dr. Potts be called from the northern-district, and appointed to act as deputy director-general in the middle-district.

Resolved, That the eldest assistant deputy-director in the northern-district shall execute the office of deputy director-general in the said district, until the further orders of Congress:

That the salaries of the hospital-officers, and debts contracted for the hospitals of the middle-district to the time of Dr. Potts's entering upon the office of deputy director-general therein, shall be adjusted and paid by the director-general, who shall deliver all the public stores in his possession to the deputy director-general or his order, taking duplicate receipts for the same, and transmitting one of each to the board of treasury; and the same rule shall be observed by Dr. Potts with respect to the salaries and debts of the hospital of the northern-district, and the public stores thereof, which are to be delivered to his successor in office in that district.

Congress proceeded to the election of a physician-general in the middle-district, in the room of Dr. Rush, and the ballots being taken, Dr. William Brown was elected.

The committee to whom was referred the report of the committee appointed to consider the proposals contained in a letter to gen. Washington from the committee sent to camp, brought in a report; whereupon Congress came to the following resolutions:

Whereas, it has been found by experience, that the mode, adopted by a resolution of Congress of the 29th of April, 1777, for calling to account such officers as have been entrusted with public money, for recruiting continental battalions, has not had the desired effect; and it is essential to the liberties of the United States that due attention should be paid to the expenditure of their public monies, to enable them to support the war, and avoid that system of corruption and tyranny which prevails in the government of their unnatural enemies:

Resolved, That the resolution aforesaid, excepting that part thereof that empowers the commissioners of claims and accounts to administer oaths and affirmations, be repealed.

That a suitable number of auditors of accounts be appointed by Congress for the armies of the United States:

That it shall be the duty of each auditor to reside in the army to which he is appointed, and not to be absent without the leave of the commanding-officer; to call to account all regimental-officers for public money, which they shall have received and have not accounted for; to receive, from time to time, the pay-rolls and abstracts of the army from the pay-master or deputy pay-master-general, who shall previously examine and certify thereon the sums that are due; to settle all other accounts of the army, excepting those in the departments of the quarter-master, pay-master, director, chothier, or barrack-master-general, and of the commissaries-general of provisions, prisoners and military-stores; to certify the sums that may appear to be due on any accounts, and to present such accounts and abstracts to the commanding-officer, who shall thereupon, unless he has good reason to the contrary, issue proper warrants on the pay-master or deputy pay-master-general in discharge thereof:

That it be recommended to the legislatures of the respective states, forthwith to transmit to the board of treasury, duplicate accounts of all monies heretofore advanced by them for the United States, to regimental pay-masters, or other officers of the army: that the board of treasury be directed to order a record to be kept of such accounts, charging the proper officers therewith; and that each state sustain the loss which may arise from the detention of its accounts aforesaid, after the first day of July next:

That the auditor-general, commissioners of accounts, pay-master and deputy pay-masters-general, and such other continental officers as may have monies charged in their offices to persons who are to account with the respective auditors, be directed to send, on or before the first day of May next, and afterwards quarterly, to the respective auditors of the army, duplicate accounts of such charges, and to furnish them with the necessary papers and information, when required, for executing their office: and the said auditors are severally directed to observe the same rule with respect to each other, and also once a quarter to transmit, to each of the officers aforesaid, duplicate lists of the regiments, whose accounts they are to audit, and to the board of treasury, a list of accounts received from the several officers aforesaid, together with the names of such of the said officers as shall have neglected to comply with this resolve, in order that the board may have the proper

informations, to the end that such speedy and effectual measures may be taken therein as may be just and necessary :

That the auditors shall keep fair and regular books constantly posted, and shall charge therein all accounts referred to them for settlement by the preceding article, and all warrants drawn in favour of persons who are accountable to them for the same : they shall also keep a fair record of all accounts disallowed by them, and of such as are allowed, but not stated in the said books, in order to which, and that the pay-rolls, abstracts and accounts settled by the auditors may be filed in their respective offices, no warrant whatever shall be paid by the pay-master or deputy pay-master-general, until the respective auditor shall have certified thereon that it has passed his inspection, and that the accounts and vouchers thereto belonging are lodged in his office :

That each recruiting-officer shall produce certificates from the muster-master or deputy muster-master-general, specifying the number of non-commissioned officers and soldiers, and if officers of the light-horse, the number of horses, arms and equipage belonging to their respective regiments, companies or troops, together with such vouchers as shall be necessary to prove the sums expended for these articles, the subsistence of the troops before their joining the army, the loss of money by death, desertions of non-commissioned officers or soldiers before muster, or other necessary expenses, agreeably to the resolves of Congress in such case provided :

That if any officer shall not, within one month after application for that purpose, render his account to the proper auditor, or shall be guilty of withholding or embezzling the public money, such auditor shall make report thereof to the commanding-officer of the army, who shall order a court-martial on such officer, in order that he may be dealt with according to the rules and articles of war in that case provided :

That each regimental pay-master or other officer of the army shall, upon settlement of his account, refund all sums of money, which he has drawn for, but not paid to prisoners, deserters, and men who have died in the service ; and the auditor shall keep an alphabetical record of the names of such prisoners, deserters and dead men, together with the sums received on account of each ; and upon application of any prisoner or his agent, or the widow, administrator or executor of any such dead man, or of any officer in the same regiment, in whose debt such deceased person may have died, and whose account is properly attested, the said auditor is empowered to report to the commanding-officer an allowance not exceeding the sums received on account of such prisoner or dead man ; and the commissary and deputy commissary-general of prisoners are directed to make out a list of the said officers and soldiers who are prisoners with the enemy, when required by the respective auditors :

That whenever it shall appear to any of the said auditors, upon the settlement of an account in their office, that a balance is due to the United States, or to prisoners, deserters, or on account of men who have died in the service, the sum being ascertained shall be paid by the person who owes it to the pay-master or deputy pay-master-general, who shall give a receipt for the same on the said account, and two other receipts of the same tenor and date, to be lodged with the auditor ; and upon the delivery thereof, such auditor shall discharge the said ac-

count and recording the receipts, shall transmit one of them to the board of treasury, that the money may be charged to the officer receiving it :

That the auditors be empowered to administer oaths or affirmations to persons examined by them in the execution of their office :

That all officers of the United States be, and they are hereby required to give protection and countenance to the auditors aforesaid in the discharge of their duty :

That the quarter-master-general and his deputies be respectively directed to provide the auditors in each army with a convenient house near head-quarters, and that no other officers be quartered therein :

That, for the preservation of the public papers, the quarter-master-general or his deputies shall provide for the auditors in each army a good covered waggon, with horses under their direction, and the said auditors shall also be provided with suitable guards for the same purpose :

That each auditor be allowed four dollars and three rations per day, during the continuance of his office, and forage for one horse :

That Matthew Clarkson and major John Clark be appointed auditors for the army under the command of gen. Washington ; and that they be authorized to appoint two clerks, and allow each of them 50 dols. a-month and two rations a-day.

Resolved, That the remainder of the report be postponed.

Adjourned to ten o'clock to-morrow.

SATURDAY, February 7, 1778.

The committee appointed to examine into the circumstances of the French officers who have been detained under a promise of having their expenses borne until employed, or until they can have a positive answer that they cannot be taken into the service, report, " that baron Frey has incurred an expense of 346⁶⁰/₉₀ dollars, and Mr. Crenis of 416 dollars in consequence of such promise, and ought to be paid those sums severally by warrants on the continental treasurer : "

Ordered, That the said sums be paid.

Resolved, That the committee at camp, be directed to consult with gen. Washington and report to Congress proper persons for filling the offices in the several departments of the quarter-master-general.

A letter, of the 29th of January, from col. David Mason, and a letter of the 27th of January, from gov. Henry of Virginia, to the delegates of that state, were laid before Congress, and read :

Ordered, That the former be referred to the board of treasury, and the latter to the board of war.

Adjourned to ten o'clock on Monday.

MONDAY, February 9, 1778.

Mr. Nathaniel Scudder, a delegate from N. Jersey, attended, and took his seat in Congress.

A letter, of this day, from John de Kermovan, colonel, was read, desiring to be promoted to the rank of brigadier, and intimating his desire to quit the service, if his request is not granted ; whereupon,

Resolved, That Congress do not think it consistent with the good of the service to promote col. Kermovan to the rank of brigadier, and that the committee on foreign applications inform col. Kermovan that Congress have no farther occasion for his service.

A letter, of January the 11th, from major-general Arnold, at Albany, with sundry papers enclosed, was read :

Ordered, That the same be referred to the board of war.

A letter, of January the 15th, from H. Marchant, at South-Kingston, state of Rhode-Island, was read :

Ordered, That it be referred to the board of treasury.

A letter, of January the 26th, from gov. Livingston, of New-Jersey, dated at Morris-town, was read.

The committee of commerce laid before Congress sundry letters, which were read and returned to the said committee ; whereupon,

Resolved, That the committee of commerce be empowered and directed to write to the commissioners at the court of France, desiring them to appoint one or more suitable persons to be commercial agents for conducting the commercial business of the United States in France and other parts of Europe.

Resolved, That it be recommended to the supreme executive powers of every state, to give attention to the conduct and behaviour of all 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 misbehaviour 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.

Resolved, That it be recommended to the legislatures of the several states, to enact laws for the most speedy and effectual recovery of debts due to the United States of America.

Resolved, That the president write to Mr. J. Wadsworth, and request him to attend Congress on matters of consequence :

That the board of war be directed forthwith to enquire into the causes of the deficiencies in the department of the commissary of purchases, and report to Congress.

Adjourned to ten o'clock to-morrow.

TUESDAY, February 10, 1778.

Resolved, That the board of war be directed to enquire into the conduct of all strangers of suspicious characters, or whose business is not well known and approved, who may come to the place where Congress sits, and to take care that the public receive no damage by such persons.

A report from the board of war, on the department of the commissary-general of military-stores, was laid before Congress, and after some time spent thereon,

Adjourned to three o'clock.

Three o'clock, P. M.

Congress proceeded to consider farther the report of the board of war, on the department of the commissary-general of military-stores ; but, not having time to go through the same,

Resolved, That the consideration thereof be postponed till to-morrow.

Resolved, That another chaplain be chosen for the hospital in the middle-department : the ballots being taken,

The Rev. James Sprout was elected.

The delegates from N. Carolina laid before Congress a resolution of the general assembly of that state, recommending col. Jethro Sumner and col. Thomas Clark, of the N. Carolina forces, to be elected brigadiers.

A letter, of February 8th, from captain Bedaulx was read.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, February 11, 1778.

A letter, of the 6th, from the board of war, was read :

Ordered, That it be referred to the board of treasury.

A letter, of the 10th, from major John Clark was read, mentioning his acceptance of the office of auditor, to which Congress has been pleased to appoint him.

A petition from col. John Chandler, of the continental forces, was laid before Congress and read, setting forth, that " he labours under a disorder which renders him unable to do his duty in the field," and expressing his apprehension " that the fatigues of the camp will prove fatal to him," and therefore praying " that he may have leave to resign his commission : " whereupon,

Resolved, That col. J. Chandler have leave to resign his commission.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Monsr. Fleury, for 200 dollars, for the payment of a horse, and in lieu of one he had killed in the public service, and that this sum be paid to John Penn, Esq;

That a warrant issue on the treasurer in favour of John Gibson, Esq; auditor-general, for 13,000 dollars, to enable him to discharge the residue of a warrant of the 1st of September last, in favour of the delegates of Georgia ; he to be accountable.

That a warrant issue on the treasurer for 126 $\frac{6}{9}$ dollars, in favour of J. B. Smith, Esq; the amount of his account of pay and rations as muster-master-general of the flying-camp and militia in 1776, as settled by John Wilcocks and Peter Chevalier, Esqrs; a committee appointed by Congress for settling the militia accounts.

A letter, of the 29th of Jan. from William Aylett, Esq; to William Buchanan, commissary-general of purchases, was laid before Congress, and read :

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

The members chosen, Mr. F. L. Lee, Mr. Lovell and Mr. Penn.

The committee to whom the letter of the 2d from major-general Gates was referred, brought in a report, which was taken into consideration ; whereupon, Congress came to the following resolution :

Whereas, gen. Gates has hitherto retained his aids-de-camp and secretary in his family, having expectations in a short time again to

take the field ; and whereas, the removal of his family to York-town, and their manner of living in a public-house, has been unavoidably very expensive, before he could procure a house for them :

Resolved, That a warrant issue on the treasurer, payable to gen. Gates, for 1333 $\frac{1}{3}$ dollars, in order to reimburse his extraordinary expenses incurred in the public service.

Congress resumed the consideration of the report of the board of war, on the department of the commissary-general of military-stores ; whereupon,

Resolved, That there shall be one commissary-general of military-stores, whose business it shall be to receive and deliver all arms, ammunition and accoutrements of every species and denomination ; to provide and contract for all such articles as may be wanted in this department, according to the direction he shall receive from the board of war and ordnance ; to receive and collect returns from all the different states where there are any continental arms and stores, draw them into one general return, and on the first day of every month, deliver one to the board of war and ordnance :

In case of vacancy occasioned by death, resignation or otherwise, of any of the commissaries, commissaries' deputies or conductors, which may happen in any department near to where the commissary-general may be, he shall have permission to fill such vacancy, pro tempore, until it shall be confirmed or disapproved by Congress :

All monies to be drawn on account of military-stores to be by application of the commissary-general or his deputies to the board of war and ordnance ; and all monies so drawn to be accounted for by him once in every six months to the board of treasury, or to such auditors or commissioners as the said board shall direct. All commissaries, deputy commissaries or conductors, who may have money advanced them by the commissary-general for the use of their several departments, to keep regular accounts, and produce vouchers and receipts for the sums paid, and account for the same to the commissary-general once every month, or as often as called for.

All continental armourers shall be under the direction of the board of war and ordnance, and of the commissary-general of military-stores ; the armourers to receive from the said commissary, all arms to be repaired, make returns of the state of repairs when demanded, and deliver the arms when repaired into his store : the principal armourer or armourers at each and every armoury to be accountable for all such arms as he or they shall receive, until they are repaired and delivered to the commissary-general, his deputies or assistants ; and the said commissary-general shall see that every method is taken by the armourers to hasten the repairs of the arms : the principal armourers to receive money from the commissary-general for the contingent expenses of their departments, and the commissary-general shall produce their accounts and vouchers at the adjustment of his accounts :

That there be as many deputies, assistants, commissaries, deputy commissaries, conductors and clerks, as the exigency of the service shall require, to be appointed by the board of war and ordnance ; and the said board are, from time to time, to report all such appointments to Congress :

That the pay of officers in the department of the commissary-general of military-stores be as follows :

Commissary-general 100 dollars per month and six rations a-day ; deputy commissaries-general, of which there shall be one in each military-division of the states, each 75 dollars per month and five rations per day ;

Commissaries, each 60 dollars per month and 4 rations per day.

Deputy commissaries, 50 do. do. 4 do.

Conductors, 40 do. do. 2 do.

Clerks, 40 do. do. 2 do.

The commissary-general shall be allowed forage for two horses ; his deputies, assistants, commissaries and conductors to be allowed forage for one horse each ; and the captains of the artillery-artificers respectively, when duty requires their travelling to collect materials, to have forage for one horse :

That, for the future, no rank be annexed to the officers in this department, except they belong to the regiment of artillery-artificers ; and then their rank only to take place as officers of that corps ; the pay also which they receive, as officers in that regiment, to be included in the pay herein settled for the officers of the commissary-general's department :

That a return be made to the board of war and ordnance, once every month, of all officers employed in the civil-branch of ordnance and military-stores.

All commissaries, deputy commissaries, conductors and clerks, who shall have the separate charge of any stores, are, on the first day of every month, to make out an exact return of all cannon and military-stores of every species and denomination, one copy whereof they shall transmit to the commissary-general, who is to put them into one general return, as heretofore directed, and one other copy thereof the said commissaries, deputy commissaries, conductors and clerks are to send to the board of war and ordnance.

All the artillery artificers that are or may be employed at any armories, laboratories, founderies or military-magazines (those employed with the army in the field excepted) shall be under the immediate direction and subject to the orders and command of the commissary-general, or the officer directed by him to take charge of the same.

The quarter-master-general, his deputies and assistants, shall give the commissary-general every assistance of teams for the removal of public stores, and in case there be no quarter-master in the department or place from whence the stores are to be removed, the commissary-general shall have power to procure teams in the way and manner that will best promote the public service.

All officers, artificers and others in the ordnance and military-department shall be governed by the rules and articles of war, in the same manner as other officers in the artillery of the United States.

The commissary-general shall give such forms or returns and instructions to his deputies, assistant commissaries, conductors, &c. as the service and situation of their department shall require ; and all officers in this department are to attend to such orders and instructions as they shall receive, from time to time, from the board of war and ordnance or the commissary-general.

All regulations incidental to the department, and not enlarging the powers and authorities here given, shall be settled and made by the board of war and ordnance.

The board of war and ordnance shall transmit, from time to time, as the service shall render necessary, transcripts of all returns received from the commissary-general of military-stores, and also accounts of all ordnance and stores under their care, or belonging to the United States, and the places where the same are deposited, to the commander in chief of the armies of the United States, in order that he may make such requisitions of supplies for the army under his immediate command, or for the separate departments as he shall think proper, and give such advice and directions as to the disposition of them, as circumstances may, from time to time, require.

The commanding-officer of artillery for the time being in the grand army, with the chief engineer, commissary of artillery, and eldest colonel of artillery in camp, or such of them as are present with the army, shall be a subordinate board of ordnance, under the direction of the commander in chief or the board of war and ordnance, for transacting all business of the ordnance-department necessary to be done in the field, and to have the care of all ordnance and stores at camp; and, in case of sudden exigency, the commissary-general of military-stores shall be obliged to obey their directions as to any supplies wanted by the army out of the stores not in camp: and the said board shall correspond with and report their proceedings to the board of war and ordnance, from whom they are to receive any necessary assistance.

Resolved, That the pay of col. Benjamin Flower's corps of artillery-artificers shall be, for all those who engage to serve the United States as such for three years or during the war, 20 dollars a-month, besides the same bounty, clothing and every other benefit allowed by Congress to the continental artillery; the officers the same pay as others of equal rank in the continental artillery: and that col. Flower augment the four companies ordered to be raised in Jan. last, add other companies to the said regiment, and, if necessary, encrease the pay of officers and men in the same, agreeable to such orders as have been given for that purpose by gen. Washington; and that he be required forthwith to transmit a copy of such orders to Congress.

That if the exigency of the service makes it necessary to employ, at any time or place, more artificers than the commissary may have enlisted or can enlist, then he, his deputies or assistants, may engage them, for the time of such necessity, on the most reasonable terms possible, with the approbation of the board of war and ordnance.

Resolved, That col. Flower receive the pay and rations of a colonel from the 16th of July, 1776, to this 11th day of February, 1778.

Resolved, That a commission of captain in colonel Flower's regiment of artillery-artificers be granted to Wollory Meng, dated the 1st of April, 1777:

That captain-lieutenant Thomas Wylie be promoted to the rank of captain of an additional company to be raised in the said regiment of artillery-artificers, his commission to be dated the 1st of February, 1778.

Resolved, That the board of war and ordnance be empowered to make a contract with Mr. Byers, as superintendant of a foundery of brass-cannon.

Resolved, That capt. Ferdinand de Brahm, who has heretofore acted as an engineer in the state of S. Carolina, be appointed an engineer in the continental establishment, with the rank of major in the armies of the United States.

Resolved, That Nicholas Rogers, Esq; aid-de-camp, have a commission of major, to rank from the 12th day of May, 1777, in the service of the United States.

On motion, *Resolved*, That a warrant issue on the treasurer for two months' pay to be advanced to col. Thomas Hartley, for his regiment now in York-town.

Resolved, That the board of war be directed to take the most proper measures for recruiting colonel Hartley's regiment.

A letter, from Monf. Kermovan, was read :

Ordered, That it be referred to the board of treasury.

Adjourned to ten o'clock to-morrow.

THURSDAY, February 12, 1778.

A letter, from Monf. de Roche Fermoy, was read :

Ordered, That it be referred to the board of treasury.

A letter, of the 9th, from John Purviance, was read, desiring leave, on account of the situation of his family, to resign his office of manager of the United States lottery :

Resolved, That he have leave to resign.

Ordered, That the letter be referred to the board of treasury.

A letter, of the 11th of Jan. from gov. Caswell, of N. Carolina, enclosing sundry resolutions of the general assembly of that state, was read:

Ordered, That the letter be referred to the board of treasury.

A letter, of the 10th, from the board of war, was read.

The committee appointed to take into consideration the letter of the 3d, from the supreme executive council of the state of Pennsylvania, to the delegates of the said state, and the proceedings of the board of war upon the resolution of Congress of the 15th of Jan. for laying up magazines of flour for the use of the army, brought in a report, which was taken into consideration ; whereupon,

Resolved, That 300,000 dollars be transmitted to the president of the state of Pennsylvania, to enable the commissioners appointed under the law of that state for purchasing provisions for the army, to execute their commission, and that they account to the board of treasury for the expenditure thereof.

Three o'clock, P. M.

The committee on the treasury, to whom was referred a letter from the board of war, brought in a report, which was taken into consideration ; whereupon,

Resolved, That a proper person be appointed to act as secretary of ordnance and pay-master to the board of war and ordnance ;

That his salary shall be 90 dollars a-month :

That the said pay-master shall answer all warrants drawn on him by the board of war and ordnance out of the money which he shall receive by orders of Congress, and shall keep fair accounts of his payments and make monthly returns thereof to the board of treasury : he shall also

transmit returns once a-month, or oftner, to the pay-master-general, or other proper officer or officers, of all advances made to continental troops or militia in actual service, in order that proper stoppages may be made:

That the board of war and ordnance shall, from time to time, make out the proper estimates of money to be advanced for the use of their department, and lay the same before Congress; and all monies granted by Congress, on their application, shall be applied to the purposes set forth in the said estimate.

Congress proceeded to the election of a secretary of ordnance, and pay-master to the board of war and ordnance, and, the ballots being taken, Joseph Nourse, Esq; was elected.

Ordered, That a warrant issue on the treasurer for 316 dollars, in favour of captain Reuben Lipscomb, for the extra month's pay granted to the army under general Washington by the resolution of the 29th of December last, and which is due to 40 men of the 7th Virginia regiment now on their way to Virginia, who were regularly discharged on the 2d of February, and mentioned in a list signed by brigadier Woodford, and also to captain Lipscomb, who conducts them; he to give a receipt for the money, and to account for the same.

The letter of the 9th of January from general Washington being sent for from the board of war, the same was read; and, a motion being made thereon,

Ordered, That the letter, with the motion, be referred to a committee of three;

The members chosen, Mr. Clark, Mr. Dyer and Mr. Ellery.

Resolved, That the board of war and ordnance be directed to be very cautious in recommending or giving any encouragement to foreign officers who have come of their own accord to seek employment in the army of these United States; that if the board shall find, among such foreigners, any of eminent abilities and merit, who by their knowledge and experience, can, in the opinion of the board, render essential service to these states in such way as the board shall be able to point out, Congress expect the board will recommend them: and if any foreigners of rank and eminence in their own country should offer their services, it is also expected that the board will report specially respecting them: but, as to all others, the board are directed to thank them for their offers of service, without suffering them to wait, and thereby incur expence by unnecessary attendance.

Resolved, That 300,000 dollars ordered to be advanced to the president of Pennsylvania, be paid to the delegates of that state, to be by them transmitted to the said president.

Adjourned to ten o'clock to-morrow.

FRIDAY, February 13, 1778.

A letter from Jonathan Hudson, at Baltimore, was read:

Ordered, That it be referred to the board of treasury.

The committee to whom was referred the letter of W. Aylett, Esq; deputy commissary-general of purchases in Virginia, brought in a report, which was taken into consideration; whereupon, Congress came to the following resolution:

Whereas, there is great danger of the armies of the United States

being very much distressed, if the exportation of beef and pork from the state of North-Carolina be not immediately prohibited ; therefore,

Resolved, That the legislative and executive powers of the state of North-Carolina be earnestly requested immediately to lay an embargo on all beef and pork, except so much as may be necessary for the vessel's use for the voyage, and to take the most effectual measures to prevent the embargo from being evaded.

A letter, of this day, from the board of war, was read :

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

The members chosen, Mr. Forbes, Mr. Clark and Mr. F. L. Lee.

The committee on the treasury brought in a report ; whereupon,

Ordered, That the 10,000 dollars ordered to be advanced to the board of war and ordnance, for contingent expenses, on the 26th day of Jan. last, be paid to Joseph Nourse, Esq; pay-master of the said board, for the purpose before-mentioned ; the said Joseph Nourse to be accountable.

The committee appointed to examine into the circumstances of the French officers, who have been detained under a promise of having their expenses borne, brought in a report, which was taken into consideration ; whereupon,

Ordered, That 910 dollars be paid to Monf. de la Balme, in full of all claims and demands against the United States, and that the committee on foreign applications inform Monf. de la Balme that Congress have no farther occasion for his services :

The committee on the treasury brought in a report ; whereupon,

Ordered, That 100 dols. be advanced to Charles Cist, to defray his expenses to Baltimore, and to a paper-mill on Gun-powder-river, on the public account ; he to be accountable.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Dr. John Witherspoon, for hay for the army, and wood for the hospital at Princeton, as appears by the certificate of Enos Kelsey, acting in the quarter-master's-department, 429 $\frac{3}{10}$ dollars :

To Belcher P. Smith, for his services as clerk in the secretary's office, from the 6th of Nov. to the 5th of Feb. inclusive, being three months, and for some necessaries purchased for the office, 197 $\frac{6}{10}$ dollars :

To John Dunlap, for printing sundry resolves of Congress from the 31st of Oct. 1776, to the 10th of Sept. 1777, a balance of 1174 $\frac{6}{10}$ dols.

To the Rev. Mr. Lotbinier as chaplain in col. Livingston's Canadian regiment, from the 11th of January to the 10th February, 1778, inclusive, for his pay, exclusive of rations, 40 dollars :

To the estate of John Hart, deceased, for 71 meals victuals, supplied the York-county militia, which ought to be paid to his legal representatives, 7 $\frac{9}{10}$ dollars :

To Andrew Nabinger, of the town of York, for victualling general Lee's guard in 1776, 44 $\frac{5}{10}$ dollars :

Ordered, That the said accounts be paid.

Ordered, That the letter of the 29th of Jan. from Mr. Aylett be referred to the committee of commerce and to the marine-committee.

Three o'clock, P. M.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the pay-master of the board of war and ordnance, for 25,000 dols. to be by him transmitted to Benjamin Harrison, Esq; deputy pay-master-general in the southern-department; for which the said B. Harrison is to be accountable.

Ordered, That a warrant issue on the treasurer in favour of Willam Govett, for 1000 dols. for the purpose of paying expreffes and incidental expenses at the treasury-office; for which he is to be accountable.

Resolved, That the treasurer be directed to pay to Mr. Joseph Nourse, pay-master to the board of war and ordnance, the warrant for 350,000 dollars, dated the 14th of Jan. last, and drawn, by the president of Congress, in favour of the board of war; 100,000 of which to be transmitted to Ebenezer Hancock, Esq; deputy pay-master-general in the eastern-department, and 250,000 to his assistant in the state of R. Island; and also another warrant, dated the 2d inst. drawn in favour of the said board, for 100,000 dols. to be by him transmitted to the said Ebenezer Hancock, who is to be accountable for both sums.

Resolved, That a warrant issue in favour of Charles Thomson, Esq; for 3500 dols. in consideration of his faithful services, from the 10th of May, 1776, to the 10th of Feb. 1778, as secretary to the United States.

The committee on the state of Georgia brought in a report, which was read:

Ordered, That the consideration thereof be postponed till to-morrow. Adjourned to ten o'clock to-morrow.

SATURDAY, February 14, 1778.

Resolved, That a committee of three be appointed to revise the rules and orders for regulating the conduct of Congress in transacting business, and report such farther rules and regulations as they may judge proper:

The members chosen, Mr. Lovell, Mr. Wither Spoon & Mr. McKean.

The committee to whom the letter from the board of war was referred, report, "that they have prepared sundry resolutions for forwarding the laying up magazines for the supply of the army, and preventing any interference between the commissioners appointed for that purpose by an act of the general assembly of Pennsylvania and the superintendants appointed by the board of war," and that "it is their desire that these resolutions, if agreed to by Congress, supersede the report of the committee on the letter of the 3d from the executive council of Pennsylvania, and the proceedings of the board of war on the resolution of the 15th of Jan. except what relates to the grant of 300,000 dollars, to the president of the state of Pennsylvania:"

The resolutions being read, were agreed to as follows:

Whereas it is expedient and necessary to lay up magazines of provisions for the support of the army, and, for that purpose, Congress have directed 12,000 barrels of flour to be deposited at or near Lancaster, 8000 barrels at or near Reading, 6000 barrels at or near Bethlehem, 2000 barrels at Downings-town, and 2000 barrels at Pottsgrove; and, whereas, in consequence of the recommendation of Congress, the general assembly of Pennsylvania have, by a law, appointed commissioners in each county within their state, to purchase or seize, wheat, flour

and other provisions, &c. for the supply of the army, pursuant to such orders as they shall receive from Congress :

Resolved, That the president and executive council of the state of Pennsylvania be desired to issue the money, with which they have been or shall be furnished by Congress, to the said commissioners, in such proportions as they shall think fit ; that they instruct the commissioners on the east-side of Susquehannah to proceed, without delay, in the execution of the trust reposed in them ; and that they instruct them to which of the above-mentioned places they shall convey the flour and other provisions which they shall purchase or seize, in order to form the magazines aforesaid :

That the said executive council be authorized and requested to appoint a suitable person at each of the above places, with such a salary as they shall judge reasonable, to inspect, receive, store and take care of the provisions aforesaid, and to issue the same upon the orders of the board of war, until Congress shall appoint other store-keepers in their stead :

That the president and council aforesaid be requested to cause a weekly return to be made to the board of war of the quantity of provisions stored at each of the places above-mentioned :

That the board of war give directions and orders to the commissioners appointed by the aforesaid law, in the several counties on the west-side of Susquehannah, respecting the quantity of provisions to be purchased or collected by them, and the places to which the same shall be conveyed ; and that the said board appoint a suitable person at each of the places they shall fix on, with such a salary as they shall judge reasonable, to inspect, receive, store and take care of the said provisions, and to issue the same upon the orders of the board of war :

That the commissioners aforesaid be authorized to purchase every kind of provisions and forage wanted for the army, not confining themselves to the article of flour : that the said commissioners deliver the live-stock, by them purchased, to the order of the deputy commissary-general of purchases, or his assistants, and the forage, to the order of the commissary of forage, or his assistants, to whom severally they are directed to send immediate notice, when such purchases are made, and to take duplicate-receipts upon the delivery, one of which they shall transmit to the board of war :

That the board of war be directed to correspond, from time to time, with the president and council of Pennsylvania, respecting the business aforesaid, and if, from the circumstances or situation of affairs, they shall judge it proper or necessary to lessen the quantity of provisions to be laid up between Susquehannah and Delaware rivers, or to change the places of the magazines, that they communicate the same to the president and council, who are requested to attend thereto, and to issue orders to the commissioners to govern themselves accordingly.

And, whereas, the board of war have judged it expedient and necessary, that a greater quantity of flour and other provisions, than was directed by the resolution of Congress of the 15th of Jan. should be purchased, and other magazines formed, besides those above-mentioned ; and have, agreeably to the powers vested in them by the said resolution of the 15th of Jan. employed superintendants for the purchase of flour, &c.

Resolved, That the board of war proceed in that business, and that they direct their superintendants, to purchase such farther quantities of flour and provisions, and have them conveyed to, and secured in, such places as the board shall direct; and that they instruct such of their superintendants as may purchase in Pennsylvania, to avoid clashing with the commissioners appointed by the law of that state, in the execution of their duty:

That the said board be empowered to appoint a suitable person at each of the new magazines, which they shall establish, with such a salary as they shall judge reasonable, to inspect, receive, store and take care of the provisions purchased and conveyed thither by the said superintendants, and to issue the same upon the orders of the board of war:

That the superintendants, appointed by the board of war, be allowed a commission, not exceeding $2\frac{1}{2}$ per cent. on all purchases by them made, in full for their trouble and expenses therein; and that, in purchasing, they do not exceed the prices established by the laws of the states in which the purchases are made.

While this last was under debate, it was moved, and, by a vote, carried, that a question be first taken on the following addition:

“And that the president and council of Pennsylvania be empowered to settle the pay, or allowance, to be made to the commissioners appointed by the law of their state, for their trouble and expense in purchasing, seizing and collecting provisions and forage, not exceeding $2\frac{1}{2}$ per cent. on the provisions and forage by them so purchased, or seized, for the army:”

| | | | |
|---------------------------|------------------|---------------|------|
| <i>New-Hampshire,</i> | Mr. Frost, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } |
| | Mr. Lovell, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| <i>Connecticut,</i> | Mr. Dyer, | no | } no |
| <i>New-York,</i> | Mr. Lewis, | gave no vote. | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } |
| | Mr. Clark, | ay | |
| | Mr. Scudder, | ay | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } |
| | Mr. Clingan, | ay | |
| | Mr. James Smith, | ay | |
| <i>Delaware,</i> | Mr. McKean, | ay | } ay |
| <i>Maryland,</i> | Mr. Forbes, | no | } |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. F. L. Lee, | no | } * |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } no |
| <i>Georgia,</i> | Mr. Langworthy, | no | } |
| | Mr. Wood, | no | |

So it was resolved in the affirmative.

The question was then put to agree to the resolution to which the last was moved as an addition;

| | | | |
|---------------------------|--------------------------|----------------------|-------------|
| <i>New-Hampshire,</i> | Mr. Frost, | <i>gave no vote.</i> | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | <i>ay</i> | } * |
| | Mr. Lovell, | <i>ay</i> | |
| <i>Rhode-Island,</i> | Mr. Ellery, | <i>ay</i> | } <i>ay</i> |
| <i>Connecticut,</i> | Mr. Dyer, | <i>no</i> | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | <i>ay</i> | } <i>ay</i> |
| | Mr. Clark, | <i>ay</i> | |
| | Mr. Scudder, | <i>ay</i> | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | <i>ay</i> | } <i>ay</i> |
| | Mr. Clingan, | <i>ay</i> | |
| | Mr. James Smith, | <i>ay</i> | |
| <i>Delaware,</i> | Mr. M ^c Kean, | <i>ay</i> | } <i>ay</i> |
| <i>Maryland,</i> | Mr. Forbes, | <i>no</i> | |
| | Mr. Henry, | <i>ay</i> | |
| <i>North-Carolina,</i> | Mr. Penn, | <i>ay</i> | } <i>ay</i> |
| <i>South-Carolina,</i> | Mr. Laurens, | <i>no</i> | |
| <i>Georgia,</i> | Mr. Langworthy, | <i>no</i> | } <i>no</i> |
| | Mr. Wood, | <i>no</i> | |

So it was resolved in the affirmative.

Adjourned to ten o'clock on Monday.

MONDAY, February 16, 1778.

Mr. Huntington and Mr. Wolcott, two of the delegates from Connecticut, attended, and produced the credentials of their appointment, which were read as follows :

(L. S.) " At a general assembly of the governor and company of the state of Connecticut, holden at Hartford, by adjournment on the 11th of October, Anno Domini 1777 :

" *Resolved*, by this assembly, That Roger Sherman, Eliphalet Dyer, Samuel Huntington, Oliver Wolcott, Titus Hosmer, Oliver Ellsworth, and Andrew Adams, Esqrs; be, and they are hereby appointed delegates to represent this state at the general Congress of the United States of America, for the year ensuing, and until new be chosen and arrive in Congress, if setting ; any one or more of them who shall be present in said Congress are hereby fully authorized and empowered to represent this state in said Congress, to counsel, and advise, and resolve upon measures necessary to be taken and pursued for the defence, security and preservation of the rights and liberties of the said United States, and for their common safety : and of such their proceedings and resolves they do transmit authentic copies, from time to time, to the general assembly of the state.

" A true copy of record, examined by

" GEORGE WYLLYS, *Secretary.*"

A letter, of the 3d, from James Wilkinson, at Albany, and one of the 27th, from general Heath, at Boston, and one of the 26th of Jan. from gen. Schuyler, at Albany, with two papers enclosed, were read.

Ordered, That they be referred to the board of war.

A letter, of the 20th, and one, of the 25th of January, from Jonathan Trumbull, Esq; pay-master in the northern department, were read :

Ordered, That they be referred to the board of treasury.

A letter, of the 24th of January, from governor Trumbull, was read, informing "that colonel Joseph Trumbull will, if Congress think fit to keep his seat vacant, attend and take his seat at the board of war as soon as his health will permit:"

Ordered, That the president inform the governor, that Congress expect colonel Trumbull's attendance as soon as his health will permit.

A letter, of the 30th of January, from Thomas Cushing, Esq; president of a convention of committees from the New-England states, which met at New-Haven, from the 15th to the 20th of January, with the proceedings of said convention, were read:

Ordered, That the same, together with the letter of the 11th, from governor Calwell, with the resolutions enclosed, be referred to a committee of five:

The members chosen, Mr. Wither Spoon, Mr. Gerry, Mr. McKean, M. Lovell and Mr. Lee.

Sundry letters from the committee of Congress at camp, were read, viz. one of the 3d, and one of the 5th, with five papers enclosed, one of the 6th, with a draught of proposed resolutions, and one of the 11th, and one of the 12th.

The delegates of Pennsylvania laid before Congress, a letter of the 7th, from the council of their state, which was read, containing complaints against R. L. Hooper, Esq; deputy quarter-master-general:

Ordered, That it be referred to the board of war.

Ordered, That the letter of the 6th, from the committee at camp, so far as relates to the prisoners of the convention at Boston, be referred to a committee of three, who are to confer with the board of war:

The members chosen, Mr. Gerry, Mr. Wolcott and Mr. Ellery.

—+—
Three o'clock, P. M.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Richard Peters, Esq; late secretary to the board of war, his salary from the 13th of June, 1776, to the 27th of November, 1777, being one year, five months and fourteen days, at 800 dollars per annum, $1164\frac{40}{90}$ dollars, and for his fee for prosecuting the appeal in the case of the ship Elizabeth, 60 dollars; in all $1224\frac{40}{90}$ dollars; that he has received of the board of war, in cash, 928 dollars, and in fire-wood, left at Lancaster, 9 dollars, making in all 937 dollars, leaving a balance due to Mr. Peters of $287\frac{40}{90}$ dollars:

To Mr. Joseph Nourse, his salary as deputy secretary to the board of war, from the 10th of November, 1777, to the 10th of February, 1778, inclusive, being three months, at 65 dollars per month, 195 dollars; for cash paid Will. Handen, express to Lancaster, 4 dollars; the whole amounting to 199 dollars:

To Gotleip Ziegler, for victualling Pennsylvania militia, in July and August, 1776, $20\frac{3}{90}$ dollars:

Ordered, That the said accounts be paid.

A letter from the board of war, with a letter from R. L. Hooper, and sundry papers enclosed, was read:

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

The members chosen, Mr. McKean, Mr. Clark and Mr. Scudder.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of brigadier de Roche Fermoy, for 800 dollars, to enable him to pay the demands now against him, and procure a passage to the West-Indies ; and that his bills be taken for this sum, and also for the balance that may appear to be due to the United States on an adjustment of his account at the board of treasury, payable to the treasurer of the United States, at the rate of one dollar for three, being the present exchange.

A letter, of the 10th of January, from gov. Clinton, of New-York, to Mr. Francis Lightfoot Lee, was laid before Congress, and read :

Ordered, That it be referred to the board of war.

Another letter, of the 16th, from governor Clinton, was read.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the commissioner of the loan-office in the state of New-York, for the sum of 50,000 dols. in favour of Jonathan Trumbull, jun. Esq; deputy pay-master-general for the northern-department ; for which he is to be accountable.

Resolved, That two millions of dollars be emitted, under the direction of the board of treasury, and on the faith of the United States :

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed the 21st of Jan. last, be numbered from the last number of each respective denomination of that emission, progressively, and consist of the following denominations :

| | | |
|---------------------------------|-------|---------|
| 30,770 bills of 2 dollars each, | - | 61,540 |
| 30,768 do. of 3 do. | - - - | 92,304 |
| 30,768 do. of 4 do. | - - - | 123,072 |
| 30,768 do. of 5 do. | - - - | 153,840 |
| 30,768 do. of 6 do. | - - - | 184,608 |
| 30,768 do. of 7 do. | - - - | 215,376 |
| 30,770 do. of 8 do. | - - - | 246,160 |
| 30,770 do. of 30 do. | - - - | 923,100 |

That all powers and duties of Michael Hillegas, Esq; and of the inspectors of the press, signers and printers of the emission directed on the 10th of May last, shall extend to the said two millions now to be emitted, subject, however, to such directions and instructions as the board of treasury may judge expedient.

Adjourned to ten o'clock to-morrow.

TUESDAY, February 17, 1778.

A letter from the Rev. Mr. Lotbinier was read :

Ordered, That it be referred to the board of war.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of capt. Peter Dolliver, for 2247 $\frac{1}{3}$ dols. in discharge of col. Palfrey's draught of the 13th inst. on the president of Congress, in favour of lieutenant-colonel William Smith, and endorsed by him to the said Dolliver for that sum ; William Palfrey, Esq; to be accountable.

A letter, of the 14th, from major-general Mifflin, at Reading, was read.

The committee to whom was referred the letter from the board of war, with the letter from R. L. Hooper and others, brought in a report,

which was taken into consideration ; whereupon, Congress came to the following resolution :

Whereas, by the resolutions of the 14th inst. the commissioners appointed by the state of Pennsylvania were authorized and directed, to purchase and store in magazines, 30,000 barrels of flour, on the east-side of Susquehannah, and by a letter, since laid before Congress, from R. L. Hooper, Nathaniel Falconer and Jonathan Mifflin, jun. three of the superintendants appointed by the board of war in pursuance of a resolve of the 15th of Jan. last, it appears, that the said superintendants are making contracts for executing the business entrusted with the said commissioners, contrary to the intention of Congress, expressed in their said resolutions : and whereas, it also appears by the aforesaid letter, that the above-named superintendants, without any authority, in direct violation of the laws of Pennsylvania, and contrary to the instructions given by the board of war, have presumed to fix and ascertain the prices of several other articles, wanted in the army, much higher than fixed by law in the state, directing the quarter-masters to govern themselves by such illegal rates : therefore,

Resolved, That the board of war be directed, immediately, to recal and suspend the said R. L. Hooper, Nathaniel Falconer and Jonathan Mifflin, who are required to lay before Congress their proceedings and accounts.

On motion, That the committee for foreign affairs be directed to write to the commissioners at Paris, and direct them, upon the application of the executive powers of any of these United States, to apply to the court of France for an extension of the leave of absence to such French officers as may be employed in the service of such state :

| | | | |
|---------------------------|--------------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Frost, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. Lovell, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } no |
| <i>Connecticut,</i> | Mr. Dyer, | no | |
| | Mr. Huntington, | ay | } divided. |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | |
| | Mr. Clark, | no | } no |
| | Mr. Scudder, | no | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } ay |
| | Mr. J. Smith, | ay | |
| | Mr. Clingan, | ay | |
| <i>Delaware,</i> | Mr. M ^c Kean, | ay | } ay |
| <i>Maryland,</i> | Mr. Forbes, | ay | |
| | Mr. Henry, | ay | } ay |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | |
| <i>Georgia,</i> | Mr. Langworthy, | ay | } ay |
| | Mr. Wood, | ay | |

So it was resolved in the affirmative.

A petition from James White was read :

Resolved, That four members be added to the committee on appeals ;

The members chosen, Mr. M^cKean, Mr. Huntington, Mr. Henry, and Mr. James Smith.

Ordered, That the foregoing petition be referred to the committee on appeals.

A petition from Peter Shultz, Francis Jones, and others, was read :
Ordered, That it be referred to the commissioners of claims.

The committee to whom was referred the letter of the 9th from general Washington, brought in a report ; whereupon, Congress came to the following resolution :

Whereas, doubts have arisen in the mind of general Washington, to whom the month's extra pay, allowed to the army under his immediate command, by the resolution of Congress of the 29th of December last, should be confined :

Resolved, That the general be directed to order the same to be paid to all the continental forces under his immediate command at the time of passing the said resolution, whether in camp, hospitals or on furlough, excepting all such as were then absent, without leave regularly obtained, or who had abused the indulgence granted them.

- Congress took into consideration a report of the board of war of the 22d of July, on the letter of the 8th of the same month, from brigadier R. Howe ; whereupon,

Resolved, That brigadier R. Howe's appointment of Mr. Henry Purcell, to be deputy judge-advocate-general for the states of South-Carolina and Georgia, be confirmed.

A letter, of the 31st of January, from governor Caswell, of North-Carolina, was read :

Ordered, That it be referred to Mr. Lee and Mr. Lovell.

A letter, of the 8th, from general Washington, with sundry letters enclosed, which passed between him and general Howe, was read :

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

The members chosen, Mr. Gerry, Mr. M'Kean and Mr. Ellery.

Resolved, That to-morrow be assigned for taking into consideration the letters from the committee at camp, respecting recruiting the army.

Mr. Lewis, one of the delegates from New-York, laid before Congress an account of monies expended by that state for the support of prisoners, with the vouchers :

Ordered, That they be referred to the board of treasury.

Congress took into consideration the report of the committee on the state of Georgia ; after debate,

Ordered, That the farther consideration thereof be postponed.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, February 18, 1778.

A letter, of the 18th, and one, of the 19th of Jan. from gen. Heath, at Boston. with a letter to him from gen. Burgoyne, and his answer ; and a letter of the 2d inst. from brigadiers Poor and Patterson, were read.

A letter, of the 17th, from the board of war was read ; whereupon,

Resolved, That it be recommended to the governor and council of the state of Maryland to embody a sufficient number of militia, for guarding the prisoners to be stationed at Fort-Frederick, in that state ; and that they also be requested immediately to appoint a commissary to purchase and supply the said militia with provisions during their service at that post :

That Monf. de Pontiere be appointed a captain of horfe by brevet, and that Monf. de Ponceaux, fecretary to the baron Steuben, have the brevet rank of a captain in the army of the United States :

That Congrefs approve the proceedings of the board of war with refpect to baron Steuben.

Another letter from the board of war was read, enclosing a letter from Thomas Wharton, Efq; prefident of the ftate of Pennsylvania, and fundry other papers :

Ordered, That the fame be referred to Mr. M^cKean, and the delegates from Pennsylvania.

Resolved, That gov. Clinton be authorized and requested to fuperintend the bufinefs of obftructing, fortifying and fecuring the paffes of Hudfon's river, agreeable to the refolutions of the 5th of Nov. laft, and to employ the militia of the ftate of N. York, and to call upon the ftates of Maffachufetts-Bay and Connecticut, for fuch parts of their militia as he may think neceffary, and thofe ftates can fpare, for executing this important bufinefs :

That the commanding-officer at Peek's-Kill be ordered and directed to furnifh gov. Clinton with money from the military-chef, and to give him every affiftance in his power in forwarding and perfefting the bufinefs committed to him :

That a warrant iffue on the commissioner of the loan-office in the ftate of N. York, in favour of gov. Clinton, for 50,000 dollars, towards defraying the charge of the bufinefs intrufted to him.

Resolved, That the warrant of the 3d of February for 200,000 dollars, in favour of the board of war, be paid to Jofeph Nourfe, pay-mafter to the faid board of war and ordnance, to be applied to the purpofe of purchafing provifions for the ufe of the grand army.

The commissioners of claims report,

That they have examined the accounts of Mr. Thomas Butler, amounting to $6801\frac{7}{9}$ dollars, together with 800 dollars accounted with col. Flower, making in the whole, $7601\frac{7}{9}$ dollars, that he has received of James Meafe, Efq; 800 dollars; of John Gibfon, Efq; 6600 dollars; and for two vices, $28\frac{2}{9}$ dollars; and after deducting fundry errors and over charges, there is a balance of $87\frac{2}{9}$ dols. due to him :

To col. Michael Swoope, for his pay from the 22d of Sept. 1776, to the 7th of Feb. 1778, a balance of $976\frac{10}{9}$ dollars :

Ordered, That the faid balances be paid.

A letter, of the 18th, from general Mifflin to the board of war, was laid before Congrefs, and read :

Ordered, That the fame, together with the papers relating to the quarter-mafter's department, be referred to the board of treafury.

Adjourned to ten o'clock to-morrow.

THURSDAY, February 19, 1778.

A letter, of the 18th, from the board of war, with one enclosed from Cornelius Sweers, deputy commiffary-gen. of military-ftores, was read :

Ordered, That the fame be referred to the board of treafury.

Resolved, That general Mifflin be directed to attend immediately the board of war, and that he order the feveral deputies and agents under him in the department of the quarter-mafter-general to proceed

vigorously in executing the business of that department, without attending to the settlement of their respective accounts, until the department is properly arranged, and they can attend to the settlement of their accounts without detriment to the public cause.

The committee on the treasury brought in a report ; whereupon,

Ordered, That the following warrants issue in favour of major-general Mifflin, quarter-master-general, for the use of his department, and for which he is to be accountable, viz.

One warrant on the treasurer for 250,000 dollars, to be transmitted to him by Joseph Nourse, Esq;

One warrant on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, for 150,000 dollars.

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, Esq; pay-master to the board of war and ordnance, for the sum of 50,000 dollars, to be applied by the said board for the use of the department of the commissary-general of military-stores ; the said pay-master to be accountable :

That a warrant issue on the treasurer in favour of Thomas Hughes, pay-master to the 7th Virginia regiment, for 9630 dollars, it being in discharge of the draught of W. Palfrey, pay-master-general, for that sum, in favour of the said Hughes, on the president, dated at camp, the 12th inst. the said pay-master-general to be accountable :

That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, in favour of brigadier David Forman, for 10,000 dollars, for which he is to be accountable, and that the deputy-commissary-general of purchases in the middle-district be furnished with a copy of this order, and directed forthwith to settle the accounts of brigadier Forman for provisions supplied by his order to the troops lately stationed at N. Jersey, charging to him the amount of this grant, and reporting to the board of treasury the state of his accounts.

The committee on the treasury farther reported,

That a warrant should issue on Joseph Borden, Esq; commissioner of the continental loan-office in the state of N. Jersey, in favour of major-gen. Mifflin, for 80,000 dollars, for the use of the quarter-master-general's department :

On the question put, the states were equally divided.

Three o'clock, P. M.

A motion was made to re-consider the report from the board of treasury for issuing a warrant on Joseph Borden, Esq; in favour of general Mifflin, for 80,000 dollars, for the use of the quarter-master-general's department.

Question put, passed in the negative.

A letter, of the 12th, from brigadier Hand, at Fort-Pitt, to the board of war, was laid before Congress and read ; whereupon,

Resolved, That brigadier Hand transmit to the Orkanas, so much of the provisions which were demanded of him by capt. James Willing, of the armed-boat Rattle-Trap, as he can spare, and judges necessary and proper for the purpose.

Ordered, That the letter be returned to the board of war, to do therein what they judge proper and necessary.

The committee to whom was referred the letter of the 6th, from the committee at camp, relative to the prisoners of the convention, now at Boston, brought in a report, which was taken into consideration; whereupon, Congress came to the following resolutions:

Whereas Congress, for reasons set forth in their resolutions of the 8th day of Jan. last, have determined to detain lieut. gen. Burgoyne and the troops included in the convention of Saratoga, until the said convention shall be ratified by the court of Great-Britain; and it will not only be inconvenient for the said troops, but also very distressing to the inhabitants of the town of Cambridge and parts adjacent, to have so large a body of men confined within such narrow limits, for so long a time as must necessarily elapse before the ratification of the said convention can be known; therefore,

Resolved, That the council of the state of Massachusetts-Bay be authorized and requested to remove, separate and place the said troops in such manner and in such parts of the said state as may be most convenient for their subsistence and security:

That general Heath be directed to carry into effect the orders of the council of the state of Massachusetts-Bay, for removing, securing and providing for the said troops.

Resolved, That it be recommended to the council of Massachusetts-Bay to order the continental barracks for the reception of prisoners in that state to be forthwith finished.

A letter, of the 14th, from the committee of Congress at camp, was read.

Adjourned to ten o'clock to-morrow.

FRIDAY, February 20, 1778.

The committee of commerce laid before Congress sundry letters and papers respecting Mr. de Francy, which were read:

Ordered, That they be referred back to the said committee to report thereon, and that, for this special purpose, Mr. Gerry and Mr. Laurens be added to the said committee.

Three o'clock, P. M.

Resolved, That the president immediately send a letter by express to the committee at head-quarters, desiring them to send back by the same express a nomination of officers proper to fill the quarter-master's department, agreeably to a request of Congress already transmitted to them.

Congress took into consideration the letters from the committee at camp, and their plan for filling up the army, and, after debate thereon,

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

The members chosen, Mr. Roberdeau, Mr. Wolcott, Mr. Penn, Mr. Forbes and Mr. Scudder.

Adjourned to ten o'clock to-morrow.

SATURDAY, February 21, 1778.

It appearing, by intelligence this day received from camp, that alarming consequences are likely to ensue from a longer delay of appointing proper persons to fill the several offices in the quarter-master-general's department:

Resolved, That the committee of Congress at the camp, in conjunction with general Washington, be authorized forthwith to make the proper appointments for the quarter-master-general's department :

A letter, of the 21st, from Dr. W. Shippen, was read ; whereupon,

Resolved, That a surgeon-general be appointed for the hospital in the middle-department, in the room of Dr. Brown, promoted ;

The ballots being taken, Dr. Charles M^r Knight was elected.

Whereas, the duty of the person who executes the office of secretary and pay-master of the hospital in the middle-department, is important and difficult :

Resolved, That the pay of the person who executes those offices in the hospital in the middle-department, be augmented to three dollars a-day.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of brigadier Weedon, in discharge of a bill drawn by William Palfrey, Esq; pay-master-general, in his favour on the president of Congress, for the sum of 2500 dollars, which is to be charged to the pay-master-general :

That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the board of war and ordnance, for the sum of 500,000 dollars, to be by him transmitted to William Palfrey, Esq; pay-master-general, who is to be accountable :

That a warrant issue on the treasurer for the sum of 40,000 dollars, in favour of Dr. W. Shippen, director-general of the military-hospitals, for the use of the middle-district ; the said director-general to be accountable :

That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, for the sum of 35,000 dollars, in favour of the said director-general, for the use of the said district ; the director-general to be accountable :

That a warrant issue on the treasurer in favour of the delegates of Georgia, for 500,000 dollars, advanced to that state for the sole purpose of calling in the currency of that state, which has been emitted for the support of the continental troops ; this sum to include the 400,000 dollars granted for that purpose by the resolution of the 15th of August last.

Resolved, That the pay-master-general be directed to consult with gen. Washington on the propriety of keeping a deputy-pay-master at Baltimore, and if he shall judge such an officer unnecessary, to inform Mr. Jonathan Hudson, that the public service not requiring his farther assistance in that capacity, he is excused therefrom by Congress, and is ordered to adjust his accounts with the pay-master-general as soon as may be.

The committee on the treasury report, that they have taken into consideration the application of baron de Holtzendorf ; that by the agreement made at Paris between Mr. Deane and the baron, it does not appear that the baron is entitled to any sum for the defraying his expenses from and to Europe, or to any compensation on account of the loss of his equipage ; that the baron, as being one of the officers accompanying major-general de Kalb to America, does not appear well-founded, it being evident, from the resolves of Congress of Sept.

the 8th, 1777, that those gentlemen were not employed in the service of the United States, but, in consideration of their zeal for that purpose, it was judged expedient to pay their expenses; neither does it appear on any other principles of justice, that he is entitled to the claims aforesaid;" whereupon,

Resolved, That the sum of 1000 dollars, or such part thereof as he may require, be advanced to the baron de Holtzendorf, to discharge the debts he may have contracted, and to enable him to return to Paris, he giving bills of exchange for the amount of any balance that may be due to the United States, in the same manner as brigadier de Roche Fermoy.

Resolved, That general Washington be directed to order a major-general to take the command of the troops in the state of Rhode-Island, in the place of major-general Spencer, resigned.

A letter from general Washington to Robert L. Hooper, Nathaniel Falconer and Jonathan Mifflin, was laid before Congress; also, an extract of a letter from Mr. Duer to Mr. F. L. Lee:

Ordered, That copies of the same be sent by express to the executive council of Pennsylvania, and that it be most earnestly recommended to them to exert the whole powers of the state in providing and forwarding to the army, by every possible means, supplies of provisions, especially of the meat kind, and also forage, with the utmost dispatch.

Resolved, That the board of war immediately employ a suitable number of proper persons on the east-side of Susquehannah, to purchase meat and forage for the army, and to forward the same to the camp with all-possible expedition, having respect to the prices fixed by the laws of the state of Pennsylvania.

The marine-committee, to whom was referred the complaint of the navy-board in the middle-department, against capt. Barry, report, as their opinion, "that capt. Barry hath treated the said board, in the person of Mr. Hopkinson, one of that board, with indecency and disrespect, and that he ought, within 20 days after this resolve shall have been notified to him by the said board, to make such acknowledgment as shall be satisfactory to them:"

Resolved, That Congress agree to the said report.

Adjourned to ten o'clock on Monday.

MONDAY, February 23, 1778.

A letter, of the 16th, from lieutenant-colonel Matthew Smith, of the 9th Pennsylvania regiment, was read, representing the declining state of his health, and, on that account praying for leave to resign his commission:

Resolved, That leave be granted.

A letter, of the 22d, from brigadier Wilkinson, was read.

A letter, of the 18th, from Joseph Simons, of Lancaster, was read:

Ordered, That it be referred to the executive council of Pennsylvania, to do thereon what they shall judge proper.

A letter, of the 9th, from Southy Simpson, of Accomac county, in Virginia, was read:

Ordered, That it be referred to the board of war.

A letter from B. Harrison, jun. deputy pay-master-general in Virginia, with his monthly account enclosed, was read:

Ordered, That the same be referred to the board of treasury.

A letter, of the 7th, from governor Caswell, was read, with papers enclosed, respecting captain Folger :

Ordered, That they be referred to the committee appointed to take the examination of captain Folger.

Three o'clock, P. M.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of captain William Brown, in discharge of a bill drawn by William Palfrey Esq; pay-master-general, on the president of Congress, dated the 20th inst. for 2132 $\frac{7}{9}$ dollars, the said pay-master-general to be accountable :

That a warrant issue on the treasurer in favour of the commissary-general, for 100,000 dols. to be by him transmitted to Henry Champion, Esq; for the purpose of purchasing cattle in Connecticut :

That a warrant issue on the treasurer in favour of Dr. Jonathan Potts, deputy director-general of the middle-department, for 100,000 dols. for the use of his department, and for which he is to be accountable.

A letter, of the 13th, from Sampson Matthews, was read, informing, that governor Henry, of Virginia, has appointed him and col. Samuel McDowell commissioners to proceed to Fort-Pitt, in the stead of Samuel Washington and Gabriel Jones, Esqrs; who have declined that business, and that they intend to set forward on their journey the 23d instant.

A letter, of the 19th, from general Washington, was read.

The committee of commerce laid before Congress a letter and a number of papers from R. Morris, which were read :

Ordered, That they be referred to the committee to whom the affairs of Mons. Francy were committed.

Resolved, That the board of treasury be empowered to increase the pay of the signers of bills of credit in such way as they judge proper, provided that the sum allowed for signing and numbering 1000 bills, does not exceed 2 dollars.

The committee appointed to revise the system of the commissary of purchases, brought in a report, which was read :

Ordered, That the consideration thereof be postponed till to-morrow.

A letter, of the 3d, from gov. J. Clinton, of New-York, at Pough-keepse, was read :

Ordered, That it be referred to the board of war.

Adjourned to ten o'clock to-morrow.

TUESDAY, February 24, 1778.

A petition from James Willson, administrator of Samuel Allen, was read, praying that the commissioners of claims may be directed to settle his accounts for a team of Samuel Allen employed and lost in the public service :

Ordered, That the prayer be granted.

Congress took into consideration the report of the committee on the system of the commissary of purchases, and some progress being made therein,

Resolved, That the farther consideration thereof be postponed to Thursday next.

A letter, of the 20th, from brigadier Parsons, relative to the treatment of Messrs. Vantassels by the enemy, was read :

Ordered, That it be referred to the committee appointed to enquire into the conduct of the enemy, with regard to the prisoners who have fallen into their hands.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, February 25, 1778.

The delegates of Pennsylvania laid before Congress a letter of the 23d, from the council of that state, requesting to be furnished with the following papers, viz.

The instructions of the board of war to their superintendants of provisions; the plan laid down by the superintendants for the purchase, &c. of provisions; the instructions for the millers, dated the 11th of Jan. last; a letter from the superintendants to the board of war, dated the 11th inst. a letter, dated the 12th inst. signed Robert Lettis Hooper, deputy quarter-master-general, to the purchasers under the superintendants :

Ordered, That the board of war furnish the delegates of Pennsylvania with copies of the above papers, or such of them as are in the office of the board of war and ordnance.

A letter, of the 24th of January, from Samuel A. Otis, at Boston, was read.

The committee to whom were referred the letter of the 8th, from gen. Washington, and sundry other letters which passed between him and gen. Howe, relative to the exchange of prisoners and other matters, brought in a report, which was read.

The committee to whom were referred the letters and papers from the committee of Congress at camp, brought in a report, which was taken into consideration, and, after some time spent thereon,

Ordered, That the farther consideration thereof be postponed to the afternoon.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of capt. Pasky, for 26,000 dols. in discharge of a draught of William Palfrey, Esq; pay-master-general, for that sum, on the president of Congress, dated at camp, the 23d of Feb. inst. in favour of col. E. Lutterlogh, deputy quarter-master-general, endorsed by him to the said capt. Pasky; the pay-master-general to be accountable.

The commissioners of claims at the treasury report,

That there is due to the administrators of Samuel Allen, deceased, for hire of his waggon and team, from the 4th of Sept. to the 4th of Dec. 1776, 92 days, at $2\frac{2}{3}$ dols. $245\frac{30}{90}$ dols. and for the four horses, waggon, geers and cloth, which by certificate, appear to have been detained in the service after his decease, and never returned to his heirs, &c. appraised at 408 dols. which last sum is to be charged to the account of the quarter-master-general; also for expenses incurred on York-Island, as by account and certificate, $7\frac{62}{90}$ dols. amounting, in the whole, to $661\frac{2}{90}$ dollars :

To John Campbell, the sum of $1243\frac{30}{90}$ dols. for col. George Morgan's draught on the president of Congress, in favour of col. William Craw-

ford, being for provisions stored at Fort-Pitt, which order, or draught, is assigned over to the said Campbell; the said col. G. Morgan to be accountable :

To Simon & Campbell, the sum of 302 dols. for arms sold to col. William Crawford, for the use of the 13th Virginia regiment, as per col. Crawford's order on the board of treasury; the said col. Crawford to be accountable :

Ordered, That the said accounts be paid.

Three o'clock, P. M.

A letter, of the 7th, and one, of the 14th, from major-gen. Heath, at Boston, were read, the former enclosing copies of sundry letters that passed between him and lieutenant-general Burgoyne, and a letter from lord Napier and lieutenant-colonel Anstruther :

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

The members chosen, Mr. Wolcott, Mr. Lovell and Mr. Gerry.

Congress resumed the consideration of the report on the letters from the committee at camp, and after debate,

Ordered, That the farther consideration of the report be postponed till to-morrow.

Adjourned to ten o'clock to-morrow.

THURSDAY, February 26, 1778.

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

A letter, of the 11th, from lieutenant-general Burgoyne, directed "To the hon. Henry Laurens, president of the Congress," with three papers enclosed, was read :

Ordered, That they be referred to a committee of five :

The members chosen, Mr. Lovell, Mr. McKean, Mr. Smith, Mr. Lee and Mr. Gerry.

Major-general Gates sent to Congress sundry letters, and among them, one, of the 9th, from major-general Philips; which were read :

Ordered, That the last be referred to the foregoing committee.

Sundry letters to the board of war, from the northern-department, being laid before Congress and read,

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

The members chosen, Mr. Wolcott, Mr. Clark and Mr. Lewis.

A letter, of the 25th, from the board of war, was read :

Ordered, That it be referred to the board of treasury.

Congress took into consideration the report of the committee on the letter of the 8th, from gen. Washington, and the letters which passed between him and gen. Howe, relative to the exchange of prisoners, and, thereupon, came to the following resolutions :

Whereas, it appears to Congress, by the copy of a letter from gen. Washington to gen. Howe, of the 10th of this month, that he has consented to the propositions of gen. Howe to the following effect : "that an exchange of all prisoners, now in our possession, officer for officer, soldier for soldier and citizen for citizen, so far as number and rank will

apply, be carried into execution, as expeditiously as the nature of the case will admit, and without regard to any controverted point, which might prove an impediment to so desirable an end :”

And, whereas, by a resolution of Congress of the 19th of Dec. last, a release of prisoners in the power of these states cannot take place before the account of all provisions and other necessaries, which have been supplied by the public to such prisoners, are liquidated and discharged :

And, whereas, it is the wish of Congress to accomplish the desirable purpose of exchanging the prisoners without unnecessary delay :

Resolved, That an express be sent to the several legislatures or supreme executive authorities of the respective states, for such accounts of money, provisions and other necessaries, which they have supplied to prisoners taken by the United States since the commencement of the war, as have not been already transmitted to Congress, that they be requested to make up the said accounts to the first day of March next, and transmit them as speedily as possible to the commissioners of claims at the board of treasury : that the accounts of each state, from New-Hampshire to Virginia, inclusive, be sent to the said commissioners on or before the 15th day of April next, and of the other states, on or before the 1st day of June next, and that the respective states sustain the losses which may arise from detaining such accounts longer than the time herein allowed them for rendering the same.

Resolved, That all officers in the departments of the quarter-master, pay-master, and clothier-general, and commissaries of provisions and prisoners, the commissioners of accounts and other officers, who may have accounts or charges of money, provisions or other necessaries in their respective offices, for supplies furnished the said prisoners, be directed to send such accounts to the commissioners of claims at the board of treasury, on or before the 15th day of April next, and that they respectively sustain the losses that may arise from a neglect hereof :

That the commissioners of claims be directed to prepare the said accounts for adjustment without delay, and that no exchange of prisoners be made until the balance due thereon to the United States is discharged.

Three o'clock, P. M.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the committee of commerce, for 20,000 dollars, advanced upon their application, for the purpose of loading with rice the ship *Flammand*, ordered to South-Carolina ; the said committee to be accountable.

A petition from Archibald Steel, deputy quarter-master-general for the troops at Fort-Pitt, was read :

Ordered, That it be referred to the committee of commerce.

Congress resumed the consideration of the report of the committee on the letters and papers from the committee of Congress at camp, and thereupon came to the following resolutions :

Whereas, the well-being and safety of these states require that a powerful army be early brought into the field, effectually to oppose and defeat the public enemies thereof : and whereas by the actual invasion of some of the said states, and the local circumstances of others, it would be inexpedient and unreasonable to draw forth from all of them

their full proportion of the continental battalions, according to the establishment heretofore settled and apportioned in Congress :

Resolved, That the several states hereafter named be required forthwith to fill up by draughts from their militia, or in any other way that shall be effectual, their respective battalions of continental troops, according to the following arrangement, viz.

| | | | |
|--------------------|----|-----------------------|-------------|
| New-Hampshire, | 3 | Pennsylvania, | 10 |
| Massachusetts-Bay, | 15 | Delaware, | 1 |
| Rhode-Island, &c. | 1 | Maryland | 8 including |
| Connecticut, | 8 | the German battalion. | |
| New-York, | 5 | Virginia, | 15 |
| New-Jersey, | 4 | North-Carolina, | 9 |

That all persons draughted, shall serve in the continental battalions of their respective states for the space of nine months, from the time they shall respectively appear at the several places of rendezvous hereafter-mentioned, unless sooner discharged :

That it be recommended to the several states to appoint officers to superintend the making and forwarding the said draughts, and to direct such superintendants to procure complete lists of the men draughted, with a description of their persons, their age, stature, the places of their abode, and the regiment and company from which they shall have been draughted, and to forward the same to the commissioners hereafter-mentioned, who shall transmit an exact copy thereof to the commander in chief.

And to the end, the commissioners may be enabled the better to execute their business, and the men draughted as aforesaid, may be sent to the said places of rendezvous with the greater safety and expedition :

Resolved, That it be recommended to the several states to require their several militia-officers, by whom any men shall have been draughted, to deliver to the said superintendants such descriptive lists of the men by them respectively draughted for the purpose aforesaid ; and further, to direct the said superintendants to make similar lists of the men by them, from time to time, sent to the places of rendezvous, and take receipts for such men upon the said lists from such officers as they shall appoint to conduct them as aforesaid, and forward copies of such lists and receipts to the said commissioners :

That it be recommended to each of the said states to appoint one or more commissioners, to reside at the said places of rendezvous, for the purpose of receiving the draughts of their respective states, and delivering them over to the continental officers, who may be appointed by the commander in chief, there to receive them ; and further, to direct their respective commissioners to give receipts for such draughted men as shall be delivered to them, and make out such descriptive lists as aforesaid of the men by them, from time to time, delivered over to such continental officers, and take receipts thereon from them, and transmit copies of such lists and receipts to the commander in chief :

That it be recommended to the several states to make provision for their draughted men upon their march to the said places of rendezvous, and that the states be allowed, for such subsistence, $\frac{1}{24}$ th part of a dollar per mile for each man actually marching to the said places of rendezvous, and no more.

Resolved, That all the draughts from the N. England states shall rendezvous at Fisk-Kill, on Hudson's river; those of N. York at East-town, in the state of Pennsylvania; those of N. Jersey, Pennsylvania, Delaware and Maryland, at camp; those of Virginia, at Alexandria and Sheppard's-town, in the same state; and those of N. Carolina, at Pittsylvania court-house and Petersburg, in Virginia; unless otherwise directed by the commander in chief.

Resolved, That every person draughted as aforesaid, who shall supply himself with a good firelock and bayonet, a cartouch-box, haversack or blanket, and shall, at the expiration of the term of his service, produce, to the proper pay-master, a certificate from his captain, or other commanding-officer of his company, that he hath been constantly provided therewith, shall receive, for the use of his firelock, bayonet and cartouch-box, two dollars, and, for the use of his blanket, four dollars, and in a like proportion for any or either of them. And in case any of the said articles shall be lost or rendered useless in the service, without the negligence or fault of the proprietor, he shall be paid the value thereof.

Resolved, That all persons, in whatever way procured, for supplying the deficiencies in the continental battalions, unless enlisted for three years, or during the war, be considered as draughts; and that it be recommended to the several states to exert themselves to procure recruits for their respective continental battalions by enlistments for three years, or during the war, and that the draughts from the respective states be discharged in proportion as such recruits from the said states shall join the army.

And, whereas, experience hath proved that no confidence can be placed in prisoners of war or deserters from the enemy, who enlist into the continental army; but many losses and great mischiefs have frequently happened by them; therefore,

Resolved, That no prisoners of war or deserters from the enemy be enlisted, draughted, or returned to serve in the continental army.

Ordered, That the board instruct and direct the commissary-general of prisoners to appoint proper persons to examine all officers and any of the privates of the United States, that shall be hereafter exchanged, and take such of their depositions as may be necessary to ascertain the treatment our prisoners in the hands of the enemy have received during their captivity, and report the same to Congress.

A letter, of the 8th, from gen. Schuyler at Albany, and one, of the 20th, from the committee of Congress at camp, were read:

Ordered, That they be referred to the board of war.

Adjourned to ten o'clock to-morrow.

FRIDAY, February 27, 1778.

A letter, of the 10th, from major-general Putnam, at West-Point, on Hudson's-river, was read:

Ordered, That it be referred to the board of war.

Congress took into consideration a report from the board of war, and, thereupon, came to the following resolutions:

Whereas, a few deluded inhabitants of these states, prompted thereto by arts of the enemy, have associated together, for the purpose of seiz-

ing and secretly conveying to places in possession of the British forces, such of the loyal citizens, officers and soldiers of these states, as may fall into their power; and being assisted by parties, furnished by the enemy, have, in several instances, carried their nefarious designs into execution; and such practices being contrary to their allegiance as subjects, and repugnant to the rules of war;

Resolved, That whatever inhabitant of these states shall kill or seize, or take any loyal citizen or citizens thereof, and convey him, her or them, to any place within the power of the enemy, or shall enter into any combination for such purpose, or attempt to carry the same into execution, or hath assisted or shall assist therein; or shall, by giving intelligence, acting as a guide, or in any other manner whatever, aid the enemy in the perpetration thereof, he shall suffer death by the judgment of a court-martial, as a traitor, assassin and spy, if the offence be committed within 70 miles of the head-quarters of the grand or other armies of these states, where a general-officer commands.

In passing the above resolution the yeas and nays were required, and are as follows:

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Frost, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | |
| | Mr. Lovell, | ay | } * |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | |
| | Mr. Dyer, | ay | } ay |
| <i>Connecticut,</i> | Mr. Wolcott, | no | |
| | Mr. Huntington, | no | } no |
| <i>New-York,</i> | Mr. Lewis, | ay | |
| <i>New-Jersey,</i> | Mr. Clark, | no | } * |
| | Mr. Scudder, | ay | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } divided. |
| | Mr. J. B. Smith, | no | |
| | Mr. James Smith, | ay | |
| | Mr. Clingan, | ay | |
| <i>Delaware,</i> | Mr. M-Kean, | ay | } ay |
| <i>Maryland,</i> | Mr. Forbes, | ay | |
| | Mr. Henry, | ay | } ay |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | |
| | Mr. Harvie, | ay | } ay |
| <i>North-Carolina,</i> | Mr. Penn, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| <i>Georgia,</i> | Mr. Langworthy, | ay | |
| | Mr. Wood, | ay | } ay |

And, whereas, small parties of the enemy, encouraged by the evil dispositions of some of the inhabitants of these states, may make excursions into the country, for the purposes above-mentioned, or others not warranted by the custom of war:

Ordered, That gen. Washington determine and publish, in such way as he shall deem proper, the number under which no party of the enemy shall be suffered to go beyond their lines, on pain, if taken, of being treated as marauders and punished with death.

Resolved, That a company of bakers be raised, to bake bread for the army; the company to consist of

One director, at 50 dollars a-month and 3 rations a-day,
 Three sub-directors, at 40 do. - 2 do.
 Twelve foremen, at 30 do. - 1 do.
 Sixty bakers, at 24 do. - 1 do.

That the company be enlisted for one year from the day of their enlistment, and be subject to the rules and articles of war:

That each foreman and baker have the same clothing as is allowed to non-commissioned officers in the continental service:

That the board of war be directed to appoint the director and sub-directors, and cause the company to be raised and set to work with the utmost dispatch.

A letter, of the 4th, from governor Livingston, of New-Jersey, at Lebanon-Valley, was read.

Ordered, That it be referred to the board of treasury.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Archibald Steel, deputy quarter-master-general, for 30,000 dollars, advanced him upon the application of the board of war, for the use of the quarter-master-general's department in the western-district; major-general Mifflin, quarter-master-general, to be accountable.

A letter, of the 26th, from the board of war, was read:

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

The members chosen, Mr. Harvie, Mr. Gerry and Mr. Clark.

Resolved, That a committee of three be appointed to prepare a recommendation to the United States, to set apart a-day of fasting, humiliation and prayer:

The members chosen, Mr. Roberdeau, Mr. Huntington and Mr. Scudder.

—•—
Three o'clock, P. M.

Congress resumed the consideration of the report of the committee on the system of the commissary of purchases, and some progress being made therein,

Ordered, That the farther consideration thereof be postponed till to-morrow.

Adjourned to ten o'clock to-morrow.

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SATURDAY, February 28, 1778.

A letter, of the 27th, from R. R. Wilford, aid-de-camp to general Burgoyne, was read:

Ordered, That it be referred to the committee on the letter from lieutenant-general Burgoyne.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the marine-committee, for 5000 dollars, to be transmitted to Nathaniel Shaw, Esq; continental agent in Connecticut:

That a warrant issue on John Lawrence, Esq; commissioner of the continental loan-office in the state of Connecticut, in favour of the marine-committee, for 35,000 dollars, to be transmitted to the said Nathaniel Shaw, Esq; for which two sums the said marine-committee are to be accountable.

A report from the board of war was read, and after debate,

Ordered, That it be referred to a committee of four ;

The members chosen, Mr. Harvie, Mr. Ellery, Mr. M'Kean and Mr. Clark.

Ordered, That the warrant on the commissioner of the loan-office in the state of New-Jersey, dated the 24th of Jan. last, in favour of his excellency governor Livingston, for 10,000 dollars, be paid in preference to any other warrant previously issued on the said commissioner, and that the money be applied to the purpose of paying the premiums for apprehending deserters, as well as of recruiting the continental battalions raised by the said state :

Ordered, That a warrant issue on the treasurer in favour of the delegates of New-Jersey, for 5000 dollars, to be by them transmitted to governor Livingston, for the purposes mentioned in the preceding order ; he to be accountable.

A petition and remonstrance from the justices and field-officers of the county of Northampton, in Virginia, in behalf of themselves and the inhabitants of the said county, was read :

Ordered, That it be referred to the board of war.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of William Buchanan, Esq; commissary-general of purchases, for 12,000 dols. for the use of the middle-district of his department ; he to be accountable :

That a warrant issue on the treasurer in favour of the delegates of the state of North-Carolina, for 3500 dollars, advanced upon the application of Mr. John Penn ; the said state to be accountable.

Adjourned to ten o'clock on Monday.

MONDAY, March 2, 1778.

A letter, of February 28th, from Richard R. Wilford, aid-de-camp to lieutenant-general Burgoyne, was read, enclosing a list of officers who were exchanged by gen. Gates at Albany, and for whom gen. Burgoyne requires passports :

Ordered, That the letter and list be referred to the board of war.

A letter, of the 1st, from the said R. R. Wilford, enclosing one from lieutenant-general Burgoyne, was read, in which he observes, that " altho' he informed the president that the contents of the enclosed letter was dependent upon the resolutions Congress might come to with regard to the first letter delivered, yet as this only concerns lieutenant-general Burgoyne and his family, he conceives it may not be improper to lay it before Congress now, as the Congress will consider them, either together or separately, as they see just, and it will also serve to prevent any delays that may arise by his keeping this back, until their determination with respect to the other is known :"

The letter enclosed from lieutenant-general Burgoyne, dated Cambridge, Feb. 11th, 1778, was read :

Ordered, That it be referred to the committee on the former letter from gen. Burgoyne.

A letter, of February 25th, from the committee at camp, was read, proposing a new arrangement of the quarter-master-general's department, and recommending persons to execute the business of the said department :

Congress taking into consideration the arrangement proposed by the committee,

Resolved, That the same be adopted, instead of that agreed to on the 5th day of Feb. and that there be one quarter-master-general, and two assistant-quarter-masters-general :

That these three be allowed, for their trouble and expence, one per cent. upon the monies issued in the department, to be divided as they shall agree, and including an addition to the pay of the waggon-master-general and his deputy :

That major-general Greene be appointed quarter-master-general :

That John Cox and Charles Pettit, Esqrs; be appointed assistant quarter-masters-general :

That the forage-masters, waggon-masters, and other officers in the department, be in the appointment of the quarter-master-general, who is to be responsible for their conduct.

Resolved, That major-general Greene retain his rank of major-general in the army.

Resolved, That major-general Mifflin, late quarter-master-general, be directed to make out immediately and transmit to Congress and to major-general Greene, quarter-master-general, a state of the preparations for the next campaign in the quarter-master-general's department, specifying what articles are in readiness, where deposited, where engaged and in what quantities; and that he deliver or cause the same to be delivered to major-general Greene, quarter-master-general, or his order.

Whereas, Dr. Parke and one Morton, both of the city of Philadelphia, the former son-in-law and the latter step-son of James Pemberton, have presumed to undertake a journey from Philadelphia to Winchester, without calling at head-quarters, or obtaining permission from any lawful authority :

Resolved, That the board of war be directed to cause the said Parke and Morton to be apprehended and confined in prison till farther orders.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of William Mountjoy, pay-master to the 3d Virginia regiment, for 6500 dollars, in discharge of the order of William Palfrey, Esq; pay-master-general, on the president, in favour of the said Mountjoy, for that sum, dated camp, the 23d of Feb. 1778; the said pay-master to be accountable.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to col. Kermovan, for 1308 rations, the sum of 102 $\frac{5}{6}$ dollars :

Ordered, That the said account be paid.

Resolved, That major-general Gates be requested to lodge among the papers of Congress, in the secretary's office, the original letter of general Burgoyne to him, dated " Public-house, at Cambridge, November 14, 1777."

The board of war, to whom the petition and remonstrance from the justices and field-officers, of the county of Northampton, in Virginia, in behalf of themselves and the inhabitants of the said county, was referred, report,

"That the circumstances attending the counties of Accomac and Northampton, in the state of Virginia, are such as render them peculiarly subject to the depredations of the enemy, and that there being also therein a large quantity of continental property, imported from foreign parts, and no guards regularly established for the protection thereof until removal, it is expedient, that the men, raised by draught or otherwise, in the said counties, as part of the Virginia quota of troops, be ordered to remain in the said counties, subject to the order of gov. Henry and the council of Virginia, who are requested to embody them under proper officers who will attend to their government and discipline, and employ them in protecting the property of the United States, or in other military services until the farther order of Congress or the board of war; and that the memorial of sundry inhabitants of the said counties, on the subject of these draughts, be sent to gov. Henry, to be laid before the assembly of that state for their consideration, and that they be requested to take measures for the safe-guard and protection of the said counties in case the said draughts shall be ordered to join the army:"

Resolved, That Congress agree to the said report.

The committee to whom were referred the letters from gen. Heath, brought in a report, which was read; whereupon,

Resolved, That the president write to gen. Heath, and inform him, that it was by no means the intention of Congress that gen. Burgoyne should be prevented from communicating to lord Howe, or the commanding-officer of the British ships in the harbour of Newport, the intelligence of the act of Congress detaining the troops of the convention of Saratoga, until it shall be ratified by the court of Great-Britain:

That gen. Heath be directed to permit lieutenant-colonel Anstruther, of the 62d British regiment, to go on his parole to R. Island, in order to negotiate an exchange for himself; provided, that if col. Ethan Allen shall not have been exchanged for lieutenant-colonel Campbell, no exchange but col. Ethan Allen shall be accepted for col. Anstruther.

Whereas, it is essential to the operations of the army during the next campaign, that the most vigorous measures should forthwith be adopted for the forming a body of horse, upon such principles as are most likely to advance the public interest and the honor of the officers and men who compose the same; and whereas, in times of public danger, when the lives, liberties, and property of a free people are threatened by a foreign and barbarous enemy, it is the duty of those, who enjoy in a peculiar degree the gifts of fortune, and of a cultivated understanding, to stand forth in a disinterested manner in defence of their country, and by a laudable example to rouse and animate their countrymen to deeds worthy of their brave ancestors, and of the sacred cause of freedom:

Resolved, That it be earnestly recommended to the young gentlemen of property and spirit, in the states of N. Hampshire, Massachusetts-Bay, R. Island, Connecticut, N. York, N. Jersey, Pennsylvania, Delaware, Maryland, Virginia and N. Carolina, forthwith to constitute, within their respective states, a troop or troops of light-cavalry, to serve at their own expense (except in the article of provisions for themselves and forage for their horses,) until the 31st day of Dec. next:

That each troop, so to be raised, consist of not less than 20, nor more

than 60 rank and file; that they have a right to choofe their own officers, who fhall receive continental commiffions; and that they rendezvous at the main army on the 1ft day of May next, or at an earlier period, if poffible:

That, in order to excite a proper fpirit of emulation in thefe troops, and to give them an opportunity of appropriating that fame, which their refpective merits may entitle them to, during the campaign, each troop fhall bear the name of the ftate in which it is raifed:

That thefe troops, when raifed, fhall not ferve as expreffes, except in time of action, nor as efports to the perfons of any general except that of the commander of the army with whom they ferve, unlefs with their own choice:

That every horfe which fhall be killed, and every horfe, and all arms and accoutrements, which fhall be taken by the enemy in action, fhall be paid for by the United States; the value to be afcertained under the direktion of the commander in chief; and all booty, taken from the enemy, fhall belong to the troop by whom it fhall be taken.

Resolved, That it be recommended to the governments of the refpective ftates to countenance and encourage this defign; and that the board of war tranfmit to them forthwith, copies of the foregoing refolutions, together with a defcriptive lift of the accoutrements neceffary for man and horfe.

The committee to whom the letter from lieutenant-general Burgoyne to the prefident of Congress, dated the 11th of Feb. with the papers enclosed, was referred, report,

“That they have carefully perufed and duly confidered the letter and papers, and are of opinion that nothing therein contained is fufficient to induce Congress to recede from their refolves of the 8th day of Jan. laft, refpecting the convention of Saratoga:”

Resolved, That Congress agree to the faid report.

Ordered, That a warrant iflue on the treafurer in favour of Mr. Jofeph Nourfe, pay-mafter to the board of war and ordnance, for 500,000 dollars, to be by him tranfmitted to Jonathan Trumbull, jun. deputy-pay-mafter-general, for the ufe of his department, he to be accountable.

Ordered, That the letters and papers refpecting the northern-department be referred back to the board of war, who are directed to order fuch difpofitions of the troops there as they judge moft effectual to fecure the important paffes on Hudfon’s-river and the pofts and countries to the northward.

Adjourned to ten o’clock to-morrow.

TUESDAY, March 3, 1778.

Resolved, That a member from Connecticut be added to the marine-committee: The member chofen, Mr. Huntington.

A letter from Dr. R. Harris to William Buchanan, Efq; refpecting falt, was laid before Congress, and read:

Ordered, That it be referred to the board of war.

The committee to whom was referred the letter of the 11th of Feb. from lieutenant-general Burgoyne, marked number 2, with a paper enclosed, brought in a report; whereupon,

Resolved, That lieutenant-general Burgoyne, on account of his ill

state of health, have leave to embark for England by R. Island, or any more expeditious route, with the officers of his family and his servants; that gen. Heath furnish the necessary passports, accepting a parole from lieutenant-general Burgoyne, lieutenant-colonel Kingston, and Dr. Wood, "that should the embarkation of the troops of the convention of Saratoga be by any means prolonged beyond the time apprehended, those officers will return to America, upon demand and due notice given, and will re-deliver themselves into the power of Congress, unless regularly exchanged."

Resolved, That capt. Willoe, of the 8th regiment, be furnished with a passport to return to Canada, by way of Halifax, in Nova-Scotia, under the restriction of the parole given by the Canadian troops in the convention of Saratoga, till he shall be regularly exchanged.

Resolved, That it is not expedient to grant the passports requested by gen. Burgoyne for capt. Vigors of the 29th regiment, lieutenant Wheat of the 20th, or lieutenant Bibby of the 24th.

The committee also report upon the letter from lieutenant Wilford, aid-de-camp to gen. Burgoyne, which was referred to them, "That lieutenant Wilford be permitted to deliver to the board of war duplicates of the papers by him presented to Congress, and that the board be directed to forward them to gen. Washington, to be transmitted by a flag to gen. Howe without delay, but that lieutenant Wilford be not permitted personally to convey the duplicates either to general Washington or general Howe:"

Resolved, That Congress agree to the said report.

Mr. Harvie laid before Congress an extract of a letter from one of the committee at camp, relative to the purchase of provisions for the army:

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

The members chosen, Mr. Dyer, Mr. J. B. Smith, Mr. McKean, Mr. Clark and Mr. Harvie.

Resolved, That gen. Heath be directed to acquaint lord Napier, and any other officer who may apply for liberty to go within the enemy's posts, to negotiate a personal exchange, that Congress do not think it expedient to continue to grant passports for that purpose, as such exchange may be effected in the customary way.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, March 4, 1778.

The commissioners of claims report,

That there is due to Moses Young, for his services as clerk in the secretary's office, from the 21st of July, 1777, to the 28th of August following, the sum of 52 dollars:

Ordered, That the said account be paid.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, Esq; pay-master to the board of war and ordnance, for 100,000 dollars, to be by him transmitted to Hugh Hughes, deputy quarter-master-general at Peek-Kill, for the use of the quarter-master-general's department; major-general Mifflin, late quarter-master-general, to be accountable:

Ordered, That a warrant issue on the treasurer in favour of Mr. J. Harvie, for 70¹⁷/₉₀ dollars, being the amount of his expenses as one of the committee from Congress to head-quarters ; and that another warrant issue in his favour for 1800 dollars advanced upon his application ; for which last sum the state of Virginia is to be accountable.

A letter, of February the 10th, from Jeremiah Wadsworth to general Mifflin, and one, of the 21st of February, from H. Hughes to A. Butler, were laid before Congress, and read :

Ordered, That they be referred to the board of treasury.

The board of war, to whom was referred the letter of the 20th of February, from the committee at camp, having made report, the same was taken into consideration ; whereupon,

Resolved, That gen. Washington be empowered, if he think it prudent and proper, to employ in the service of the United States a body of Indians, not exceeding 400 ; and that it be left to him to pursue such measures as he judges best for procuring them, and to employ them when procured, in such way as will annoy the enemy without suffering them to injure those who are friends to the cause of America.

The board of war having also reported on the letters and papers relative to the defence of the posts on Hudson's-river, and the obstructions and works to be made and erected under the direction of governor Clinton ; it was thereupon,

Resolved, That the regulation of the wages of artificers not enlisted into the continental service, be left to governor Clinton's discretion :

That the eight iron field-cannon mounted, and the 23 not mounted, with the 66 pieces of different calibres, brought, and bringing from Ticonderoga, be subject to the orders of governor Clinton, for the defence of the passes on Hudson's-river :

That the governor be assisted by the artificers in Albany and elsewhere on that river, in stocking the guns, and that he have authority to purchase all other necessary cannon for the defence of the passes on the said river, wherever the same can be procured.

Ordered, That the clothier-general send an assistant clothier to be stationed with the continental army on Hudson's-river, to superintend the procuring and distribution of clothing, and, in the mean time, that the commanding-officer take such order as to the clothing the troops and artificers as exigencies require :

That the issuing-commissary of the army stationed on or in the vicinity of Hudson's-river, for the defence thereof, have authority, with the concurrence of the commanding-officer, to draw for supplies of provisions on the purchasing-commissaries in the eastern or northern-districts, as exigencies and the position of the troops may, from time to time require, taking special care not to interfere with any supplies coming forward to, or intended for the grand army.

Resolved, That the other parts of the report be referred back to the board of war, that they may give such orders thereon as they judge necessary and proper respecting the plans of the forts and batteries, and other matters incidental thereto ; and also give such directions to colonel Radier as the good of the service requires, agreeable to the rules established in the army.

A letter from A. Butler to the board of war, was laid before Congress, and read.

Adjourned to ten o'clock to morrow.

*
THURSDAY, March 5, 1778.

Resolved, That the continental agents in N. Carolina and S. Carolina be respectively directed, on the application of col. Kermovan, to allow him a free passage to France, in any continental vessel that may offer from either of the posts.

A letter, of the 4th, from the board of war, with one of the 27th of Feb. from gov. Johnson, of Maryland, was read :

Ordered, That they be referred to a committee of three ;

The members chosen, Mr. Forbes, Mr. Harvie and Mr. Gerry.

The committee on the treasury, to whom was referred a letter of the 25th of Feb. from the board of war and ordnance, relative to the allowance to clerks for the said office, report, " that considering the unavoidable expenses of the officers attending Congress, and that capable and confidential persons should be obtained for the purpose, they are of opinion, that 75 dollars a-month be allowed to the clerks in the secretary's office ; the same to the first clerks in the offices of the board of treasury, of war and ordnance, and the marine-board ; and that 65 dollars a-month be allowed to second clerks in the said offices :

That Belcher P. Smith and John Thaxter, clerks in the secretary's office, receive the pay of 75 dollars from the 6th of Feb. last :"

Resolved, That Congress agree to the said report.

The committee on the treasury brought in a report ; whereupon,

Resolved, That two millions of dollars be emitted under the direction of the board of treasury, and on the faith of the United States :

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 16th of Feb. last, be numbered from the last number of each respective denomination of that emission progressively, and consist of the following denominations, viz.

| | | | | |
|--------------|---------------|---|---|---------|
| 30,768 of 3 | dollars each, | - | - | 92,034 |
| 30,768 of 4 | do. | - | - | 123,072 |
| 30,768 of 5 | do. | - | - | 153,840 |
| 30,768 of 6 | do. | - | - | 184,608 |
| 30,768 of 7 | do. | - | - | 215,376 |
| 30,770 of 8 | do. | - | - | 246,160 |
| 30,770 of 2 | do. | - | - | 61,540 |
| 30,770 of 30 | do. | - | - | 923,100 |

2,000,000

That all powers and duties of Michael Hillegas, Esq; and of the inspectors of the press, signers and printers of the emission directed on the 10th of May last, shall extend to the said two millions now to be emitted, subject, however, to such directions and instructions as the board of treasury may judge expedient.

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the board of war and ordnance, for 50,000 dollars, to be by him transmitted to Hugh Hughes, deputy quarter-master-general at Fish-Kill, for the use of the quarter-master-general's de-

partment; major-general Mifflin, late quarter-master-general, to be accountable:

That a warrant issue on the treasurer in favour of William Palfrey, Esq; pay-master-general, for 149,501 $\frac{3}{4}$ dollars, for the use of his department; he to be accountable:

That a warrant issue on the treasurer in favour of the delegates of S. Carolina, for 20,246 dollars, advanced upon the application of the hon. Henry Laurens, to discharge two bills drawn by his excellency John Rutledge, president of S. Carolina; the said state to be accountable:

That a warrant issue on John Lawrence, Esq; commissioner of the continental loan-office in the state of Connecticut, for 75,000 dollars, in favour of Jeremiah Wadsworth, deputy quarter-master-general, for the use of the quarter-master-general's department; major-general Mifflin, late quarter-master-general, to be accountable:

That a warrant issue on the treasurer in favour of the delegates of the state of Maryland, for 10,000 dollars, to be transmitted to his excellency the governor and executive council of the said state, for the purpose of paying the bounty of troops to be raised in that state for continental service, and for paying the premiums for taking up deserters from the army; the said governor and council to be accountable.

The committee to whom were referred sundry letters received by the committee of commerce, brought in a report, which was read:

Ordered, That the consideration thereof be postponed till Monday next.

Resolved, That the marine-committee be instructed and directed, to revise the commission and instructions heretofore ordered to be given to the commanders of privateers and letters of marque and reprisals, and the resolutions heretofore passed, relative to captures by sea, and report such a form of a commission, and such instructions, as they judge proper and suitable to our present circumstances.

A letter, of Feb. the 27th, from gen. Washington, and an extract of a letter of the 13th of the same month, from gen. Putnam at West-Point, were read.

Adjourned to ten o'clock to-morrow.

FRIDAY, March 6, 1778.

Ordered, That so much of gen. Washington's letter of Feb. the 27th, as relates to the court-martial on the officers in the northern-department, be referred to a committee of four:

The members chosen, Mr. Ellery, Mr. James Smith, Mr. Dyer and Mr. Lovell:

That such parts of the said letter as relate to the 13th Virginia regiment, and the ordering col. Harrison's regiment of artillery to camp, be referred to the board of war.

A letter, of the 3d, from James Wilkinson, was read, setting forth, that he is "informed the mark of distinction conferred on him has occasioned a dissatisfaction in the army;" that "to obviate any embarrassment which may result from this disposition, by the consequent resignation of officers of merit, he begs leave to relinquish his brevet of brigadier, wishing to hold no commission unless he can wear it to the honour and advantage of his country;" and that "this conduct, how-

ever repugnant to fashionable ambition, he finds consistent with those principles on which he early drew his sword in the present contest:"

Resolved, That his resignation be accepted.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of col. William Buchanan, commissary-general of purchases, for 26,000 dollars, for the use of his department; he to be accountable.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Mr. Thomas Paine, for his services as secretary to the committee for foreign affairs, from the 17th of April, 1777, to the 17th of Feb. 1778, 10 months, at 70 dols. per month, 700 dollars:

Ordered, That the said account be paid.

A letter, of the 2d, from the committee at camp, was read:

Ordered, That it be referred to the board of war.

Four o'clock, P. M.

A letter, of the 1st, from the committee at camp, was read:

Ordered, That it be referred to the board of war.

A memorial from Thomas Leaming, of Cape-May New-Jersey, was read:

Ordered, That it be referred to the board of treasury.

A letter, of the 3d, from the committee at camp, enclosing a plan for the establishment of a corps of engineers, and one, of the 19th of February, from general Heath, at Boston, were read.

A memorial from Robert Morris, in behalf of the owners of the privateer Phoenix, relative to a Portuguese vessel captured by the said privateer, was read:

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

The members chosen, Mr. Lovell, Mr. Clark, Mr. Ellery, Mr. Huntington and Mr. Forbes.

Adjourned to ten o'clock to-morrow.

SATURDAY, March 7, 1778.

A letter, of the 16th of Jan. last, from col. W. Cook, of the 12th Pennsylvania regiment, was read, praying for leave to resign his commission:

Resolved, That his resignation be accepted.

The board of war laid before Congress the following instructions to colonel Nathaniel Gift:

"SIR,

"You, being designated by his excellency gen. Washington, to go with a talk to the Indian nations, on the borders of Virginia and the Carolinas, with a view to secure them in the interest of these states, are hereby authorized and empowered to proceed therewith, and to engage in the service of these states, for the next campaign, any number of Indians, not exceeding 200, also 50 of the inhabitants of the counties bordering on the Indian settlements, to serve with them, under officers whom they shall choose with your approbation; selecting for this service, as far as possible, such men as understand the Indian languages: but, besides these, you are to engage so many interpreters as you shall

judge necessary, not exceeding one to every 50 Indians; these interpreters should be men proper to go with the Indians upon any military services in which they shall be employed; and engaged on the best terms in your power, to serve as long as the Indians remain in service. As an encouragement to the inhabitants to enlist, and to enable them to equip themselves for the campaign, you are to give each non-commissioned officer and soldier, a bounty of 20 dollars: they are to be enlisted to serve for six months after their arrival in camp; and during their time of service, which is to commence five days before their march from home, the officers and soldiers shall receive the same pay and rations as officers of the like ranks and soldiers in the continental army. And you are authorized to engage the Indians, who shall enter into the service of these states, a proper supply of provisions and such allowances, in goods and necessaries, as shall be in the power of the states to furnish, and their bravery and services shall merit.

“To enable you to conduct this business with more dispatch and advantage, and in order to supply the Indians and others whom you shall engage with provisions and other necessaries, you are to get an assistant on the best terms you can. That you may accomplish this business with the greater ease and certainty, the agents from the different states, residing in the Indian countries for the managing of Indian affairs, are desired and directed to give you all-possible assistance.

“In order to fulfil your promises to, and satisfy the reasonable expectations of the 17 Indians employed last summer on the eastern-shore of Maryland, you are hereby empowered to purchase and deliver to each of them such articles of clothing, &c. as you shall judge indispensably necessary.

“You will receive herewith 5000 dollars, for defraying the expenses which you shall necessarily incur in the prosecution of the business above-committed to you. You are to keep an account of your expenditures of money, and as far as may be, get proper vouchers for the same.”

Resolved, That Congress agree to the said instructions.

The committee appointed to prepare a recommendation to the several states, for setting apart a day of fasting, humiliation, and prayer, brought in the same; which was read and agreed to as follows:

WHEREAS, Almighty God, in the righteous dispensation of his providence, hath permitted the continuation of a cruel and desolating war in our land; and it being at all times the duty of a people to acknowledge God in all his ways, and more especially to humble themselves before him when evident tokens of his displeasure are manifested; to acknowledge his righteous government; confess, and forsake their evil ways; and implore his mercy:

Resolved, That it be recommended to the United States of America to set apart Wednesday, the 22d day of April next, to be observed as a day of fasting, humiliation, and prayer; that at one time and with one voice the inhabitants may acknowledge the righteous dispensations of Divine Providence, and confess their iniquities and transgressions, for which the land mourneth; that they may implore the mercy and forgiveness of God; and beseech him that vice, profaneness, extortion, and every evil, may be done away; and that we may be a reformed and happy people; that they may unite in humble and

earnest supplication that it may please Almighty God to guard and defend us against our enemies, and give vigor and success to our military operations by sea and land ; that it may please him to bless the rulers and people, strengthen and perpetuate our union, and in his own good time establish us in the peaceable enjoyment of our rights and liberties ; that it may please him to bless our schools and seminaries of learning, and make them nurseries of true piety, virtue, and useful knowledge ; that it may please him to cause the earth to yield its increase, and to crown the year with his goodness.

And it is recommended to the inhabitants of the United States to abstain, on that day, from labour and recreations.

Resolved, That the commander in chief or commander of a department shall have full power and authority to suspend or limit the power of granting furloughs or leave of absence, and to reserve it wholly to himself, or impart it to such officer or officers under him as he thinks fit, according as he shall judge the good of the service requires ; and that no officer, under colour or pretence of authority to him granted by the 2d article of the 4th section, or any other article, in the rules and articles of war, presume to grant any furlough or leave of absence contrary to the orders of the commander in chief, or commander of a department, on pain of being punished for disobedience.

The medical-committee report, " that they have carefully examined and considered the several allegations and testimonies for, and against Dr. William Rickman, deputy-director-general in the southern-department ; that, notwithstanding, it appears the N. Carolina and Virginia troops inoculated by the said Dr. Rickman at Alexandria, suffered, in general, more in the course of the disease than is usual, and that a number of them did die ; yet, as the committee are convinced that it was impracticable for the director to obtain, in season, a variety of articles for their due accommodation in the hospitals, as many of them were badly clothed, and all had, immediately before the operation, undergone a long and fatiguing march at a season of the year when putrid diseases generally prevail most ; as from a regular return it appears that most of those who were lost died of a putrid fever ; as the director really had not sufficient assistance, and lastly, as one of the assistants of the name of Parker, who was employed from the necessity of the case, appears to have greatly abused the confidence and trust reposed in him by the director ; whence a great part of the evils complained of by the patients may have arisen ; the committee are of opinion, that Dr. Rickman ought to be acquitted of the charges exhibited against him ; that the resolution of the 20th day of Dec. last, for his suspension, be repealed, and that Dr. Rickman be directed to repair immediately to his department, and resume the exercise of his duty there : "

Resolved, That Congress agree to the report of the committee.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Dr. William Rickman, for 140 dollars, in discharge of gov. Caswell's draught on the treasurer, dated N. Carolina, June the 11th, 1777, in favour of Arell, Copper & Arell, for that sum, it being for the hire of horses, carriages and other necessaries furnished to col. d'Erford and his party

on their journey from that state to Philadelphia ; the said col. d'Erford to be accountable :

That a warrant issue on the treasurer in favour of the president, Henry Laurens, Esq; for 2147⁶⁰/₉₀ dollars, being the balance of his account of money advanced to a number of expresses, and a further sum of 2000 dollars, advanced for the pay of expresses and other contingent expenses ; for which sum he is to be accountable.

The board of treasury report, " that they have considered the memorial of Thomas Leaming referred to them, and are of opinion, that the said memorial be referred to his excellency the governor and supreme executive council of the state of N. Jersey, and that they be requested to ascertain the quantity of salt taken by the assistant commissary of the United States, or lost in consequence of the seizure, and the sum that ought to be allowed for the same ; and that E. Blaine. Esq; deputy-commissary-general of purchases, be directed to pay Mr. Leaming the amount of the said salt, upon his producing a certificate from the governor and council aforesaid, specifying the sum to be paid :"

Resolved, That Congress agree to the report of the committee.

The president laid before Congress sundry bills of exchange, drawn by the late William Kennon, on John Hancock, Esq; president of Congress, and moved, that an order pass for the payment of the same :

Resolved, That the consideration thereof be postponed to Wednesday next, and that the board of treasury report thereon.

Adjourned to ten o'clock on Monday.

MONDAY, March 9, 1778.

A letter, of the 3d, from the council of Pennsylvania, was read :

Ordered, That it be referred to the board of war.

A letter, of February 20th, from brigadier Parsons, at West-Point, with the proceedings of a court-martial on the trial of Thomas Doyle, was read :

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

The members chosen, Mr. Lee, Mr. Clark and Mr. James Smith.

A letter of Feb. 4th, from the board of war, at Boston, was read :

Ordered, That it be referred to the committee on governor Johnson's letter.

A letter, of the 1st, from Jonathan Trumbull, jun. Esq; pay-master of the northern-department, with an estimate of cash wanted for that department, was read :

Ordered, That it be referred to the board of treasury.

A letter, of Feb. 24th, from colonel W. Aylett, and one, of Feb. 28th, from colonel Champion, both directed to W. Buchanan, Esq; commissary-general of purchases, were laid before Congress, and read :

Ordered, That the letter from colonel Aylett be referred to the board of treasury ; and that the letter from colonel Champion be referred to a committee of three ;

The members chosen, Mr. Wolcott, Mr. James Smith and Mr. Harvie.

A letter from John Lawrence, Esq; judge-advocate-general, dated camp at White-Marsh, November 18th, 1777, and directed to James Duane, Esq; was laid before Congress, and read :

Ordered, That it be referred to the board of treasury.

A letter, of this day, from Paul Turquand, was read :

Ordered, That it be referred to the board of treasury.

—+—
Four o'clock, P. M.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourie, pay-master to the board of war and ordnance, for 30,603 dollars, to be by him transmitted to his excellency the governor and council of the state of Virginia, to reimburse them that sum advanced to Alexander Role, Esq; agreeably to the request of the board of treasury, by a letter of the 24th of January last ; the said governor and council to be accountable :

That a warrant issue on the treasurer in favour of lieutenant Thomas Hunt, for 4423 $\frac{3}{10}$ dollars, it being in discharge of a bill drawn by W. Palfrey, Esq; pay-master-general, dated camp, 4th inst. on the president of Congress, for that sum, in favour of captain Peter Dolliver, for the use of colonel Jackson's regiment ; the said pay-master-general to be accountable :

That a warrant issue on the treasurer in favour of Ananias Hudson, for 625 dollars, in discharge of John Ashe's three draughts on the treasurer, dated North-Carolina, the 10th of May last ; one in favour of captain Benjamin Stedman, for 250 dollars, one in favour of ensign John Williams, for 250 dollars, and the other in favour Jahleel Smith, for 125 dollars ; the state of North-Carolina to be accountable.

The commissioners of claims report, that there is due to John Benezet, 1356 dollars, for his salary as a commissioner of accounts to the 8th instant, included :

Ordered, That the said account be paid.

A letter, of the 2d, from Matthew Irwin, was read :

Ordered, That it be referred to the board of treasury.

A letter, of the 2d, from captain W. Nichols, was read, praying for leave to resign his commission ; also a letter of the 9th, from col. Hartley, respecting the filling up his regiment, and one from Dr. Ammi Ruhamah Cutter to Mr. Frost, praying for leave to resign, were read :

Ordered, That Dr. Cutter have leave to resign ; that the letter from captain Nichols be referred to the board of war ; and the letter from colonel Hartley to the delegates of Pennsylvania.

Resolved, That the committee of foreign affairs be directed to make a reasonable allowance to baron de Holzendorf for his expenses to France.

The committee to whom was referred the letter from colonel Champion, brought in a report, which was read :

Ordered, That the consideration thereof be postponed.

Congress resumed the consideration of the report of the committee on the system of the commissary, and some progress being made therein,

Resolved, That the farther consideration thereof be postponed till to-morrow.

Adjourned to ten o'clock to-morrow.

—+—
TUESDAY, March 10, 1778.

A letter, of this day, from John Benezet, was read, praying for leave to resign his office of commissioner of claims :

Ordered, That it be referred to the board of treasury.

A letter, of the 7th, from the executive council of Pennsylvania, was read, representing that "the affairs of the commonwealth of Pennsylvania are so circumstanced as to admit the return of the prisoners sent from that state into Virginia, without danger to the commonwealth or to the common cause of America; that the dangerous example which their longer continuance in banishment may afford on future occasions has already given uneasiness to some good friends to the independency of these states," and requesting, "if Congress have no other reasons for continuing them in Virginia than the council are acquainted with, that such orders may be given as shall put those people again under the direction and authority of the president and council of their state;" and further desiring to be informed whether Congress have any objection to the hon. John Penn and Benjamin Chew, Esqrs; being likewise again returned under the authority of the state."

A letter, of the 5th, from gov. Livingston, with a report from him on removing some officers in the department of the deputy quartermaster and commissary at Princeton, was read :

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

The members chosen, Mr. Clark, Mr. Ellery and Mr. Gerry.

A letter, of the 6th, from W. Patterson, Esq; attorney-general of the state of N. Jersey, was read, representing that the duties of his office prevent his accepting the appointment which Congress have been pleased to confer upon him :

Ordered, That it be referred to the committee on the extract of gen. Washington's letter relative to the trial of the general-officers in the northern-department, at the time of the evacuation of Ticonderoga and Mount-Independence.

A letter, of the 5th, from the committee at camp, and instructions from gen. Washington to col. Baylor, respecting the purchase of horses, arms and accoutrements in Virginia and N. Carolina, were read :

Ordered, That they be referred to the board of treasury.

A representation from the council and assembly of Pennsylvania was read :

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

The members chosen, Mr. Clark, Mr. Lovell and Mr. Gerry.

Resolved, That the committee have power to call for papers.

Four o'clock P. M.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. G. Frost, for 800 dollars, to be charged to the state of N. Hampshire :

That a warrant issue on the treasurer in favour of Benjamin Minnin, for 25,000 dollars, to be transmitted to Matthew Irwin, agent for Joseph Trumbull, Esq; late commissary-gen. for the payment of arrears ; and for which the said Joseph Trumbull is to be accountable :

That a warrant issue on the treasurer in favour of William Buchanan, Esq; commissary-gen. of purchases, for the sum of 26,000 dols. for the use of his department ; and for which he is to be accountable :

That a warrant issue on the commissioner of the loan-office in the state of N. Jersey, on the application of the marine-committee, in

favour of the navy-board in the middle-district, for 11,000 dollars ; to be charged to the marine-committee.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the following persons, to be paid to Peter Schultz, the sum of $548\frac{85}{90}$ dollars, for transporting the baggage of the York county militia, under the command of col. James Smith, in July, 1776, viz.

To Peter Schultz, for 27 days and ferriage, $109\frac{37}{90}$ dollars ; Francis Jones, 23 days, 92 dollars ; Gotleib Reiger, 26 days, 104 dollars ; Michael Yefel, 27 days and ferriage, $110\frac{27}{90}$ dollars ; Philip Winder Meyer, 10 days and ferriage, $41\frac{21}{90}$ dollars ; Barnabas Hostapple, 23 days, 92 dollars ; making in all $548\frac{85}{90}$ dollars :

To col. Nathaniel Gift, $290\frac{47}{90}$ dollars ; a balance of his contingent account, which accrued on an embassy to the Cherokee Indians, by order of gen. Washington :

To Martin Brenise, for the amount of his account for attendance on Congress, from the 1st of Dec. 1777, to the 1st of March, 1778, at $\frac{1}{4}$ d dollar per day, and for ringing the bell, &c. $\frac{2}{3}$ ds dollar per day, $153\frac{30}{90}$ dollars :

To the Rev. Mr. Lotbinier, a Canadian chaplain, for one month's pay, ending this day, and for 35 rations, $52\frac{22}{90}$ dollars :

Ordered, That the said accounts be paid.

Congress resumed the consideration of the report on the system of the commissary's department, and, after debate,

Ordered, That the last paragraph be re-committed.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, March 11, 1778.

A letter from the board of war, enclosing one of the 6th, from gov. Johnson, of Maryland, and other papers, was read :

Ordered, That so much of the letter from the board of war as relates to money, be referred to the board of treasury :

That the letter from gov. Johnson be referred to the committee on the representation from the council and assembly of Pennsylvania.

The committee to whom was referred the letter from gov. Livingston, enclosing his report respecting the removal of several officers employed in the quarter-master's department at Princeton, in N. Jersey, pursuant to the recommendation of Congress of the 9th of Feb. last, brought in a report, which was read ; whereupon,

Resolved, That Congress highly approve the proceedings of gov. Livingston in removing the persons mentioned in his report of the 5th inst. and that the president transmit to him the thanks of Congress for his ready compliance with their wishes, in undertaking a work so necessary to the interest of these United States, and for the assurance he gives of visiting, as soon as possible, the several parts of that state, more fully to carry into execution the aforesaid resolution :

Resolved, That whatever expense may be incurred by the executive authority of any state in executing the resolution of Congress of the 9th of Feb. last, authorizing the executive powers of every state to suspend, for misbehaviour, or remove, as supernumerary, any officers

of the staff, or any civil officers, &c. shall be duly paid upon the accounts being laid before the board of treasury.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer for 40,000 dollars, in favour of the president and council of Pennsylvania, 20,000 of which to be applied towards the recruiting-service, and the remainder to pay off the militia; the said sum to be charged to the state of Pennsylvania:

That a warrant issue on the treasurer in favour of col. Baylor, of the light-dragoons, for 50,000 dollars, to be by him employed in the purchase of horses, arms and accoutrements, for the use of the army of the United States:

That another warrant issue in his favour on William Armistead, Esq; commissioner of the loan-office in the state of Virginia, for 35,000 dollars, for the same purpose:

That another warrant issue in his favour on James Green, jun. commissioner of the loan-office in the state of N. Carolina, for 15,000 dollars, to be employed in the same manner; for all which sums, amounting to 100,000 dollars, col. Baylor is to be accountable:

That a warrant issue on the treasurer in favour of William Buchanan, Esq; commissary-general, for 200,000 dollars, to be by him transmitted to col. Henry Champion, for the purchase of live-stock in the eastern-department:

That a warrant issue on the treasurer, in favour of Joseph Nourse, pay-master to the board of war and ordnance, for 50,000 dollars, to be by him transmitted to Isaac Forster, deputy-director-general of the military-hospital in the eastern-department, at Danbury, in Connecticut, for which sum the said deputy-director-general is to be accountable:

That a warrant issue on Joseph Borden, Esq; commissioner of the loan-office in the state of N. Jersey, for 50,000 dollars, in favour of col. Mark Bird, on the application of gen. Miffin, late quarter-master-general, who is to be accountable for the same.

The committee to whom was referred the letter relative to the purchase of provisions for the army, having brought in a report, the same was taken into consideration, and after debate, the farther consideration thereof postponed to the afternoon.

Four o'clock, P. M.

Congress resumed the consideration of the report on col. Champion's letter; whereupon,

Resolved, That a copy of col. Champion's letter of Feb. the 28th, to col. Buchanan, be referred to the legislature of the state of Connecticut, and that it be submitted to their wisdom to devise a remedy for the evil complained of or feared, in such a way, and by such means, as they shall judge most for the public interest.

Ordered, That Mr. Roberdeau be excused from attending at the board of treasury, and that Mr. Jonathan B. Smith be appointed a member of that board in his stead.

Adjourned to ten o'clock to-morrow.

THURSDAY, March 12, 1778.

A letter, of Feb. the 13th, from Messrs. R. T. Paine, O. Ellsworth

and H. Marchant; one, of Feb. the 20th, from Eleazer Wales; one, of the 2d inst. from Joseph Trumbull, and one from Jonathan Trumbull, jun. with a letter enclosed from N. Appleton, were read:

Ordered, That the letter from Jonathan Trumbull, jun. Esq; with that enclosed, be referred to the board of treasury.

Resolved, That a committee of three be appointed to examine the correspondence between the commissary-general of purchases and his deputies, respecting the supply of provisions and the returns, &c.

The members chosen, Mr. Clark, Mr. Harvie and Mr. Forbes.

A report from the board of war was read; whereupon,

Resolved, That captain William Nichol's resignation be accepted.

Resolved, That the report of the committee on the affairs of Roderique Hortales & Co. be re-committed.

The committee of commerce brought in a report:

Ordered, That it be referred to a committee of the whole house, and that to-morrow Congress be resolved into a committee to consider it.

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 attention 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 their immediate attention to this as a matter of great moment.

The marine-committee laid before Congress a copy of a proposed letter to capt. Barry, among other things empowering him to purchase, for the use of the continent, and to fit out a vessel which he has lately taken in Delaware-Bay:

Resolved, That Congress approve of the purchase being made, and that it be referred to the marine-committee to give such directions as they judge proper respecting the naming, officering and manning the said vessel when purchased, and the manner in which she is to be employed.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of col. William Buchanan, commissary-general of purchases, for 150,000 dols. for the use of his department in the middle-district; for which he is to be accountable.

—♦—
Four o'clock, P. M.

A letter, of the 4th, from Geore Read, Esq; president of the state of Delaware, and one, of the 9th, from Cæsar Rodney, both directed to Mr. McKean, the delegate from that state, were laid before Congress and read:

Ordered, That the same be referred to the board of treasury.

A letter, of Feb. the 19th, from Mr. Colt to Mr. Buchanan, was read:

Ordered, That it be referred to the board of war.

Congress resumed the consideration of the report on the system of the commissary of purchases, and after debate,

Ordered, That the farther consideration thereof be postponed till to-morrow.

Adjourned to ten o'clock to-morrow.

FRIDAY, March 13, 1778.

A letter from col. Ruffel, of the 13th Virginia regiment, was read :
Ordered, That it be referred to the board of war.

A petition from the inhabitants of Westmoreland, was read :
Ordered, That it be referred to the board of war.

The committee on the treasury brought in a report ; whereupon,
Ordered, That a warrant issue on the treasurer for 25,000 dollars, to be paid to Peter Ozeas, for the use of the barrack-master-general, and for which sum the said barrack-master-general is to be accountable :

That a warrant issue on Thomas Smith, Esq; commissioner of the loan-office in the state of Pennsylvania, in favour of William Buchanan, Esq; commissary of purchases, for 200,000 dollars ; and for which the said commissary-general is to be accountable.

The committee to whom was referred the trial and condemnation of Thomas Doyle, a foldier of col. S. B. Webb's battalion, for deserting to the enemy, in whose service he was made prisoner ; and the letter from brigadier S. Parsons, desiring to be informed whether deserters from the enemy are permitted to enlist into the service of these United States, and whether in case such are enlisted, a deserter of that character can be legally condemned and executed for desertion, report as their opinion, "that although it hath been recommended to the officers of the army of these states to refrain from enlisting deserters from the enemy, yet such being enlisted and receiving bounty and pay, are in all respects subject to the articles of war, and liable to suffer death for desertion ; the rules and articles for the government of the troops raised or to be raised and kept in pay by and at the expense of the United States of America, making no distinction between the inhabitants of these states and deserters from the enemy taken into the service :"

Resolved, That Congress agree to the report of the committee.

Congress resumed the consideration of the report of the committee appointed to revise the system of the commissary's department ; whereupon,

Resolved, That a commissary-general of purchases be appointed, with full powers to depute or remove any officer of his department :

That each assistant purchasing-commissary shall receive the following allowances for purchasing provisions and other articles, viz.

| | | | |
|------------------------------|-------------|-----------------|------------------|
| Flour or meal, | per cwt. | $\frac{6}{90}$ | ths of a dollar, |
| Hard bread, | per do. | $\frac{8}{90}$ | ditto |
| Fresh pork, | per do. | $\frac{18}{90}$ | ditto |
| Salt pork in barrels, | per do. | $\frac{24}{90}$ | ditto |
| Fresh beef, hide and tallow, | per do. | $\frac{24}{90}$ | ditto |
| Salt beef in barrels, | per do. | $\frac{24}{90}$ | ditto |
| Salt, | per bushel, | $\frac{6}{90}$ | ditto |
| Molasses, | per gallon, | $\frac{3}{90}$ | ditto |
| West-India rum, | per do. | $\frac{3}{90}$ | ditto |
| American rum or whiskey, | per do. | $\frac{3}{90}$ | ditto |
| Rice, | per cwt. | $\frac{6}{90}$ | ditto |
| Meat barrels for packing | } each | $\frac{4}{90}$ | ditto |
| beef, pork or fish, | | | |
| Bread casks with lining | } each | $\frac{3}{90}$ | ditto |
| hoops, | | | |

| | | | |
|-----------------------|-------------|-----------------|------------------|
| Vinegar, | per barrel, | $\frac{3}{90}$ | ths of a dollar, |
| Turnips and potatoes, | per bushel, | $\frac{4}{90}$ | ditto |
| Beans and peas, | per do. | $\frac{6}{90}$ | ditto |
| Pickled shad, | per barrel, | $\frac{12}{90}$ | ditto |
| Onions, | per bushel, | $\frac{5}{90}$ | ditto |

That each assistant purchasing-commissary shall be allowed ten per cent. on the sum which he shall save by purchasing good provisions at less prices than such as are fixed in the respective states :

That it shall be the duty of each deputy-commissary-general of purchases to superintend the assistant-purchasers under him ; see that the business of his department is properly conducted, and that full supplies of provisions are seasonably procured in his district ; and that he shall be entitled to an allowance equal to $\frac{1}{5}$ th part of the whole allowance made to his assistants as aforesaid :

While this resolution was under debate, a question was moved, that the allowance to the deputy-commissary-general be one-fourth part, &c.

| | | | | |
|---------------------------|------------------|----|---|----------|
| <i>New-Hampshire,</i> | Mr. Frost, | no | } | no |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | | * |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } | no |
| <i>Connecticut,</i> | Mr. Dyer, | no | | |
| | Mr. Wolcott, | no | } | no |
| <i>New-Jersey,</i> | Mr. Clark, | ay | | |
| | Mr. Scudder, | ay | } | ay |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | | |
| | Mr. J. B. Smith, | | } | ay |
| | Mr. James Smith, | ay | | |
| | Mr. Clingan, | ay | } | divided. |
| <i>Maryland,</i> | Mr. Forbes, | ay | | |
| | Mr. Henry, | no | } | no |
| <i>Virginia,</i> | Mr. Lee, | no | | |
| | Mr. Harvie, | no | } | no |
| <i>North-Carolina,</i> | Mr. Burke, | | | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } | ay |
| | | | | |

So it passed in the negative.

The question being put on one-fifth, resolved in the affirmative.

On the question put to agree to the resolution as amended, the yeas and nays being required,

| | | | | |
|---------------------------|------------------|----|---|----|
| <i>New-Hampshire,</i> | Mr. Frost, | ay | } | ay |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | | * |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } | ay |
| <i>Connecticut,</i> | Mr. Dyer, | no | | |
| | Mr. Wolcott, | no | } | no |
| <i>New-Jersey,</i> | Mr. Clark, | ay | | |
| | Mr. Scudder, | ay | } | ay |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | | |
| | Mr. J. B. Smith, | | } | ay |
| | Mr. James Smith, | ay | | |
| | Mr. Clingan, | ay | } | ay |
| <i>Maryland,</i> | Mr. Forbes, | ay | | |
| | Mr. Henry, | ay | } | ay |
| | | | | |

| | | | |
|------------------------|-----------------------|-------------|-----------|
| <i>Virginia,</i> | Mr. <i>F. L. Lee,</i> | <i>ay</i> } | <i>ay</i> |
| | Mr. <i>Harvie,</i> | <i>ay</i> } | |
| <i>North-Carolina,</i> | Mr. <i>Penn,</i> | <i>ay</i> } | <i>ay</i> |
| | Mr. <i>Burke,</i> | <i>ay</i> } | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>ay</i> } | <i>ay</i> |

So it was resolved in the affirmative,

Resolved, That it shall be the duty of the commissary-general of purchases to superintend all the officers of his department ; to give the necessary orders to the deputy-commissaries-general, and see that the business in each department is properly executed, and that full supplies of provisions for the army are seasonably procured ; and that he shall be entitled to an allowance equal to one-third part of the whole allowance made to his deputy-commissaries-general as aforesaid :

That the allowances herein provided for the commissary and deputy-commissaries-general, and assistant commissaries, shall be in lieu of all other rewards for their respective services and expenses, including the pay of their clerks in purchasing provisions :

That the commissary-general be directed to visit the armies and posts, and that he be subject to the orders of the commander in chief ; and that he be excused from residing at the place where Congress sits, he keeping a clerk and office there, to which all returns shall be made, and which shall be under the inspection and direction of the board of war :

That the commissary-general, deputy-commissaries-general, and assistant commissaries of purchases, govern themselves in all other respects by the regulations for the commissary's system passed in Congress, the 10th day of June last, and the subsequent resolutions of the 4th day of October last, except such parts thereof as are altered by these regulations.

Resolved, That a committee of three be appointed to report a plan for taking bonds with sufficient securities from officers entrusted by the United States with public monies :

The members chosen, Mr. Ellery, Mr. Henry and Mr. Burke.

A report from the board of war was read ; whereupon,

Resolved, That col. Harrison's regiment of artillery be, and they are hereby ordered from Virginia, to join the grand army, without the least delay ; agreeably to general Washington's request :

Resolved, That the part of the report, which relates to the 13th Virginia regiment, be postponed.

Resolved, That gen. Washington be empowered to order col. Hazen's or any other regiment from the northward, if he judges it proper, to join the main army as soon as the season will admit.

Adjourned to ten o'clock to-morrow.

SATURDAY, March 14, 1778.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of brigadier Scott, for 2000 dollars, in discharge of a bill drawn by William Paley, Esq; pay-master-general, for that sum, on the president of Congress, dated General Pay-Office, the 6th of March, in favour of the said brigadier Scott, and expressed to be for the use of the forces of the United States ; the pay-master-general to be accountable :

That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the board of war and ordnance, for 5000 dollars, to enable the said board to advance that sum to col. Nathaniel Gift, for the purpose of recruiting Indians; the said pay-master to be accountable:

That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the board of war and ordnance, for 10,000 dollars, to be advanced him for the purpose of paying contingent expenses and other demands of the board of war; the said pay-master to be accountable.

The commissioners of claims report, that they have examined the accounts of the late commissioners of claims, and find that they have received from John Gibbon, Esq; auditor-general, the sum of 2520 dollars, which they have paid as follows, viz.

To sundry officers and soldiers belonging to different regiments of the continental army, whose times were expired, and who were taken prisoners at Fort-Washington, as per receipts, 1435 $\frac{8}{9}$ dollars;

To sundry officers and soldiers belonging to different regiments of the flying-camp, taken at Fort-Washington, 962 $\frac{5}{9}$ dollars;

To Michael Hillegas, Esq; continental-treasurer, the balance for which he is to be accountable, 121 $\frac{3}{9}$ dollars.

The board of treasury having reported on the bills of exchange drawn by the late col. William Kennon on John Hancock, Esq; president of Congress, a motion was thereupon made,

"That the board of treasury be directed to pay the said bills;" whereupon the previous question was moved, whether that question shall be now put, and the yeas and nays required,

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Frost, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | |
| | Mr. Lovell, | | } * |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | |
| <i>Connecticut,</i> | Mr. Dyer, | no | } no |
| | Mr. Wolcott, | ay | |
| | Mr. Huntington, | no | } no |
| <i>New-Jersey,</i> | Mr. Clark, | ay | |
| | Mr. Scudder, | no | } divided. |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | no | |
| | Mr. J. B. Smith, | no | } no |
| | Mr. James Smith, | ay | |
| | Mr. Clingan, | no | } no |
| <i>Maryland,</i> | Mr. Forbes, | ay | |
| | Mr. Henry, | no | } divided. |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | |
| | Mr. Harvie, | no | } divided. |
| <i>North-Carolina,</i> | Mr. Penn, | no | |
| | Mr. Harnett, | ay | } ay |
| | Mr. Burke, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| <i>Georgia,</i> | Mr. Langworthy, | no | |

So it passed in the negative.

It was then moved, "that the said report be re-committed," and the yeas and nays being required,

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Frost, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | |
| | Mr. Lovell, | | } * |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | |
| <i>Connecticut,</i> | Mr. Dyer, | no | } ay |
| | Mr. Wolcott, | ay | |
| | Mr. Huntington, | ay | } ay |
| <i>New-Jersey,</i> | Mr. Clark, | no | |
| | Mr. Scudder, | no | } no |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | |
| | Mr. J. B. Smith, | no | } ay |
| | Mr. James Smith, | | |
| | Mr. Clingan, | ay | } divided. |
| <i>Maryland,</i> | Mr. Forbes, | no | |
| | Mr. Henry, | ay | } divided. |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | |
| | Mr. Harvie, | ay | } ay |
| <i>North-Carolina,</i> | Mr. Penn, | | |
| | Mr. Harnett, | ay | } ay |
| | Mr. Burke, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } no |
| <i>Georgia,</i> | Mr. Langworthy, | no | |

So it was resolved in the affirmative.

Ordered, That the bills of exchange, together with Mr. president Rutledge's letters of April, 1777, be returned to the Rev. Mr. Paul Turquand, who presented them for payment, and also a copy of Mr. Turquand's letter to Congress, if he shall desire it.

A report from the board of war was read:

Ordered, That the consideration thereof be postponed.

Resolved, That John More, Esq; of the county of Albemarle, in Virginia, be appointed to act as an assistant-commissary of purchases under William Aylett, Esq; deputy commissary-general, for procuring live cattle and pork, for the use of the army under gen. Washington, so long as the said deputy commissary-general may find his services necessary, and that he be directed to conform to the rules and regulations laid down in the commissary's system, and receive the same allowance on his purchases as is thereby given to other assistant-purchasers; and that he be furnished, from time to time, with money from the treasury for the above-mentioned purposes.

Adjourned to ten o'clock on Monday.

MONDAY, March 16, 1778.

Mr. Banister, a delegate from Virginia, attended, and took his seat in Congress.

A letter, of the 7th and 8th, from gen. Washington was read, with sundry papers enclosed, viz. a letter, of Feb. 14th, from gen. Howe, one, of the 22d, containing depositions of Thomas Wileman, of the 17th dragoons, and serjeant George Thompson, of the 63d regiment; a declaration, signed Thomas Franklin, agent for American prisoners in Philadelphia, and a report of Mr. Sanford, and one, of the 2d of March:

Another letter of the 12th, from gen. Washington, with copies of letters enclosed that passed between him and gen. Howe, was read :

Ordered, That so much of the said letters and papers as respect the settlement of accounts relative to prisoners previous to a general exchange, as directed by the resolution of the 26th of Feb. be referred to a committee of three :

The members chosen, Mr. Lee, Mr. Henry and Mr. Huntington.

Ordered, That the remainder of the letters be referred to the board of war.

A letter, of the 5th, from gov. Clinton, was read :

Ordered, That it be referred to the committee on gov. Johnson's letter of the 6th.

A letter, of the 15th of Feb. from gov. Caswell, was read.

A letter, of the 1st, from Benjamin Harrison, and one, of Feb. 27th, from G. Wythe, were read :

Ordered That the former be referred to the board of treasury, and the latter to the marine-committee.

A letter, of Feb. 15th, from gov. Caswell to F. L. Lee, Esq; was read :

Ordered, That it be referred to the board of war.

A letter, of Feb. 26th, from J. Tazewell, continental agent in the state of Virginia, was read, desiring leave to resign his office :

Resolved, That his resignation be accepted, and that John Carter, Esq; be appointed in his stead.

A letter, of the 10th, from E. Boudinot, Esq; commissary-general of prisoners, with three papers enclosed, directed to the board of war, was laid before Congress and read :

Ordered, That so much of the said letter as relates to money matters, be referred to the board of treasury, and the remainder to the board of war.

—♦—
Four o'clock, P. M.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Cornelius Harnett, Esq; for the use of Francis Brice, for 2500 dols. in discharge of John Ashe's two draughts on the treasurer, dated the 27th of March, 1777, in favour of the said Brice, one for 1000 dols. and the other for 1500 dols. both expressed to be for the use of the United States ; the state of North-Carolina to be accountable :

That a warrant issue on the treasurer in favour of lieutenant William Frazier, for 20,000 dollars, to be by him conveyed to the hon. George Read, president of the state of Delaware, advanced to, and for which that state is to be accountable.

A letter, of the 7th, from William Palfrey, Esq; pay-master-general, directed to the board of treasury, was read :

Ordered, That it be returned to the board.

Resolved, That two members be added to the committee on the convention of committees at N. Haven, in the room of Mr. Witherspoon and Mr. M'Kean, who are absent :

The members chosen, Mr. Banister and Mr. Huntington.

Congress resumed the consideration of the report of the board of war of the 13th, relative to the 13th Virginia regiment, and, after debate,

Resolved, That the consideration thereof be postponed.

Resolved, That the board of war be directed to deliver to the order of the president and council of Pennsylvania, the prisoners sent from that state to Virginia.

Resolved, That the application, "that the hon. John Penn and Benjamin Chew, may be delivered over to the order of the state of Pennsylvania," be referred to a committee of three, who are directed to correspond with the said state and report to Congress :

The members chosen, Mr. Clark, Mr. James Smith and Mr. Henry.

Whereas, Congress have not received information of the measures which the several states have, from time to time, adopted, in consequence of their recommendations ; and, whereas, such information, together with the concurrence of the respective legislatures in vigorously executing the resolutions of Congress, is essentially necessary to enable them to transact the important concerns of the United States :

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 may have received since the first day of Nov. last ; and of all acts which they may hereafter pass, in consequence of future recommendations.

The committee to whom were referred sundry letters received by the committee of commerce, relative to the claims of Roderique Hortales & Co. brought in a report :

Ordered, That it be referred to a committee of the whole ; and that to-morrow Congress resolve itself into a committee to consider the same.

Congress took into consideration the report of the board of war of the 14th ; whereupon,

Resolved, That one full company of foot be raised in the town of Westmoreland, on the east-branch of Susquehannah, for the defence of the said town and the settlements on the frontiers and in the neighbourhood thereof, against the Indians and other enemies of these states, the said company to be enlisted to serve one year from the time of their enlisting, unless sooner discharged by Congress :

That officers be commissioned only in proportion to the number of men who shall be enlisted :

That the same pay and rations be allowed the company as to officers of the like ranks and soldiers in the continental army :

That the commissary-general of purchases contract with a suitable person to supply the company with provisions :

That the company find their own arms, accoutrements, clothes and blankets :

That the colonel, and, in his absence, the next commanding field-officer of the militia at the said town of Westmoreland, be desired and empowered to superintend the said company, give orders relative to the station or stations it shall take for the defence of the country, or other proper military services, and to see that the officers and men faithfully perform their duty, and on failure to give notice thereof to the board of war.

Adjourned to ten o'clock to-morrow.

TUESDAY, March 17, 1778.

The committee to whom was referred that part of general Washing-

ton's letters, relative to the exchange of prisoners, brought in a report:

Resolved, That the consideration thereof be postponed.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of James Milligan, Esq; commissioner of claims at the treasury, for 1279 dollars, in full of his salary to this day inclusive.

According to the order of the day, Congress resolved itself into a committee of the whole, to consider the report on the claims of Roderique Hortales & Co. and after some time, the president resumed the chair, and Mr. Harvie reported, that the committee have had under consideration the matter to them referred, but not having come to a conclusion, desire leave to sit again:

Resolved, That this afternoon Congress resolve itself into a committee of the whole, to consider farther the report on the claims of Roderique Hortales & Co.

Four o'clock, P. M.

Resolved, That the board of war be empowered and directed to appoint officers and fill up commissions for the company ordered by the resolution of yesterday, to be raised for the defence of Westmoreland and the settlements adjacent, and to take every measure necessary for carrying the said resolutions into effect.

Congress then resolved itself into a committee of the whole, to consider farther the report of the committee on the claims of Roderique Hortales & Co. and after some time, the president resumed the chair, and Mr. Harvie reported, that the committee have had under consideration the matter to them referred, and have made some progress therein, and not having come to a conclusion, desire leave to sit again:

Resolved, That to-morrow Congress be resolved into a committee of the whole, to consider farther the matter referred to them.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, March 18, 1778.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq; commissioner of the loan-office in the state of Pennsylvania, in favour of Elias Boudinot, Esq; commissary-general of prisoners, for 2500 dollars:

That another warrant issue on the commissioner of the loan-office for the state of Massachusetts-Bay, in his favour, for 4000 dollars; and another on the commissioner of the loan office in the state of Connecticut, for a like sum of 4000 dollars; all which are for the use of his department, and to be charged to his account.

A memorial of Alexander Foster, in behalf of B. M. Clenaghan and others, owners of the schooner Liberty, was read:

Ordered, That the said memorial, together with the petition of William Bell, presented on the 10th day of February, and that of James Gallagher on the 21st, be referred to a committee of three;

The members chosen, Mr. Dyer, Mr. Clark and Mr. Langworthy.

Resolved, That Mr. Banister be added to the committee on the treasury.

An account of Timothy Edwards, commissioner of Indian affairs, was presented to Congress :

Ordered, That it be referred to the board of treasury.

Congress took into consideration the report on the general's letter of the 7th and 8th, and after debate,

Resolved, That the farther consideration thereof be postponed to the afternoon.

—+—
Four o'clock, P. M.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the board of war and ordnance, for 20,000 dollars, to be applied by the board for the purpose of purchasing meat and hiring waggons in Virginia, for the service of the grand army ; the said pay-master to be accountable :

That a warrant issue on the loan-office in the state of Georgia, in favour of Joseph Clay, Esq; deputy pay-master-general in the said state, for 202,423 dollars, being the residue of the 300,000 dollars ordered by Congress in August last, to be sent to the state of Georgia for the military-chest that remains unappropriated, which are to be draughted by the commanding-officer in the state of Georgia, for the subsistence of the continental troops under his command ; the said pay-master to be accountable :

That a warrant issue on James Greene, jun. Esq; commissioner of the loan-office in the state of N. Carolina, in favour of the assembly of the said state, for 30,000 thousand dollars ; the said state to be accountable :

That a warrant issue on the treasurer for 1200 dollars, in favour of major Clarke, one of the auditors of accounts in the main army, for the purpose of purchasing a covered waggon and four horses for the use of the auditor's-office in camp ; major Clarke to be accountable.

The marine-committee brought in a report :

Ordered, That the consideration thereof be postponed.

A letter, of the 14th, from gen. Washington, was read :

Ordered, That it be referred to the board of war.

A memorial from Thomas Bedwell was read :

Ordered, That it be referred to the board of war.

Congress resumed the consideration of the report of the committee on gen. Washington's letter of the 7th and 8th, continued to the 14th, and thereupon came to the following resolution :

Whereas, by the express resolutions of Congress of the 19th of Dec. and 26th of Feb. last, no exchange of prisoners can take place until all accounts for support of the prisoners in our hands are liquidated and the balance due thereon discharged : and, whereas, the time allowed to several of the states to adjust and exhibit their claims will occasion great delay ; and as an exchange of prisoners hath been agreed upon between gen. Washington and gen. Howe, and it being the earnest wish of Congress to relieve, as soon as possible, the unhappy sufferers now labouring under a cruel captivity, and it appearing, by the late returns from the commissary of prisoners, that, if the present intended exchange shall take place, a sufficient number of the enemy, now in the power of the United States, will still remain to se-

cure the payment of any balance that may be due on account of their support, and the views of Congress in the resolutions aforesaid be fully answered ; therefore,

Resolved, That gen. Washington be authorized and empowered to proceed in the exchange of such prisoners as are now in the power of the enemy, without waiting for the settlement of the accounts aforesaid ; and take measures for settling a general cartel for the exchange of prisoners in future, upon such principles as may appear to him most advantageous to the United States, and agreeable to the aforementioned resolutions :

On the question put to agree to the preamble and the first clause of the resolution, the yeas and nays being required,

| | | | |
|----------------------------|------------------|------------------|------------|
| <i>New-Hampshire</i> , | Mr. Frost, | ay | } ay |
| <i>Massachusetts-Bay</i> , | Mr. Gerry, | no | |
| | Mr. Lovell, | no | } * |
| <i>Rhode-Island</i> , | Mr. Ellery, | no | |
| <i>Connecticut</i> , | Mr. Dyer, | ay | } ay |
| | Mr. Huntington, | ay | |
| <i>New-York</i> , | Mr. Lewis, | ay | } * |
| <i>New-Jersey</i> , | Mr. Clark, | ay | |
| | Mr. Scudder, | ay | } ay |
| <i>Pennsylvania</i> , | Mr. Roberdeau, | no | |
| | Mr. James Smith, | ay | } divided. |
| | Mr. J. B. Smith, | declined voting. | |
| | Mr. Clingan, | declined voting. | |
| <i>Maryland</i> , | Mr. Forbes, | ay | } ay |
| | Mr. Henry, | ay | |
| <i>Virginia</i> , | Mr. F. L. Lee, | ay | } ay |
| | Mr. Harvie, | ay | |
| | Mr. Banister, | ay | |
| <i>North-Carolina</i> , | Mr. Penn, | ay | } ay |
| | Mr. Harnett, | ay | |
| | Mr. Burke, | ay | |
| <i>South-Carolina</i> , | Mr. Laurens, | ay | } ay |
| <i>Georgia</i> , | Mr. Langworthy, | ay | |

So it was resolved in the affirmative.

The committee on the treasury brought in a report ; whereupon,

Resolved, That the resignation of John Benezet be accepted, and that his pay cease from the date of his letter.

Ordered, That a warrant issue on the treasurer in favour of Mr. Joseph Nourse, pay-master to the board of war and ordnance, for 25,000 dollars, to be by him transmitted to William Finnie, deputy-quarter-master-general in Virginia, and that general Miffin, late quarter-master-general, be charged with the said sum, and furnished with a copy of this resolution :

That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the board of war and ordnance, for 50,000 dollars, to be by him transmitted to Benjamin Harrison, Esq; deputy pay-master-general in Virginia, for the use of his department ; he to be accountable.

Adjourned to ten o'clock to-morrow.

THURSDAY, March 19, 1778.

Ordered, That the committee appointed to revise the rules for regulating the conduct of Congress in transacting business, bring in their report on Monday.

Ordered, That the letters of the 7th, 8th and 12th, with the papers enclosed, from gen. Washington, be delivered to the committee to whom were referred those parts relative to the general exchange of prisoners.

A letter, of the 19th, from J. M^rPherson, was read :

Ordered to lie on the table.

A letter, of the 11th, and one of the 12th, from major-general the marquis de la Fayette, were read :

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

The members chosen, Mr. Ellery, Mr. Banister and Mr. Henry.

Four o'clock, P. M.

A report from the board of general-officers to gen. Washington, was read ; whereupon,

Resolved, That gen. Washington call in and cancel the commissions of brigadiers Woodford, Muhlenberg, Scott and Weedon.

A letter from the board of war was read ; also a report on the letter of the 14th, from gen. Washington :

Ordered, That the report lie on the table.

Another report from the board of war was read ; whereupon,

Resolved, That the government of the state of Pennsylvania be requested to station 500 militia, at the following places, in that state, under active and prudent officers, viz. 200 men at Easton, 100 at Bethlehem, and 200 at Reading, for the defence of the magazines of military and other stores, and provisions at those places, and to keep the communication secure from any sudden incursions of the enemy, until the board of war or gen. Washington shall think it expedient to discharge the said militia.

Ordered, That the remainder of the report be referred to the delegates of Pennsylvania.

Another report from the board of war was read ; whereupon,

Resolved, That it be earnestly recommended to the several states, to take the most speedy and effectual measures for raising their quotas of men, agreeably to the resolutions of the 26th of Feb. and to cause the men, so raised, or which had been raised, previous to the passing that resolve, to march to their places of rendezvous without delay, taking care that as many as possible come armed and accoutred : and, that a more certain and adequate supply of accoutrements may be provided,

Resolved, That it be recommended to each state, to appoint some suitable person or persons, to get made, with all-possible dispatch, as many complete sets of accoutrements and spare bayonet-sheaths as shall be sufficient for their respective quotas of troops ; the cartridge-boxes to be made to hold at least 29 rounds of cartridges when made up with ounce-balls, and the cover of good substantial leather, with a small cover or flap under it, that the ammunition may be most effectually guarded against rain : and to prevent impositions from the workmen, that proper inspectors be appointed to examine and receive the accoutrements, with orders to reject such as are bad and insufficient ; and that the ac-

countrements, so provided, be sent forward with the troops, or as soon after as possible :

That, in case in any state they have quantities of tin, instead of the cartouch-boxes, an equal number of tin cartridge-canisters be furnished, agreeable to a pattern or description to be sent by the board of war.

Resolved, That the farther consideration of the report be postponed. Adjourned to ten o'clock to-morrow.

FRIDAY, March 20, 1778.

A letter, of this day, from W. Buchanan, was read :

Ordered, That it be referred to the committee appointed to revise the system of the commissary's-department ; and that a member be added to the said committee in the room of Mr. Harvie, who is absent ;

The member chosen, Mr. F. L. Lee.

A letter, of the 7th, from Egbert Benson, to the delegates of the state of N. York, was read.

A letter, of the 15th, from W. Palfrey, Esq; pay-master-general, was read :

Ordered, That it be referred to the board of treasury.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Allen M'Donald, Alexander M'Donald, Allen M'Donald, Reynald and Archibald M'Donald, prisoners at Fredericktown, Maryland, and their three servants, 15 weeks' allowance, from the 20th of Nov. last to the 5th inst. both days included, at $3\frac{6}{9}$ dollars for themselves each, and one dollar for each servant, 325 dollars, which sum is to be paid to either of the M'Donald's :

Ordered, That the said sum be paid.

Congress took into consideration the report of the marine-committee ; whereupon,

Resolved, That officers of the continental navy not in actual service, be allowed their pay, but not their rations, nor the subsistence-money allowed by the resolution of the 25th of July, 1777 :

That such officers of the navy as are or may be taken by the enemy, be allowed the pay while in the enemy's possession or under parole, and rations during their captivity, deducting therefrom such supplies, as they may, in that time, have received from the enemy.

Four o'clock, P. M.

A letter, of the 16th, from gen. Washington, with two papers enclosed, was read :

Ordered, That the same be referred to the board of war, who are directed to report this evening.

The committee to whom was referred the representation from the president and council of Pennsylvania, brought in a report ; whereupon,

Resolved, That the supreme executive council of Pennsylvania be requested to take measures, that the law lately passed in that state, for the express purpose of filling magazines for the use of the continental army, be effectually executed by the commissioners named in the said law, for obtaining the 30,000 barrels of flour directed to be laid up, on the east-side of Susquehannah, and such other kinds of provisions as

may be in their power to procure, unless Congress shall find that quantity of flour unnecessary to be procured, and shall give orders accordingly : that the commissioners who act on the west-side of Susquehannah, use their endeavours to purchase and lay up such quantities of provisions, and in such places as the board of war shall deem necessary for the use of the army in case of emergency :

That Congress conceive all cause of complaint against the instructions of the board of war to their superintendants must now cease, as three of the said superintendants have been dismissed, and it is expressly enjoined upon the others to conform to the regulations of the state in which they are, from time to time, employed :

That the president of the state of Pennsylvania be informed, that whatever rate the legislature of that state has fixed for the wages of waggons, shall be paid for the waggons of that state employed in the service of the continent since those rates were enacted :

That major-general Mifflin, late quarter-master-general, be directed to cause immediate payment to be made of all wages justly due from him to the inhabitants of the state of Pennsylvania, whose waggons have been employed by him in the continental service :

That the commissioners appointed by the law of Pennsylvania to fill certain magazines for the use of the continental army, be directed to confine their purchases within the limits of their own state.

A letter from Thomas Hite, of Berkly, in Virginia, to the president of the board of war, was read :

Ordered, That it be returned to the board of war, and that they be directed to take proper measures by writing to the deputy commissary-general of purchases in that state, or to Mr. Hite, for securing the the bacon mentioned in his letter.

Congress resolved itself into a committee of the whole, and, after some time, the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration, and have come to some resolutions thereon, which he was directed to report when the house is ready to receive it :

Ordered, That it be now received, and that the consideration thereof be postponed till to-morrow.

The board of war, to whom the letter of the 16th, from gen. Washington, was referred, having reported thereon,

Ordered, That the consideration of the report be postponed till to-morrow.

Adjourned to ten o'clock to-morrow.

SATURDAY, March 21, 1778.

A letter, of the 7th, from George Clymer, Esq; one, of the 2d, from col. G. Morgan ; one, of the 8th of August, 1777, from Bernardo de Galves, governor of N. Orleans ; one, of the 19th of Nov. from Francis Crurati, commandant at Illinois ; also, a letter of the 17th instant, from gen. Washington, enclosing an extract of a letter of the 7th, from brigadier Parsons, and copies of two letters, one dated the 2d, and the other the 27th of Dec. from gen. Putnam ; were read.

Congress took into consideration the report of the board of war on the general's letter ; whereupon,

Resolved, That the command of all the troops which now are, or shall be collected and stationed in the state of N. York and in the whole northern-department, be vested in one general-officer; that this officer have in charge all the forts, posts and passes therein, and authority to erect and make such fortifications as he, with the advice of gov. Clinton and the general-officers there, shall judge necessary for securing the same, and to execute all the powers lately given by Congress and the board of war relative to the defence of the North-River:

That gov. Clinton be requested to yield to the said general-officer all the aid in his power, in erecting and making the fortifications and obstructions aforesaid:

That, for the more speedy defence of the North-River, the said general-officer, or, in case of his absence or sickness, the officer next in command, in the district above-described, be directed forthwith to draw together, at the Highlands, such of the troops therein as he shall deem expedient.

And as the works would be greatly expedited if most of the continental troops now at Albany were employed therein; to enable him to do this, the said general-officer is hereby authorized to ask of the government of the state of N. York such numbers of their militia as he shall judge necessary, to serve at Albany for the security of the arsenal and magazines there, until the obstructions at the Highlands are in such condition as to render any sudden attempt upon Albany by that pass impracticable:

That for manning the gun-boats and floating-batteries built or building on the North-River, the said general-officer have power to engage the necessary officers and men for such time and on such terms as he shall judge proper.

—+—
Five o'clock, P. M.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of William Stanton, Esq; for 8670 dollars, in discharge of a draught by William Palfrey, Esq; pay-master-general, dated the 15th inst. on the president, in favour of the said Stanton, for that sum, expressed to be for the use of the army of the United States; for which the pay-master-general is to be accountable.

A petition from James Norris was read:

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

The members chosen, Mr. Harnett, Mr. Langworthy & Mr. McKean.

Resolved, That the board of war be directed to nominate a proper person to serve as town-major in the town of York, or such other town as Congress shall sit in, and to give proper orders that all strangers arriving at, or passing through such town, shall be duly examined, and report duly made touching such matters as may any way relate to the public safety; also to order proper guards to be stationed at all the ferries on Susquehannah river, from the mouth thereof to Harris's-Ferry, inclusive, and to give proper instructions to the officers commanding such guards relative to the examinations (and arrest, if necessary,) of all persons who shall attempt to cross the said river.

The committee to whom was referred, the memorial of Alexander Forster, &c. report,

"That, having examined the account of the said Alexander Forster, and gained the best information they were able of the prices of the salt, rum and sugar taken or bought by the commissary for the use of the army, the latter end of Oct. and beginning of Nov. last, in N. Jersey, they find the same to be as follows : good imported salt 20 dollars per bushel, rum $6\frac{2}{3}$ dollars per gallon, sugar $106\frac{2}{3}$ dollars per hundred ; they are therefore of opinion, that the commissary or deputy-commissary-general of purchases should settle the account with A. Forster & Co. at the price and rate aforesaid, and allow them lawful interest after the time that payment ought to have been made ; and that the flour Mr. Forster has received in payment, be estimated at the then current price :"

Resolved, That Congress agree to the said report.

The committee to whom were referred the letters of the 11th and 12th, from the marquis de la Fayette, brought in a report ; whereupon,

Ordered, That a committee of three be appointed to prepare the draught of a letter, to be signed and sent by the president, to the marquis, in answer to the said letters :

The members chosen, Mr. F. L. Lee, Mr. Burke and Mr. M^cKean.

Resolved, That the powers given to major-general M^cDougal by gen. Washington, mentioned in his letter of the 16th, be confirmed by Congress :

That col. Van Schaick's and col. James Livingston's regiments be ordered to Peek's-Kill :

That gov. Clinton and gov. Trumbull be requested to give every assistance in their power to gen. M^cDougal for perfecting the defence of the North-River.

Adjourned to ten o'clock on Monday.

MONDAY, March 23, 1778.

A letter, of Feb. 28th, from Otis & Andrews, of Boston, with sundry papers enclosed, was read :

Ordered, That it be referred to the board of treasury.

A letter, of the 16th, from gen. Washington, was read, and also one enclosed from col. Webb, requesting leave to resign his commission :

Ordered, That the general's letter be referred to the board of war : That colonel Webb have leave to resign.

The board of war having transmitted to Congress the following letters, viz. one of the 19th, from col. Hollingsworth to the board, one, of the 18th, from the same to col. Buchanan, and one, of Feb. 21st, from gen. Washington to col. Hollingsworth ; the same were read and returned to the board.

A letter, of the 18th, from gen. Washington, with one enclosed from brigadier Smallwood, was read.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Samuel Downe, Esq; his pay as commissioner of accounts at Hartford, from Feb. 4th, 1777, to March 18th, 1778, a balance of 1198 dollars :

To Timothy Edwards, Esq; his pay as commissioner for Indian affairs in the northern-department, to Jan. 11th, 1778, 460 dollars :

To John Spangler, for the transportation of the baggage of the Pennsylvania militia in Jan. 1778, 52 dollars:

To George Pentz, for transporting the baggage of Pennsylvania militia in Jan. 1777, 52 dollars:

To Jacob Lefever, for transporting baggage of Pennsylvania militia in July, 1776, 28 dollars:

To Peter Wolf, for victualling fundry parties of Pennsylvania militia, $11\frac{8}{9}$ dollars:

Ordered, That the said sums be paid.

The commissioners of claims report, that they have examined the accounts of the board of war up to the 4th of Feb. and find a balance due by the board to the United States of $459\frac{7}{9}$ dollars, which is paid to them (the commissioners) and for which they are ready to account and are to be charged therewith.

A certificate of lieutenant-colonel Adam Hubley, in favour of lieutenant Berwick, was read:

Ordered, That it be referred to the board of treasury.

—♦—
Five o'clock, P. M.

Mr. Chafe, a delegate from Maryland, attended, and took his seat. A letter, of the 20th, from gov. Johnson, was read:

Ordered, That it be referred to the board of treasury.

The committee to whom was referred the petition of James Norris, brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of James Norris, for $1527\frac{6}{9}$ dollars, in full payment of his capture from the enemy on the 9th of Jan. 1777, at Elizabeth-town, in N. Jersey, which was disposed of to the army of the United States.

Resolved, That gen. Conway be directed to repair to the army at Peek-Kill, now under the command of gen. McDougal, who, while he continues in that command, is authorized to draw on Jonathan Trumbull, Esq; pay-master in the northern-department, for money to answer such demands as relate to the army on Hudson's-River.

A petition of captain Sullivan was read:

Ordered, That it be referred to the board of war.

A letter, of the 15th, from John Baynton, was read:

Ordered, That it be referred to the board of treasury.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the delegates of the state of Maryland, for 100,000 dollars, to be by them transmitted to the governor and council of that state, for the purpose of purchasing provisions for the grand army; the said state to be accountable:

That a warrant issue on the treasurer for 1100 dollars, in favour of major-general Gates; for which he is to account.

Congress took into consideration the report of the committee of the whole on the letters relative to the claims of Roderique Hortales & Co. and after debate,

Ordered, That the farther consideration thereof be postponed.

Ordered, That a warrant issue on the treasurer in favour of the committee of commerce, for 20,000 dollars, to be paid to Mr. de

Francey, agent for Roderique Hortales & Co. alias Monf. Beaumarchais, and that the exchange be adjusted at the rate of 400 per cent.

Adjourned to ten o'clock to-morrow.

TUESDAY, March 24, 1778.

A letter, of Jan. 27th, from col. Gansevoort, and one, of the 12th inst. from brigadier Learned, requesting leave to resign his commission, were read :

Ordered, That the letter from col. Gansevoort, be referred to the board of war.

Resolved, That the resignation of brigadier Learned be accepted.

A letter, of Jan. the 23d, from the council of Massachusetts-Bay, was read :

Ordered, That it be referred to the board of war.

A letter, of the 10th, and one of the 12th, from major-general Heath, were read, the former enclosing copies of the following letters, viz. one of the 4th, from capt. Dalrymple to lieutenant-general Burgoyne ; one of the 8th, to gen. Burgoyne, and gen. Burgoyne's answer of the 9th, and sundry letters that passed between major-general Heath and capt. Dalrymple ; also a request of lieutenant-colonel Sutherland, of the 47th regiment ;

Ordered, That so much of the letter of the 10th, as relates to money, be referred to the board of treasury.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of John Bradley, for 20,000 dollars, to be conveyed to John Baynton, Esq; deputy pay-master-general for the western-district ; the said pay-master to be accountable :

That a warrant issue on the treasurer in favour of Thomas Stuart, for 10,500 dollars, to discharge a draught of his excellency Richard Caswell, gov. of N. Carolina, on the treasurer, dated Newbern, the 22d of Dec. 1777, for 10,000 dollars, in favour of William Skinner, Esq; treasurer of the northern-district of the said state, expressed to be for the purpose of purchasing leather and deer-skins, agreeably to a resolve of Congress ; and John Ashe's draught on the treasurer dated the 18th of April last, for 500 dollars, in favour of major Hardy Murfree, expressed to be for the use of the continental troops ; the said state to be accountable.

Five o'clock, P. M.

A motion was made, that Congress sit but once a-day, from nine in the morning to two in the afternoon, precisely ; whereupon, the previous question was moved, and the same being put,

Passed in the affirmative.

The main question being then put, and the yeas and nays required,

| | | |
|---------------------------|--------------------------------|---------|
| <i>New-Hampshire,</i> | Mr. Frost, declined answering. | } no |
| | Mr. Folsom, | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | } no |
| | Mr. Lovell, | |
| | Mr. Dana, declined answering. | } no |
| <i>Rhode-Island,</i> | Mr. Ellery, | |
| | | ay } ay |

| | | | |
|-----------------|------------------|---------------------|------|
| Connecticut, | Mr. Dyer, | no | } no |
| | Mr. Wolcott, | no | |
| New-York, | Mr. Lewis, | ay | } * |
| New-Jersey, | Mr. Clark, | no | |
| | Mr. Scudder, | no | } no |
| Pennsylvania, | Mr. Roberdeau, | no | |
| | Mr. James Smith, | ay | } no |
| | Mr. Clingan, | no | |
| Delaware, | Mr. M-Kean, | ay | } ay |
| Maryland, | Mr. Chase, | ay | |
| | Mr. Forbes, | ay | } ay |
| | Mr. Henry, | ay | |
| Virginia, | Mr. F. L. Lee, | ay | } ay |
| | Mr. Banister, | ay | |
| North-Carolina, | Mr. Harnett, | ay | } ay |
| | Mr. Burke, | ay | |
| South-Carolina, | Mr. Laurens, | declined answering. | |
| Georgia, | Mr. Langworthby, | ay | > ay |

So it was resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, March 25, 1778.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the marine-committee, for 3000 dollars, for the purpose of defraying their contingent expenses; for which they are to be accountable.

Congress resumed the consideration of the report of the committee of the whole, and after debate,

Ordered, That the farther consideration be postponed.

Ordered, That a warrant issue on the treasurer in favour of the board of war, for 200,000 dollars, for public service; the said board to be accountable.

Resolved, That a committee of three be appointed and authorized to enquire into the state of the purchases of wheat and flour, for the use of the army, made by the superintendants, the commissioners of the state of Pennsylvania, and the purchasing-commissaries, and report thereon;

The members chosen, Mr. James Smith, Mr. Chase and Mr. Ellery.

A letter from the board of war was read.

Adjourned to nine o'clock to-morrow.

THURSDAY, March 26, 1778.

A memorial from W. Bedlow was read:

Ordered, That it be referred to the board of treasury.

A letter, of Feb. 24th, from the council of Massachusetts-Bay, respecting allowances to be made to sick and wounded soldiers, was read.

A letter, of the 17th, from gov. Livingston, was read, informing, that as prisoners begin to pass through Princeton, and recruits soon will, he has found it necessary to appoint Mr. Thomas Stockton to be issuing-commissary there, and fixed his wages at 20 dollars a-month, and allowed his clerk $\frac{2}{3}$ ds of a dollar per day:

Resolved, That Congress approve the appointment.

Ordered, That the letter be referred to the board of treasury.

A letter, of Jan. 27th, from colonel Gansevoort, was read:

Ordered, That it be referred to the board of war.

Congress resumed the consideration of the letter of the 25th, from the board of war; whereupon,

Ordered, That it be referred to a committee of five, and that they confer with the board of war and report specially on the subjects mentioned therein;

The members chosen, Mr. Dana, Mr. Chase, Mr. M^cKean, Mr. Scudder and Mr. Folsom.

Congress having great reason to expect an invasion of the state of Delaware, and being apprehensive that the enemy will be assisted or joined by the disaffected there, and considering the present condition of that government, and its inability to exercise such powers as are immediately and absolutely necessary for its preservation;

Resolved, *nemine contra dicente*, That brigadier Smallwood be directed to secure the persons of Thomas White, Charles Gordon, and such other inhabitants of that state as he shall, upon good grounds, suspect to be disaffected, and whose being at large will be dangerous to the independence of these states, and to send them under guard to such safe place or places as he shall think proper.

Two of the committee lately sent to camp being returned, moved sundry resolutions respecting the army, which were read:

Ordered, That the consideration thereof be postponed till to-morrow.

Adjourned to nine o'clock to-morrow.

FRIDAY, March 27, 1778.

A letter, of the 20th, from the marquis de la Fayette, was read:

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

The members chosen, Mr. Ducl, Mr. M^cKean, Mr. Huntington and Mr. F. L. Lee.

A letter, of the 26th, from the council of Pennsylvania, was read:

Ordered, That it be referred to the board of treasury.

Resolved, That the fortifications and works at Ticonderoga and Mount-Independence be demolished, and that the board of war give the necessary orders for carrying this resolution into execution.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of major John Clarke, for 800 dollars, for the purpose of paying the contingent expenses of the auditor's-office in the army; he to be accountable.

The board of treasury having informed Congress that Mr. Joseph Henderson, chosen one of the auditors of accounts for the northern-district, for reasons set forth in his letter to the board, is unable to accept the appointment:

Resolved, That another commissioner be appointed, and that to-morrow be assigned for that purpose.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That the commissioners have examined the accounts of capt. William Scott, for pay due to his officers and men to the end of Feb. 1778, and subsistence to the 19th of the same month; also recruiting ex-

penes and expenses of marching to this place, amounting to $2747\frac{30}{90}$ dollars, exclusive of 180 dollars which he claims for bounty paid to nine men who have absconded; of which he says he has received from col. Thruston 1400 dollars, and by a warrant on the treasurer the sum of 500 dollars, which two sums deducted from the amount of his account, there remains a balance of $847\frac{30}{90}$ dollars:

That they have examined the accounts of Christopher Ludwig, superintendant of bakers for the continental army, amounting to $5315\frac{43}{90}$ dollars, including his pay to the 3d inst. of which he has received from Mr. Stewart, commissary of issues, 400 dols. and from Mr. Buchanan, commissary-general of purchases, 3250 dollars, which two sums being deducted from his account, there remains a balance of $1665\frac{43}{90}$ dollars, including 100 dollars advanced to Michael Harvey, at Burlington; for which he is hereafter to account:

Ordered, That the said balances be paid.

Ordered, That the said report, so far as relates to captain Scott's claim of 180 dollars, be re-committed to the board of treasury.

Resolved, That in case the state of Pennsylvania shall grant to col. Thomas Hartley the state-bounty for the men that may be enlisted in that state for his regiment, the state shall have credit in its quota of troops for such men.

A report from the board of war, relative to captain Ebenezer Sullivan, was read:

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

The members chosen, Mr. Duer, Mr. J. Smith and Mr. Clark.

Resolved, That the propositions moved yesterday, respecting the army, be referred to a committee of the whole Congress.

Congress was then resolved into a committee, and after some time, the president resumed the chair, and Mr. Lee reported, that the committee have had under consideration the propositions referred to them, but not having come to any determination thereon, desired leave to sit again:

Resolved, That Congress, this afternoon, resolve itself into a committee of the whole, to consider farther the propositions respecting the army.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Mr. Folsom, for his and Mr. Dana's expenses on a committee to camp, and for his expenses returning, the sum of $110\frac{57}{90}$ dollars:

Ordered, That the said account be paid.

The committee on the treasury brought in a report; whereupon,

Resolved, That the certificate of lieutenant-colonel Hubley, of the 22d inst. representing, that lieutenant James Berwick had performed the duty of judge-advocate since the 4th day of Feb. last, in a general court-martial ordered by the commander in chief, in which lieutenant-colonel Hubley was president, be referred to major Clark and M. Clarkson, Esqrs; auditors in the army, who are directed to consult with gen. Washington and report to him a proper allowance, to be paid out of the military-chest, for the services performed by the said lieutenant Berwick.

Resolved, That John Lawrence, Esq; judge-advocate-general, be hereafter allowed 75 dollars per month, his former rations, and forage for two horses.

Resolved, That the commissioners appointed to enquire into the causes of the miscarriage of the expedition against Newport, exhibit their accounts to the deputy pay-master-general, or any of his assistants in the eastern-department, who are authorized and directed to pay the same.

Ordered, That a warrant issue on Derk Ten Broeck, Esq; commissioner of the continental loan-office in the state of N. York, for 27,313 dollars, in favour of Jonathan Trumbull, jun. Esq; pay-master in the northern-department, for the use of his department, and for which he is to be accountable.

A letter, of the 24th, from gen. Washington, with sundry papers enclosed, was read :

Ordered, That the same be referred to the board of war.

Congress was resolved into a committee, and after some time, the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the propositions respecting the army, but not having come to a conclusion, desire leave to sit again :

Resolved, That to-morrow morning Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to nine o'clock to-morrow.

SATURDAY, March 28, 1778.

A letter, of this day, from count Pulaski, was read.

Congress took into consideration a report of the 19th, from the board of war; whereupon,

Resolved, That count Pulaski retain his rank of brigadier in the army of the United States, and that he raise and have the command of an independent corps to consist of 68 horse, and 200 foot, the horse to be armed with lances, and the foot equipped in the manner of light-infantry: the corps to be raised in such way and composed of such men as gen. Washington shall think expedient and proper; and if it shall be thought by gen. Washington, that it will not be injurious to the service, that he have liberty to dispense in this particular instance with the resolve of Congress against enlisting deserters.

A letter, of the 15th, from major-general Schuyler, at Albany, with a copy of the minutes of a conference held by the commissioners of Indian affairs of the northern-department, with a number of Sachems and Warriors of the Six-Nations at Johnston, the 7th of March, 1778; and a letter of the 16th, from Mr. Duane, were read :

Ordered, That the same be referred to the board of war.

The committee to whom were referred the petitions of William Bell and James Gallagher, brought in a report, which was read.

The committee to whom were referred the extract of gen. Washington's letter of the 27th of Feb. and the letter of the 6th of March, from William Patterson, attorney-general of N. Jersey, brought in a report :

Ordered, That the consideration thereof be postponed to Monday next.

Congress was resolved into a committee, and, after some time, the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the propositions respecting the army referred to them, but not having come to a conclusion, desire leave to sit again :

Resolved, That this afternoon Congress be resolved into a committee of the whole, to consider farther the propositions respecting the army.

Four o'clock, P. M.

A letter, of the 24th, from gen. Washington, and one, of the 26th, from Charles Lewis, colonel of the 14th Virginia regiment, desiring leave to resign his commission, were read :

Resolved, That the resignation of col. Charles Lewis be accepted.

Congress was resolved into a committee of the whole, and, after some time, the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the propositions respecting the army referred to them, and have made some farther progress therein, but not having come to a conclusion, desire leave to sit again*:

Resolved, That on Monday Congress be resolved into a committee of the whole, to consider farther the propositions respecting the army.

Adjourned to nine o'clock on Monday.

MONDAY, March 30, 1778.

Congress being informed that col. Wadsworth is arrived in town, and waits the orders of Congress :

Resolved, That a committee of four be appointed to confer with him, and enquire whether he will undertake the office of commissary-general of purchases :

The members chosen, Mr. Gerry, Mr. Clark, Mr. Lee and Mr. Dyer.

At the request of Mr. Dyer and Mr. Clark,

Ordered, That they be excused from serving as members of the board of treasury, and that two others be elected in their room :

The members chosen, Mr. Wolcott and Mr. Scudder.

Congress proceeded to the appointment of an auditor of accounts in the northern-district, in the room of Mr. Henderson, and a commissioner of accounts at the board of treasury, in the room of Mr. Benezet, and Peter Boyer, Esq; was appointed one of the auditors of accounts in the northern-district; and William Denning, Esq; was appointed one of the commissioners of accounts at the board of treasury.

A letter, of the 4th, and one, of the 6th, from A. Gillon, were read :

Ordered, That they be referred to the committee of commerce, and that they report thereon.

Resolved, That a committee of three be appointed to prepare instructions to the commissioners appointed by gen. Washington to negotiate a cartel for the exchange of prisoners :

The members chosen, Mr. Chase, Mr. Dana and Mr. Duer.

A report from the board of war was read, relative to count Pulaski's corps :

Resolved, That the same be referred to the committee at camp, and that they be authorized to consult with gen. Washington and

brigadier Pulaski respecting the appointment of officers for that corps, and to act thereon as they judge proper and expedient.

A petition from lieutenant James Berwick was read :

Ordered, That his account for services done in capacity of judge-advocate of a general court-martial held at Lancaster, from the 4th of February to the 22d of March, be paid.

Mr. Drayton, a delegate from S. Carolina, attended, and produced the credentials of the appointment of delegates from that state, which were read, and by which it appears, that the hon. Henry Laurens, William Henry Drayton, John Matthews, Thomas Heyward, and Richard Hutson, Esqrs; are duly elected to represent that state in the Congress of the United States.

The committee appointed to prepare instructions for the commissioners for settling a cartel, brought in a report, which was taken into consideration, and agreed to as follows :

Whereas, Congress concur in opinion with gen. Washington, that there are some ambiguities characterising the measures taken by gen. Howe respecting gen. Lee, which justify alarming surmises, notwithstanding all that has passed to the contrary :

Resolved, That gen. Washington be informed, that it is the intention of Congress that it should be a preliminary in the proposed cartel for a general exchange of prisoners, that major-general Lee be absolutely exchanged for major-general Prescott, and if refused, that no exchange take place till the farther order of Congress :

That it be proposed to exchange lieutenant-colonel Ethan Allen for lieutenant-colonel Campbell or lieutenant-colonel Anstruther, and if not acceded to, that lieutenant-colonel Campbell be sent back to the state of Massachusetts-Bay :

That gen. Washington be further directed to instruct the commissioners to be careful not to contravene, in settling the proposed cartel, any of the resolutions of Congress, particularly that of the 30th of December, respecting such of the citizens of these states as may voluntarily join the enemy and be taken in arms against these states :

That if the enemy will not consent to exempt citizens from capture, agreeably to the law of nations, the commissioners be instructed positively to insist on their exchange without any relation to rank :

That general Washington be directed not to permit any article of the proposed cartel to be finally concluded without his express approbation, and that the president be directed to inform him accordingly.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the board of war and ordnance, for 20,000 dollars, advanced upon the application of the said board, for the purpose of paying colonel Hartley's regiment, three months pay ; for an advance to Christopher Ludwig, superintendant of bakers ; and for contingent expenses of the board ; the said pay-master to be accountable :

That a warrant issue on the treasurer in favour of Mr. N. Folsom, delegate from the state of New-Hampshire, for 500 dollars advanced upon his application, and to be charged to the said state :

That a warrant issue on the treasurer in favour of W. Palfrey, Esq; pay-master-general, for 500,000 dollars, for the use of his department ;

he to be accountable, and that it be transmitted to him by Joseph Nourse, pay-master to the board of war and ordnance :

That a warrant issue on the treasurer in favour of the president and council of the state of Pennsylvania, for 30,000 dollars, to be by them put into the hands of proper persons for the purpose of purchasing horses in the said state, for the use of the army of the United States ; the said state to be accountable :

That a warrant issue on Thomas Smith, commissioner of the continental loan-office in the state of Pennsylvania, for 50,000 dollars, in favour of the president and council of the said state, to be by them put into the hands of proper persons for the purpose of purchasing horses in that state, for the use of the army of the United States ; the said state to be accountable.

The committee to whom the report of the board of war, relative to capt. Ebenezer Sullivan, was referred, brought in a report ; whereupon,

Resolved, That in consideration of the peculiarity of captain Ebenezer Sullivan's case, he be allowed his pay and rations during the time he has been in captivity, and his pay while he shall continue a prisoner of war, any thing in the resolution of Congress of the 19th of January last, to the contrary notwithstanding :

That it be referred to the board of treasury to adjust the accounts of captain Sullivan, and make him such compensation for his losses and extraordinary trouble as they shall deem equitable.

Adjourned to nine o'clock to-morrow.

TUESDAY, March 31, 1778.

A letter from Mr. Wilkinfon was read, desiring leave to resign his office of secretary to the board of war :

Resolved, That his resignation be accepted, and that his letter be returned as improper to remain on the files of Congress.

A petition from H. Zedwitz was read :

Ordered, That it be referred to the board of war.

A letter, of the 9th of January, from John Peck Rathbun, was read ; also one from colonel B. Tupper :

Ordered, That they be referred to the marine-committee.

A letter, of the 27th, from colonel E. Blaine, deputy commissary-general of purchases, was read :

Ordered, That it be referred to the board of treasury.

A letter, of the 26th of February, from D. Cottineau, captain of the ship Ferdinand, at Cape-Look-Out, North-Carolina, with an invoice of her cargo, was read :

Resolved, That the committee of commerce be authorized, after a conference with the board of war and the marine-committee, to purchase such articles of the cargo as they shall deem expedient for the public service.

Ordered, That the letter be referred to a committee of three ;

The members chosen, Mr. Duer, Mr. Chase and Mr. F. L. Lee.

The committee of commerce, to whom was referred the letter from Mr. Gillon, brought in a report ; whereupon,

Resolved, That as Mr. Gillon hath accepted of an appointment to command the navy of the state of S. Carolina, and Congress have em-

powered their commissioner at Paris to appoint agents to transact the commercial affairs of these states, it is inexpedient to proceed upon his contract.

Congress was resolved into a committee of the whole, and, after some time, the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the propositions relative to the army, but not having yet come to a conclusion, desire leave to sit again :

Resolved, That Congress, this afternoon, be resolved into a committee of the whole, to consider farther the propositions relative to the army.

Five o'clock, P. M.

Congress was again resolved into a committee of the whole, to consider farther the propositions relative to the army, and, after some time, the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the propositions to them referred, and having come to a conclusion thereon, he was ready to report :

Ordered, That the consideration of the report be postponed till to-morrow.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, April 1, 1778.

A letter, of the 26th of March, from general Greene, quarter-master-general, was read :

Ordered, That it be referred to the board of treasury.

A letter, of March the 7th, from Moses Emerson, was read, informing, that he accepts the appointment to the office of commissioner of accounts in the middle-district.

A letter, of March the 21st, from col. D. Mason, was read :

Ordered, That it be referred to the board of treasury.

A letter, of March the 11th, from major De Bois, at Albany, was read :

Ordered, That it be referred to the board of war.

Congress took into consideration the report of the committee of the whole Congress, respecting an establishment or allowance to officers after the war :

After debate it was agreed, that amendments be moved and made in the report, but that, after the amendments are made and the report gone through, the whole report, as amended, shall be open to debate, whether it shall be adopted by Congress or be sent to the states, and their opinion taken, previous to the final determination of Congress.

Four o'clock, P. M.

Ordered, That a warrant issue on the treasurer in favour of count Pulaski, for 10,000 dollars, for the purpose of purchasing horses and recruiting his corps.

A letter, of March the 29th, from gen. Washington, was read :

Ordered, That it be referred to the board of war.

Congress resumed the consideration of the report of the committee of the whole ; whereupon,

It was moved, that the report be entered on the journal ;

To which the previous question was moved, and the yeas and nays being required,

| | | | | |
|---------------------------|----------------------------------|----|---------|----|
| <i>New-Hampshire,</i> | Mr. Folsom, | no | } | no |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | | |
| | Mr. Lovell, | ay | } | ay |
| | Mr. Dana, | no | | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } | no |
| <i>Connecticut,</i> | Mr. Dyer, | no | | |
| | Mr. Huntington, | no | } | no |
| | Mr. Wolcott, | no | | |
| <i>New-York,</i> | Mr. Lewis, | ay | } | ay |
| | Mr. Duer, | ay | | |
| <i>New-Jersey,</i> | Mr. Clark, | no | } | no |
| | Mr. Scudder, | no | | |
| <i>Pennsylvania,</i> | Mr. James Smith, | ay | } | ay |
| <i>Delaware,</i> | Mr. M ^r Kean, | ay | | |
| <i>Maryland,</i> | Mr. Chase, | ay | } | ay |
| | Mr. Forbes, | ay | | |
| | Mr. Henry, | no | } | ay |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | | |
| <i>North-Carolina,</i> | Mr. Burke, | ay | } | ay |
| <i>South-Carolina,</i> | Mr. Laurens, declined answering. | | | |
| | Mr. Drayton, | | no } no | |
| <i>Georgia,</i> | Mr. Langworthby, | ay | ay | |

So it was resolved, that the main question be put.

The main question being then put, and the yeas and nays required,

| | | | | |
|--|-------------------------------|----|---|----|
| <i>New-Hampshire, Massachusetts-Bay,</i> | Mr. Folsom, | no | } | no |
| | Mr. Gerry, | ay | | |
| | Mr. Lovell, | no | | |
| <i>Rhode-Island, Connecticut,</i> | Mr. Dana, | no | } | no |
| | Mr. Ellery, | no | | |
| | Mr. Dyer, | no | | |
| <i>New-York,</i> | Mr. Huntington, | no | } | no |
| | Mr. Wolcott, | no | | |
| | Mr. Lewis, | ay | | |
| <i>New-Jersey,</i> | Mr. Duer, | ay | } | ay |
| | Mr. Clark, | no | | |
| | Mr. Scudder, | no | | |
| <i>Pennsylvania, Delaware, Maryland,</i> | Mr. James Smith, | ay | } | ay |
| | Mr. M ^r Kean, | ay | | |
| | Mr. Chase, | ay | | |
| <i>Virginia,</i> | Mr. Forbes, | ay | } | ay |
| | Mr. Henry, | no | | |
| | Mr. F. L. Lee, | ay | | |
| <i>North-Carolina, South-Carolina,</i> | Mr. Burke, | ay | } | ay |
| | Mr. Laurens, declined voting. | | | |
| | Mr. Drayton, | no | | |
| <i>Georgia,</i> | Mr. Langworthy, | ay | } | ay |

So the states were equally divided and the question lost.

Adjourned to nine o'clock to-morrow.

THURSDAY, April 2, 1778.

A letter, of the 1st, from gen. Armstrong, at Carlisle, was read.

A report from the board of war was read, respecting the employing a conductor to take charge of the waggons to be sent to the southward :

Ordered, That the committee of commerce and the marine-committee be directed to confer with the board of war on the subject of the said report, and take such measures on the premises as they shall deem expedient.

Ordered, That three members be added to the committee appointed to confer with col. Wadsworth ;

The members chosen, Mr. Drayton, Mr. Scudder and Mr. Banister.

The report from the committee of the whole was called for ; whereupon a question was moved,

That the consideration of the said report be postponed, and the yeas and nays being required,

| | | | |
|----------------------------|------------------|----|------|
| <i>Massachusetts-Bay</i> , | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Dana, | ay | |
| <i>Rhode-Island</i> , | Mr. Ellery, | ay | } ay |
| | Mr. Dyer, | ay | |
| | Mr. Huntington, | ay | |
| <i>Connecticut</i> , | Mr. Wolcott, | ay | } ay |
| | Mr. Lewis, | ay | |
| | Mr. Duer, | ay | |
| <i>New-York</i> , | Mr. Clark, | ay | } ay |
| | Mr. Scudder, | ay | |
| | Mr. Roberdeau, | ay | |
| <i>New-Jersey</i> , | Mr. James Smith, | ay | } ay |
| | Mr. Chase, | ay | |
| | Mr. Forbes, | ay | |
| <i>Pennsylvania</i> , | Mr. Henry, | ay | } ay |
| | Mr. F. L. Lee, | ay | |
| | Mr. Banister, | ay | |
| <i>Maryland</i> , | Mr. Burke, | ay | } ay |
| | Mr. Laurens, | no | |
| | Mr. Drayton, | no | |
| <i>Virginia</i> , | Mr. Langworthy, | ay | } ay |
| | | | |
| | | | |
| <i>North-Carolina</i> , | | | } |
| | | | |
| | | | |
| <i>South-Carolina</i> , | | | } |
| | | | |
| | | | |
| <i>Georgia</i> , | | | } |
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| | | | |

So it was resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

FRIDAY, April 3, 1778.

A paragraph of a letter of March 25th from the navy-board at Bordent, to the marine-committee, was laid before Congress :

Ordered, That it be referred to the board of war.

A letter of March 21st, from gen. Washington, enclosing a copy of a letter to him from Dr. Rush, dated Princeton, Feb. 25th, was read ; also a letter of March 9th, with a postscript of the 19th from Dr. Rush to Mr. Roberdeau, was laid before Congress :

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

That the committee be directed to enquire into the charges contained in Dr. Rush's letters against Dr. Shippen, and into the conduct

of Dr. Shippen as director-general of the hospital, and report specially to Congress :

That the committee be authorized to send for such persons and papers as they may judge necessary, and allow the reasonable and necessary expenses of the witnesses attending this business ;

The members chosen, Mr. Drayton, Mr. Huntington and Mr. Bannister.

Resolved, That Mr. Langworthy be appointed a member of the marine-committee.

Four o'clock, P. M.

The committee appointed to confer with Mr. Wadsworth, brought in a report, which was read.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer, in favour of the pay-master of the board of war and ordnance, on the application of that board, for 7000 dollars, for the use of col. Sheppard's and capt. Kingbury's corps ; for which the said pay-master is to be accountable :

That a warrant issue on the treasurer for 1000 dollars, in favour of Mr. E. Dyer, upon his application ; and that the same be charged to the state of Connecticut.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to lieut. James Berwick, for his services acting as judge-advocate at a court-martial held at Lancaster, from Feb. the 4th to March the 22d, 1778, the sum of 235 dollars, and for his expenses in York-town, from March the 22d to this day, the sum of 30 dollars, making together the sum of 265 dollars :

To capt. Ebenezer Sullivan, for pay from Jan. the 1st, 1777, to the 1st inst. and 42 days rations, deducting the sum of 120 dollars, received from major-general Heath, a balance of 494 dollars :

Ordered, That the said accounts be paid.

The committee on the treasury, to whom the case of capt. E. Sullivan was referred, report, " that they have examined his account of expenses for support of a party of troops commanded by major Sherburn, in their march from St. John's to St. Ann's, amounting to 11 dollars, and considered his loss of 250 dollars of public money, which, by affidavit, he declares were taken from him by the enemy, and are of opinion, that the said sums, together with the farther sum of 750 dollars, making in the whole, 111 dollars, should be paid to him, in full compensation of his services and sufferings as a hostage for the troops taken by the enemy at the Cedars, in May, 1776 :"

Ordered, That the said sum be paid.

The committee on the treasury brought in a farther report ;

Whereupon, *Ordered*, That a warrant issue on the treasurer, in favour of Mr. Burke, delegate from the state of N. Carolina, for the sum of 1500 dollars, advanced on his application, and that the same be charged to the state of N. Carolina.

Congress took into consideration the report of the committee appointed to confer with Mr. Wadsworth, and, after debate,

Resolved, That the farther consideration thereof be postponed, till the committee sent to camp return.

The committee on the treasury brought in a report ; whereupon,
Ordered, That a warrant issue on the treasurer for 200,000 dollars,
 in favour of William Buchanan, Esq; commissary-general of purchases,
 for the use of the middle-district ; the said commissary-general to be ac-
 countable.

A report from the board of war was read ; after debate,

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

The members chosen, Mr. J. Smith, Mr. Clark and Mr. Henry.

Ordered, That Mr. Dyer have leave of absence.

A letter, of the 21st, and one of March the 24th, from major-gene-
 ral Heath, were read.

Adjourned to nine o'clock to-morrow.

SATURDAY, April 4, 1778.

A motion was made, that on Monday next Congress be resolved
 into a committee of the whole, to consider the situation of the affairs of
 the United States :

Whereupon, it was moved, that the consideration of this motion be
 postponed ; and the yeas and nays being required,

| | | | | |
|----------------------------|------------------|----|---|----------|
| <i>Massachusetts-Bay</i> , | Mr. Dana, | ay | } | * |
| | Mr. Lovell, | ay | | |
| <i>Rhode-Island</i> , | Mr. Ellery, | ay | } | ay |
| <i>Connecticut</i> , | Mr. Huntington, | ay | | |
| | Mr. Wolcott, | no | } | divided. |
| <i>New-York</i> , | Mr. Lewis, | ay | | |
| | Mr. Duer, | ay | } | ay |
| <i>New-Jersey</i> , | Mr. Clark, | ay | | |
| <i>Pennsylvania</i> , | Mr. Roberdeau, | ay | } | divided. |
| | Mr. James Smith, | no | | |
| <i>Maryland</i> , | Mr. Chase, | no | } | no |
| | Mr. Forbes, | no | | |
| | Mr. Henry, | ay | } | ay |
| <i>North-Carolina</i> , | Mr. Burke, | ay | | |
| <i>South-Carolina</i> , | Mr. Laurens, | no | } | no |
| | Mr. Drayton, | no | | |
| <i>Georgia</i> , | Mr. Langworthy, | no | } | no |
| | | | | |

So it was resolved in the affirmative.

A report from the board of war and ordnance was read ; whereupon,

Resolved, That Daniel and Samuel Hughes, of the state of Mary-
 land, shall not be held to make any more cannon on their present
 contract :

That it be referred to the commissioners of claims to settle the ac-
 counts of Daniel and Samuel Hughes against the United States, agreea-
 bly to their contract :

That the board of war and ordnance be directed to report to Con-
 gress such an allowance per ton as they shall deem sufficient to ensure
 a reasonable profit on all the cannon which Daniel and Samuel Hughes
 have cast, and which have sustained or shall sustain due proof, as well
 those that have not, as those that have been delivered according to
 contract :

That the board of war and ordnance be authorized to enter into a contract with Messrs. Daniel and Samuel Hughes, for such a number of battering cannon and mortars, and such quantity of shot and shells, as they shall deem necessary for the public service.

A report from the board of war, relative to count Pulaski's corps, was read :

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

The members chosen, Mr. Duer, Mr. Drayton and Mr. Dana.

Resolved, That the 15 men enlisted and lately brought to Yorktown by capt. Scott, be annexed to col. Hartley's regiment, and that capt. Scott and the subalterns of the said company be dismissed.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on Nathaniel Appleton, Esq; commissioner of the continental loan-office in the state of Massachusetts-Bay, in favour of the marine-committee, for 40,000 dollars ; one other warrant in their favour for 30,000 dollars, on John Lawrence, Esq; commissioner of the continental loan-office in the state of Connecticut ; and one other warrant for 30,000 dollars in their favour, on Nicholas Gilman, Esq; commissioner of the continental loan-office in the state of New-Hampshire ; for which sums the said marine-committee is to be accountable, the same being advanced on their application for the use of the navy-board in the eastern-department.

Resolved, That one million of dollars be emitted and the direction of the treasury-board, and on the faith of the United States :

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 5th of March last, be numbered from the last number of each respective denomination of that emission progressively, and consist of the following denominations, viz.

| | | | |
|-----------------|------------|---|---------|
| 15,384 bills of | 3 dollars, | - | 46,152 |
| 15,384 do. of | 4 do. | - | 61,536 |
| 15,384 do. of | 5 do. | - | 76,920 |
| 15,384 do. of | 6 do. | - | 92,304 |
| 15,384 do. of | 7 do. | - | 107,688 |
| 15,385 do. of | 2 do. | - | 30,770 |
| 15,385 do. of | 8 do. | - | 123,080 |
| 15,385 do. of | 30 do. | - | 461,550 |

1,000,000


That all powers and duties of Michael Hillegas, Esq; and of the inspectors of the press, signers and printers of the emission directed on the 10th of May last, shall extend to the one million to be emitted, subject, however, to such directions and instructions as the board of treasury may judge expedient.

The committee to whom the report of the board of war was referred, brought in a report, which was taken into consideration ; whereupon,

Resolved, That gen. Washington be empowered if he shall deem it necessary, to call upon the states of Maryland, Pennsylvania and New-Jersey, for 5000 of their militia, in such proportions from the respective states as he shall think proper ; to remain in service for such time as general Washington shall recommend ; the said militia to be armed and accounted by the respective states to which they belong, to whom

it is earnestly recommended to use every exertion in complying with the general's request.

Adjourned to nine o'clock on Monday.

—  —
MONDAY, April 6, 1778.

Whereas col. Hartley has represented, that it will be necessary for the public service that he should have liberty to retain one of the subalterns in cap. Stott's company for some few days :

Resolved, That col. Hartley have power to retain the subaltern so long as he shall judge it necessary for the public service.

Mr. Joseph Reed, a delegate from Pennsylvania, attended, and took his seat.

A letter, of the 3d, from major Clarke, one of the auditors of accounts at the camp ; one of this day, from W. Buchanan, Esq; commissary-general of purchases ; and one of March 30th, from Messrs. Reed and Morris, two of the committee at camp ; were read :

Ordered, That they be referred to the board of treasury.

A letter, of the 1st, from gen. Washington, was read.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of col. John Davis, deputy quarter-master-gen. for 50,000 dollars, for the use of his department, and charged to major-gen. Greene, quarter-master-general :

That a warrant issue on the treasurer in favour of the committee of commerce, for 2500 dollars, to enable them to pay a draught of Livinus Clarkson and Abraham Livingston, continental agents at Charlestown ; the said committee to be accountable :

That a warrant issue on the treasurer in favour of lieutenant James Peale, for the sum of 26,068 dollars, in discharge of the following bills, drawn by Thomas Reed, assistant to the pay-master-general, two of them in favour of Thomas Smith; and by him endorsed to the said J. Peale, dated April the 3d, 1778, one for 4482 dollars, and one for 8940, amounting to 13,422 dollars ; two others in favour of the said James Peale, viz. one for 3391, and one for 9255 dollars, making 12,646 dollars ; the whole amounting to 26,068 dollars ; for which sum the pay-master-general is to be accountable :

That a warrant issue on the treasurer in favour of James Mease, Esq; clothier-general, for 50,000 dollars :

That another warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, in favour of the clothier-general, for 100,000 dollars :

That another warrant issue on Joseph Clarke, Esq; commissioner of the continental loan-office in the state of Rhode-Island, in favour of the clothier-general, for 20,000 dollars ; and that another warrant issue on Nathaniel Gilman, Esq; commissioner of the continental loan-office in the state of N. Hampshire, in favour of the clothier-general, for 40,000 dollars, for which four sums, amounting in the whole, to 210,000 dollars, advanced him for the use of his department, he, the clothier-general, to be accountable.

Resolved, That Mr. J. Mease be directed not to pay any draughts of his agents in Georgia, nor to remit him any money till the farther order of Congress.

The committee to whom was referred the report of the board of war, respecting brigadier Pulaski's legion, brought in a report ; whereupon,

Resolved, That there be allowed to brigadier Pulaski, for every man enlisted and mustered in his legion, and who shall be furnished by the said brigadier with the following articles of clothing and accoutrements, 130 dollars, including the continental bounty-money :

For each trooper and light-infantry-man, one stock, one cap, a pair of breeches, one comb, two pair of stockings, two pair of gaiters, three pair of shoes, one pair of buckles, a spear and a cartouch-box ;

For each trooper a pair of boots, a saddle, halters, curry-comb and brush, portmantle, picket-cord and pack-saddle ;

The leather for the portmantle and pack-saddle to be furnished out of the public stores, by order of the board of war :

That, in order to enable brigadier Pulaski to raise and equip his legion with the utmost dispatch, the board of treasury be authorized and directed to advance, on the application of the board of war, a sum of money not exceeding 50,000 dollars, to be by the board of war advanced, from time to time, to brigadier Pulaski, on account of his legion :

That if any of the states, in which brigadier Pulaski shall recruit for his legion, shall give to persons enlisting in the same for three years, or during the war, the bounty allowed by the state in addition to the continental bounty, the men so furnished, not being inhabitants of any other of the United States, shall be credited to the quota of the state in which they shall be enlisted.

A letter, of March the 26th, from gov. Henry, of Virginia ; one, of March the 20th, from Thurmer Hoggard, of Princess Ann, Virginia ; and one, of March the 20th, from Maxwell & Loyal ; were read :

Ordered, That they be referred to the marine-committee, who are directed to report thereon.

Congress resumed the consideration of the report of the committee of the whole, respecting the affairs of Roderique Hortales & Co. and, after some time spent thereon,

Resolved, That the further consideration thereof be postponed till to-morrow.

Adjourned to nine o'clock to-morrow.

TUESDAY, April 7, 1778.

A letter, of March the 31st, from the commissioners sent to Fort-Pitt, with sundry papers enclosed ; also a letter of the same date, from col. G. Morgan, with sundry papers enclosed ; were read :

Amongst the papers enclosed is the following certificate, signed by the commissioners :

“ We, the commissioners for the western-department, acting under authority of Congress, having, in obedience to our instructions, notice being first given to all the neighbouring counties, proceeded to an enquiry into the conduct of col. George Morgan, agent for Indian affairs, and continued the same by adjournments from the 20th to the 26th inst. do, after the clearest and most satisfactory testimonies, wholly acquit the said col. George Morgan of the charges against him, of infidelity to his public trust and disaffection to the American cause ; and we testify that we are possess of the knowledge of various facts and

circumstances evincing not only his attachment to that cause, but also an uncommon degree of diligence in discharging the duties of his employment, and of attention to the interests of the United States; and therefore are of opinion, he ought to be restored to the fullest confidence of his country.

SAMP. MATTHEWS.

GEO. CLYMER.

SAM. M'DOWELL.

Pittsburgh, March 27, 1778."

Ordered, That the letters from the commissioners and from colonel G. Morgan, with the papers enclosed, be referred to a committee of three :

The members chosen, Mr. F. L. Lee, Mr. J. B. Smith & Mr. Wolcott.

A letter, of the 3d, and one, of the 4th, from gen. Washington, also a letter of the 4th, from E. Boudinot, Esq; commissary-general of prisoners, to the board of war, were read :

Ordered, That the two last be referred to a committee of three :

The members chosen, Mr. Dana, Mr. Chase and Mr. Duer.

Congress took into consideration the letter of the 3d, from general Washington, and thereupon came to the following resolutions :

Whereas, capt. Henry Lee, of the light-dragoons, by the whole tenor of his conduct during the last campaign, has proved himself a brave and prudent officer, rendered essential service to his country, and acquired to himself, and the corps he commanded, distinguished honour; and it being the determination of Congress to reward merit,

Resolved, That captain H. Lee be promoted to the rank of major-commandant; that he be empowered to augment his present corps by enlistment to two troops of horse, to act as a separate corps :

That lieut. Lindley, of col. Bland's regiment, who served in that character in capt. Lee's troop, during the campaign, be promoted to the rank of captain, and have the command of one of the troops under major Lee :

That cornet Peyton, serving in the same manner, be promoted to the rank of captain-lieutenant, and have the command of the other troop under major Lee :

That the other officers be appointed by gen. Washington, and receive commissions from him accordingly.

A report from the board of war, relative to the propriety and necessity of exempting from militia duties persons employed in manufactories and other business for the public service, was read :

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

The members chosen, Mr. J. B. Smith, Mr. Burke and Mr. Banister. The committee on the treasury, to whom was referred the letter from the auditors in the army, brought in a report; whereupon,

Resolved, That the board of treasury be authorized to determine the number of clerks that may be necessary, from time to time, for assisting the auditors of the army.

Congress resumed the report of the committee of the whole, when the following contract or instrument was agreed to :

"To all whom it may concern. Whereas Roderique Hortales & Co. of Paris, have shipped, or caused to be shipped or laden, on board sun-

dry ships or vessels, considerable quantities of cannon, arms, ammunition, clothing and other stores, most of which have been safely landed in America, and delivered to the agents of the United States, for the use and service thereof; and whereas the said Roderique Hortales & Co. are willing and desirous to continue supplying these states with cannon, mortars, bombs, arms, ammunition, clothing, and every sort of stores, that may be wanted or required, and also with specie, provided satisfactory assumption be made and assurance given for the payment in France of the first cost, charges and freight of the cargoes already shipped, as well as those to be hereafter shipped, and of specie to be advanced: and whereas some cargoes of American produce have already been shipped to the address of the said Roderique Hortales & Co. or their assigns, for sale on account of the United States of America, the net proceeds whereof are to be applied in part discharge of their claims. Now know ye, that John Baptiste Lazarus Thereneau de Francey, agent of Peter Augustin Caron de Beaumarchais as representative of the house of the said Roderique Hortales & Co. by him especially appointed and empowered to act fully and effectually in all things on his behalf, as appears by a certain letter of attorney or instrument of writing, bearing date the tenth day of Sept. anno one thousand seven hundred and seven-seven, copy whereof is hereunto annexed, doth, for and on behalf of the said Roderique Hortales & Co. represented by Mr. Beaumarchais as aforesaid, in virtue of the powers in him vested, contract, agree and engage to and with a committee of commerce, properly appointed and authorized by the delegates of the United States of America in Congress assembled, to enter into, execute, ratify and confirm this contract for and on behalf of the said United States, as follows:

1. That the costs and charges of the several cargoes already shipped by the said Roderique Hortales & Co. shall be fairly stated at the current prices and usual mercantile charges in France, of the dates at which they were shipped:

2. That the freight of the said cargoes shall be charged agreeably to the contract made by and between Mr. Beaumarchais and Mr. Silas Deane and Mr. Montieu:

3. That all orders for cannon, mortars, bombs, arms, ammunition, clothing or other stores, which may hereafter be transmitted to Messrs. Roderique Hortales & Co. or delivered to their agent in America by the said committee, or any other persons properly authorized by Congress to transmit or deliver such lists or orders, shall be executed and shipped with all-possible dispatch:

4. That all articles to be hereafter shipped for America, in virtue of this contract, shall be provided as nearly to the orders as possible, at not higher than the current prices, and attended with the most moderate charges, not higher than the usual mercantile charges of the place from whence they are exported:

5. That good ships shall be chartered or bought on the most moderate terms for transporting the stores to America, and carrying back such cargoes as the committee shall choose to ship in them:

6. That agents appointed under the authority of Congress shall have free liberty to inspect the quality and require the prices of all articles

to be shipped for the account of the United States, with power to reject such as they judge unfit or too high charged; they shall also be party in the charters and purchases of ships to be employed in this service:

7. That bills on the house of Roderique Hortales & Co. aforesaid, for 24,000,000 of livres tournois annually, shall be duly honoured and paid, the bills to be drawn at double usance, and at the following periods, viz. in the months of May, July, September, November, January and March, for 4,000,000 each two months.

In consideration whereof, the said

commercial-committee of

Congress, by virtue of the powers and authorities to them delegated by the Congress, do, for and on behalf of the said United States, covenant, agree and engage with the said Roderique Hortales & Co. by their agent, as follows:

1. That remittances shall be made by exports of American produce and otherways to the said Roderique Hortales & Co. or their agent, for the express purpose of discharging the debt already justly due or hereafter to become justly due in consequence of this agreement:

2. That all cargoes of merchandize shipped on account of the United States for France, and appropriated towards the discharge of the said debt, shall be addressed to the house of Roderique Hortales & Co. or their assigns, for sale; subject, however, to the inspection and controul of an agent appointed under the authority of Congress, who shall have liberty to inspect the quality of such merchandize, assent to or reject the prices offered, postpone the sales, and do every thing for the interest of his constituents:

3. That the customary interest of France, not exceeding six per centum per annum, shall be allowed on the debt already due, or that, from time to time, may be due to the said Roderique Hortales & Co. in virtue of this agreement, computing the interest of money from the time of its being paid, and on goods by them exported, from the usual periods of commercial credits on such goods:

4. That any payments of continental currency in America, required by the said Roderique Hortales & Co. or their agent, and agreed to by Congress, shall be computed at the current or equitable course of exchange at the date of the payment, and interest be discounted on the amount from that date:

5. That the remittances to be made for the purpose of extinguishing the debt now due or to become due to the said Roderique Hortales & Co. shall be made at such times and seasons as shall be most safe and convenient for the American interest, but are to continue until the entire debt, principal and interest, shall be fully and fairly discharged:

6. That a commission of $2\frac{1}{2}$ per centum shall be allowed to the said Roderique Hortales & Co. on the amount of the invoices, freight or other charges and monies paid and disbursed by them on account of the United States:

7. That the customary commissions in France shall be also allowed the said Roderique Hortales & Co. on the amount of all payment made to them on account of the United States:

Provided always, That the seventh article of this agreement, respecting the annual supply of 24,000,000 of livres, shall not be considered

as absolutely binding upon either of the parties to this contract, unless the same shall be ratified by Roderique Hortales & Co. and the commissioners of the United States at Paris; for which purpose it is agreed to be submitted to them, any thing herein contained to the contrary notwithstanding; but it is nevertheless to be understood, that the United States may and shall have liberty to draw, in the course of five or six months from the date hereof, upon the said Roderique Hortales & Co. for the sum of £.100,000 sterling, equal to 2,300,000 livres tournois, which shall be duly paid.

Resolved, That the committee of commerce be, and they are hereby empowered to execute the foregoing contract, or instrument, on behalf of the United States of America, and that they make report, from time to time, of their proceedings therein.

In debating the foregoing contract, a motion was made to strike out "twenty-four," and insert "forty-eight," and the yeas and nays being required,

| | | | | |
|----------------------------|-----------------|----|---|----|
| <i>Massachusetts-Bay</i> , | Mr. Gerry, | ay | } | ay |
| | Mr. Dana, | ay | | |
| | Mr. Lovell, | no | | |
| <i>Rhode-Island</i> , | Mr. Ellery, | ay | } | ay |
| | Mr. Huntington, | no | | |
| | Mr. Wolcott, | no | | |
| <i>New-York</i> , | Mr. Duer, | ay | } | * |
| | Mr. Clark, | no | | |
| | Mr. Scudder, | no | | |
| <i>Pennsylvania</i> , | Mr. Roberdeau, | no | } | no |
| | Mr. Reed, | no | | |
| | Mr. Smith, | no | | |
| <i>Maryland</i> , | Mr. Chase, | no | } | no |
| | Mr. Forbes, | no | | |
| | Mr. Henry, | no | | |
| <i>Virginia</i> , | Mr. F. L. Lee, | no | } | * |
| <i>North-Carolina</i> , | Mr. Burke, | no | | |
| <i>South-Carolina</i> , | Mr. Laurens, | no | | |
| | Mr. Drayton, | no | } | no |
| <i>Georgia</i> , | Mr. Langworthy, | no | | |

So it passed in the negative.

It was then moved to strike out twenty-four, and insert thirty, and, the yeas and nays being required,

| | | | | |
|----------------------------|------------------|----|---|----------|
| <i>Massachusetts-Bay</i> , | Mr. Gerry, | ay | } | ay |
| | Mr. Dana, | ay | | |
| | Mr. Lovell, | no | | |
| <i>Rhode-Island</i> , | Mr. Ellery, | ay | } | ay |
| | Mr. Huntington, | no | | |
| | Mr. Wolcott, | no | | |
| <i>New-York</i> , | Mr. Duer, | ay | } | * |
| | Mr. Clark, | no | | |
| | Mr. Scudder, | ay | | |
| <i>Pennsylvania</i> , | Mr. Roberdeau, | ay | } | divided. |
| | Mr. Reed, | no | | |
| | Mr. J. B. Smith, | no | | |

| | | | |
|------------------------|------------------------|-----------|-------------|
| <i>Maryland,</i> | Mr. <i>Chase,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Forbes,</i> | <i>no</i> | |
| | Mr. <i>Henry,</i> | <i>no</i> | |
| <i>Virginia,</i> | Mr. <i>F. L. Lee,</i> | <i>no</i> | } * |
| <i>North-Carolina,</i> | Mr. <i>Burke,</i> | <i>no</i> | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>no</i> | |
| | Mr. <i>Drayton,</i> | <i>no</i> | } <i>no</i> |
| <i>Georgia,</i> | Mr. <i>Langworthy,</i> | <i>no</i> | |

So it passed in the negative.

Copy of the powers given to John Baptiste Lazarus Theveneau de Francey is as follows :

“ Before the counsellors of the king, the notaries of the court-house of Paris, undersigned, was present, Mr. Pierre Augustin Caron de Beaumarchais, representing in France the house of Roderique Hortales & Co. living in the city of Paris, in Old Temple-street, and parish of St. Gervais, who, by these presents, did make and constitute his procurator-general, Mr. John Baptiste Lazarus Theveneau de Francey, just about to embark for America, to whom he gives power, for, and in the name of the said house of Roderique Hortales & Co. to manage and administer all the affairs of the said house & Co. as well actively as passively ; and, in consequence, to solicit and recover all debts relative to all the cargoes past, present and future sent, by the said house, to America ; to receive all monies and make all purchases relative to the returns of the said cargoes, and to pay all expenses relative to them ; to settle all accounts with correspondents of the said house of Roderique Hortales & Co. whether upon invoices or otherwise ; to call, if necessary, for the reciprocal correspondence, registries and accounts current ; to debate the interests of said Constituent & Co. to allow the articles in the said accounts ; to close and settle them, and, by receipts of every kind, to give, by the said constituted procurator, all quittances, discharges and valid liquidations, either for specie, merchandize or produce ; and to accept all bills and orders drawn by him ; in default or refusal of settlement, and after settlement made to do, in the name of the said Constituent & Co. all conservatory acts, pursuits and necessary works ; to appear before all judges who may be concerned ; to present demands, and pursue them effectually to final judgment ; to treat, compose and transact at the prices, charges, clauses and conditions which the said constituted procurator shall judge most useful to the interest of the said Constituent & Co. to make all oppositions and arrests that shall be necessary in case of bodily restraint ; to carry it into execution ; to give discharge ; to consent to all things ; to stop processes ; to constitute procurators and lawyers in any cause ; to propose and agree to arbitrations and arbiters, to choose his residence ; and, in general, to manage, for the greatest interest of the said Constituent and his house, whatever circumstances shall require, not provided for in these presents, and without having need of more special power ; the aforesaid Constituent promising to acknowledge all agreeable, until revocation of this power, to which also shall be submitted all treaties made, or to be made, with the said constituted procurator whether anterior or posterior to these presents ; and the said constituted procurator being obliged, as is just, to render account of his mis-

tion the most exactly, faithfully and legally, that may be. Made and passed at Paris, at the Studies, in the year one thousand seven hundred and seventy-seven, the tenth of September, and a minute of these presents lodged with Mr. Momet, one of the undersigned notaries, hath been signed :

“(L. S.) Sealed the same day ;

“ DE MANFORT.

“ MOMET.

“The above instrument was executed by a public officer in my presence.

“ S. DEANE.”

Adjourned to nine o'clock to-morrow.

WEDNESDAY, April 8, 1778.

A letter, of the 3d, from gen. Green, quarter-master-general ; one, of the 7th, from Mr. R. Morris, at Manheim ; one, from the war-office in Massachusetts-Bay, dated 26th of March ; and one, of March 27th, from R. T. Paine, Oliver Ellsworth, and Henry Marchant, Esqrs; commissioners appointed to enquire into the causes of the failure of the expedition against R. Island, were read :

Ordered, That the letter from the war-office of Massachusetts-Bay, be referred to a committee of three ;

The members chosen, Mr. Dana, Mr. Burke and Mr. Chase.

Ordered, That the letter from Messrs. Paine, Ellsworth and Marchant, with the examinations by them taken, which accompany the letter, be referred to a committee of five ;

The members chosen, Mr. Drayton, Mr. Banister, Mr. Henry, Mr. Reed and Mr. Duer.

A representation from the legislative council and assembly of N. Jersey was read :

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

The members chosen, Mr. Reed, Mr. Dana and Mr. Scudder.

The committee to whom were referred the proceedings of a convention of committees of the states of N. Hampshire, &c. to Pennsylvania, inclusive, together with a letter of the 30th of Jan. last, from Thomas Cushing, Esq; president of the convention, and sundry resolutions of the 19th of Dec. last, from the state of N. Carolina, brought in a report, which was read :

Ordered, That the consideration thereof be postponed to Friday next.

Congress resumed the consideration of the report of the committee appointed to confer with col. Wadsworth, and, after debate,

Resolved, That the same be re-committed, and that Mr. Reed and Mr. Dana be added to the committee who brought in the report, and that the committee be directed to confer farther with Mr. Wadsworth.

Resolved, That the officers prisoners to the United States, who are ordered to Lancaster by the commissary of prisoners, for the purpose of being exchanged, be detained at Lancaster till the farther order of Congress.

Adjourned to nine o'clock to-morrow.

THURSDAY, April 9, 1778.

A letter, of March 24th, from Richard Varick, deputy muster-master-general in the northern-department, with sundry papers enclosed, was read :

Ordered, That the letter, with the papers enclosed, be referred to the board of war, who are directed to prepare and report a plan for rectifying and preventing the abuses mentioned in the said letter.

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 than at York-town.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Dr. Jonathan Dayton, for his attendance and medicine for 34 prisoners of war, who were under his care, by order of brigadier Maxwell, the sum of 211 $\frac{27}{90}$ dollars :

Ordered, That the said account be paid.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of James McClelland, for the use of col. George, Morgan for 4000 dollars, to answer a requisition from brigadier Hand, for building armed boats on the Ohio ; col. Morgan to be accountable :

That a warrant issue on the treasurer in favour of col. John Cox, assistant quarter-master-general, for the sum of 1,250,000 dollars, for the use of the quarter-master-general's department : that another warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office, in the state of Pennsylvania, in favour of the said col. John Cox, for the sum of 300,000 dollars, for the use of the same department ; and that both the foregoing sums, amounting to 1,550,000 dollars, be charged to major-general Greene, quarter-master-general, who is to be accountable :

That a warrant issue on the treasurer in favour of col. John Cox, for 33,000 dols. to enable him to pay for a quantity of dried clams, which he was requested to purchase by the committee of Congress at camp, and that William Buchanan, Esq; commissary-general of purchases, be charged with the same, and furnished with a copy of this order.

The marine-committee, to whom was referred the letter from Benjamin Tupper, of March 19th last, brought in a report ; whereupon,

Resolved, That a copy of the said letter be transmitted to Isaac Smith, Ebenezer Stover and William Phillips, Esqrs; of Boston, who are commissioners appointed by the marine-committee, to settle and adjust the accounts of prizes with the agents appointed by gen. Washington, &c. and to require the said agents to pay the several proportions justly due to the captors, &c.

The said committee, to whom was referred the letter of Thurmer Hoggard, brought in a report ; whereupon,

Resolved, That it be referred to Messrs. Maxwell and Loyal, superintendants, and to David Stodder, master-builder of the continental frigates building in Virginia, to consider and report their opinion to the marine-committee, whether an allowance, and if any, what allowance should be made to Thurmer Hoggard, for the frame furnished by him for one of the said frigates, over and above the price originally stipulated, and in like manner to consider and report their opinion with regard to the frame of the other frigate agreed to be furnished by Thomas Talbut, deceased, to whom the said Hoggard is executor.

The committee appointed to confer with Mr. Wadsworth, and to whom their former report was re-committed, brought in another report ; whereupon,

The following questions were moved ;

1. Whether Mr. Wadsworth, for discharging the duties of commissary-general of purchases, shall be allowed half per cent. on all the monies which shall be by him received and expended for the use of his department ?

2. Whether the deputy commissaries to be appointed by Mr. Wadsworth, shall be allowed half per cent. on all monies by them respectively received and paid to the purchasing-commissaries under them in their respective districts ?

3. Whether the purchasing-commissaries shall be allowed two per cent. for the monies which shall be by them respectively received and expended in the purchase of provisions for the army, pursuant to the orders of Mr. Wadsworth or his deputies ?

And the yeas and nays being taken on these questions severally ;

| | | | | |
|---------------------------|------------------|----|---|----------|
| <i>Massachusetts-Bay,</i> | Mr. Dana, | ay | } | ay |
| | Mr. Gerry, | ay | | |
| | Mr. Lovell, | ay | | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } | ay |
| <i>Connecticut,</i> | Mr. Huntington, | ay | | |
| | Mr. Wolcott, | ay | } | ay |
| <i>New-York,</i> | Mr. Duer, | ay | | |
| <i>New-Jersey,</i> | Mr. Scudder, | no | } | no |
| <i>Pennsylvania,</i> | Mr. Reed, | ay | | |
| | Mr. J. B. Smith, | no | } | divided. |
| <i>Maryland,</i> | Mr. Chase, | ay | | |
| | Mr. Forbes, | ay | } | ay |
| | Mr. Henry, | ay | | |
| <i>Virginia,</i> | Mr. Banister, | ay | } | * |
| <i>North-Carolina,</i> | Mr. Burke, | no | | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } | ay |
| | Mr. Drayton, | ay | | |
| <i>Georgia,</i> | Mr. Langworthy, | ay | } | ay |
| | | | | |

So they were resolved in the affirmative.

Congress proceeded to the election of a commissary-general of purchases, and, the ballots being taken,

Jeremiah Wadsworth, Esq; was unanimously elected.

Ordered, That the consideration of the report be postponed till to-morrow.

Adjourned to nine o'clock to-morrow.

— — — — —
FRIDAY, April 10, 1778.

A letter, of the 2d, from capt. James Nicholson, to the marine-committee, was read, informing them of the loss of the Virginia frigate, on the 31st of March :

Ordered, That it be referred to the committee of intelligence.

A letter, of this day, from W. Buchanan, late commissary-general, was read :

Ordered, That it be referred to the board of war.

A letter, of the 8th, from brigadier Smallwood, with sundry papers enclosed, relative to the taking into custody Thomas White and Charles Gordon, in pursuance of an act of Congress, was read :

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

The members chosen, Mr. Chase, Mr. Reed and Mr. Drayton.

Resolved, That a committee of three be appointed to confer with W. Buchanan, Esq; respecting his continuance in office, until col. Wadsworth is ready to enter on the business ;

The members chosen, Mr. Dana, Mr. Scudder and Mr. Chase.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on Joseph Borden, Esq; commissioner of the loan-office in the state of N. Jersey, in favour of that state, for 70,000 dollars, advanced for the purpose of paying their militia ; the said state to be accountable :

That a warrant issue on the treasurer in favour of the delegates of the state of Virginia, for 33,333 $\frac{1}{3}$ dollars, to be by them transmitted to his excellency Patrick Henry, to reimburse £. 10,000, Virginia currency, which he advanced for purchasing provisions for the grand army ; the said state to be accountable :

That a warrant issue on the treasurer in favour of Moses Young, assistant-pay-master to the board of war and ordnance, for 15,000 dollars ; 10,000 of which is for the purpose of defraying the expenses of building boats on the Susquehannah, and 5000 towards paying off col. Rawlings's old regiment, to be charged to Joseph Nourse, pay-master, who is to account for the same.

The committee appointed to prepare a letter in answer to gen. Washington's letter of the 4th, brought in a draught, which was read.

Four o'clock, P. M.

Congress took into consideration the draught of a letter in answer to gen. Washington's letter of the 4th, and some progress being made therein,

Adjourned to nine o'clock to-morrow,

SATURDAY, April 11, 1778.

A letter, of the 2d, from gov. Henry, of Virginia, was read, enclosing instructions to Mr. Hawkins, whom he has appointed to purchase live-stock and meat for the army :

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

The members chosen, Mr. Lee, Mr. Drayton and Mr. Scudder.

Ordered, That Mr. Reed have leave of absence for a few days, to remove his family to a place of security.

Ordered, That col. Cox, assistant-quarter-master-general, employ a deputy to attend Congress, and procure good stables and provender for their horses, and proper persons to take care of the same ; and that he receive from each member his just proportion of the expense.

Ordered, That Mr. Roberdeau have leave of absence.

Four o'clock, P. M.

A letter, of the 2d, from gov. Trumbull, was read.

MONDAY, April 13, 1778.

A letter, of the 28th of March, and one, of the 3d of April, from William Aylett, enclosing a letter of the 1st, from gov. Henry, of Virginia, were read :

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

The members chosen, Mr. Lee, Mr. Drayton and Mr. Scudder.

A letter, of the 10th, from gen. Washington, enclosing extracts of letters from gen. Putnam, gen. M'Dougall and col. Shreves, was read :

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

The members chosen, Mr. Duer, Mr. Chafe and Mr. Dana.

The committee to whom was referred the letter from brigadier Smallwood, brought in a report, which was read :

Ordered, That it be re-committed ; and that the committee be instructed to prepare a letter to the state of Delaware, acquainting them of the grounds on which Congress proceeded in their late order to brigadier Smallwood, to seize Thomas White, Charles Gordon, &c.

Resolved, That the board of war be directed, forthwith, to employ proper persons accurately to examine the river Susquehannah and its several fords, from the mouth to Harris's-Ferry, and to report their opinion to the board, which of the fords it would be most adviseable to secure, and which wholly to obstruct, and at what places the boats on the river can be best secured ; and the board are directed to give the necessary orders, and take the most effectual measures to secure the several passes and fords on the river, and to procure a survey of Octorara, Pequea and Conestoga creeks.

Resolved, That to-morrow be assigned for electing a secretary to the board of war and ordnance.

Resolved, That the commissioners of the United States in France, be authorized to determine and settle with the house of Roderique Hortales & Co. the compensation, if any, which should be allowed them on all merchandize and warlike-stores, shipped by them for the use of the United States, previous to the 14th day of April, 1778, over and above the commission allowed them in the sixth article of the proposed contract between the committee of commerce and John Baptiste Lazarus Theveneau de Francey.

Congress resumed the consideration of the draught of a letter in answer to a letter of the 4th, from gen. Washington, and some progress being made therein,

Ordered, That the farther consideration thereof be postponed to the afternoon.

Four o'clock, P. M.

Mr. Richard Hutson, a delegate from South-Carolina, attended, and took his seat.

The delegates of Pennsylvania, to whom were referred the letter from col. Hartley and representation from the board of war, report a resolution of the general assembly of Pennsylvania, granting, agreeably to the proposal of Congress, permission to col. Hartley to enlist men for his battalion within that state, and allowing the men, so recruited, the bounty granted by the state to soldiers enlisted for their regiments, the men to be considered as a part of the quota of the said state.

The committee appointed to revise the rules and orders for the conduct of business in Congress, brought in a report.

Congress resumed the consideration of the letter in answer to gen. Washington's letter of the 4th, and sundry amendments being made, the letter was approved :

Ordered, That a copy be made out, and that the same be signed by the president and transmitted to the general.

A motion was made, that it be declared in the letter that Congress cannot consent to any exchange on parole, and have therefore ordered the officers in our hands to wait the settlement of a general-cartel :

The yeas and nays being required

| | | | |
|---------------------------|------------------|-----------|-------------------|
| <i>Massachusetts-Bay,</i> | Mr. Dana, | <i>no</i> | } <i>no</i> |
| | Mr. Gerry, | <i>no</i> | |
| | Mr. Lovell, | <i>no</i> | |
| <i>Rhode-Island,</i> | Mr. Ellery, | <i>ay</i> | } <i>ay</i> |
| <i>Connecticut,</i> | Mr. Huntington, | <i>no</i> | } <i>no</i> |
| <i>New-York,</i> | Mr. Duer, | <i>no</i> | } * |
| <i>New-Jersey,</i> | Mr. Scudder, | <i>no</i> | } <i>no</i> |
| <i>Pennsylvania,</i> | Mr. J. B. Smith, | <i>no</i> | } <i>no</i> |
| | Mr. James Smith, | <i>no</i> | |
| <i>Maryland,</i> | Mr. Chase, | <i>ay</i> | } <i>divided.</i> |
| | Mr. Forbes, | <i>no</i> | |
| <i>North-Carolina,</i> | Mr. Burke, | <i>no</i> | } <i>no</i> |
| <i>South-Carolina,</i> | Mr. Laurens, | <i>no</i> | } <i>no</i> |
| | Mr. Drayton, | <i>no</i> | |
| <i>Georgia,</i> | Mr. Langworthy, | <i>no</i> | } <i>no</i> |

So it passed in the negative.

Resolved, That the prisoners who are detained at Lancaster, be sent forward, agreeably to the orders given by the commissary-general of prisoners.

Adjourned to nine o'clock to-morrow.

— * —
TUESDAY, April 14, 1778.

A letter, of the 9th, from the board of war, enclosing sundry affidavits relative to the flag stopped at Lancaster, was read :

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

The members chosen, Mr. Duer, Mr. Drayton and Mr. J. B. Smith.

The committee to whom were referred sundry letters from gen. Howe to gen. Washington, brought in a report :

Ordered, That it be re-committed to the foregoing committee.

A memorial from the general assembly of Pennsylvania, relative to forts built in the county of Westmoreland and provisions laid up there, was read :

Ordered, That it be referred to the board of war.

Congress resumed the consideration of the report of the committee appointed to confer with Mr. Wadsworth ; whereupon,

Resolved, That the commissary-general of purchases have full power to appoint and remove every officer in his department :

That the commissary-general shall, from time to time, as the service may require, visit the armies and posts of the United States, and be subject to the orders of the commander in chief :

That the commissary-general shall not be obliged to reside at the place where Congress sit, but he shall there keep an office, to which all general-returns in his department shall be made, and which shall be under the inspection and direction of the board of war; every officer necessary to that office being daily allowed one ration of provisions, office-rent, fire-wood, candles, paper, wax, wafers and quills, being furnished at the expense of the United States:

That the commissary-general, or his clerk at the office of general returns, shall receive from the treasury, by warrant in the usual manner, all sums of money necessary for the service of his department, and shall be entitled to receive one half per cent. on all sums by him paid to the deputy-commissaries-general for the public service, who, in their respective districts, shall furnish the necessary sums of money to the purchasing commissaries in such districts: each deputy commissary-general shall be entitled to receive one half per cent. upon all sums of money by him paid to the purchasing-commissaries in his district; and also three rations of provision when in camp: each purchasing-commissary shall be entitled to receive a commission, not exceeding two per cent. upon all sums of money by him laid out in the discharge of his office: and the commissary-general and his deputies shall be allowed forage for their horses, when at any post where there is forage for the service of the United States, and shall have their horses shod at any shop belonging to the United States:

That money for the use of the commissary-general's department, shall be transmitted from the commissary-general's office to the respective deputy commissaries-general, and expresses sent on the necessary business of that department at the expense of the United States:

That it be recommended to the governments of the several states to exempt from militia duties all persons, who are, bona fide, engaged in the commissary-general's department:

That the commissary-general shall appoint an assistant to reside at head-quarters, under the orders of the commander in chief: the assistant shall be entitled to receive a daily pay of five dollars, an allowance of rations, two for himself and one for his servant, forage for two horses, which shall be shod at the expense of the United States:

That the commissary-general, the deputy commissaries-general, and the purchasing-commissaries respectively, shall provide teams and drivers for transporting provisions at the expense of the United States, when teams and drivers for such services cannot, in due time, be obtained from the quarter-master-general's department:

That the commissary-general shall assign to the several purchasing-commissaries, their respective districts for the sphere of their purchases, out of which they shall not make any purchase for the United States, nor into which they shall give any encouragement for the bringing any commodities from any other purchasing-commissary's district, unless thereto expressly authorized by the commissary-general or deputy commissary-general of the district:

That each purchasing-commissary, upon his entrance into office, shall take an oath before some magistrate, "that he will not directly nor indirectly take any measure, nor cause or countenance any to be taken, to raise the price of any articles within the view of the commissary-gene-

ral's department: that he will use his best skill and judgement in purchasing, on the most reasonable terms, in account of the United States, and that he will give to the commissary-general, from time to time, the earliest information of such funds and stocks in his department as shall come to his knowledge:" and the affidavit so taken shall be returned to the purchasing-commissary-general, and by him lodged in the war office:

That all persons in the commissary-general's department shall take bills of parcels for all the articles by them respectively purchased, receipts for all the monies by them respectively paid, and receipts for all articles delivered, to be produced as necessary vouchers at their several settlements:

That the purchasing-commissaries shall make monthly returns to the deputy commissaries-general of their respective districts, of their purchases and the prices paid, and shall settle their accounts once in six months:

That the deputy commissaries-general shall, once in every two months, make their returns to the commissary-general's office of general returns, and shall settle their accounts at that office whenever required to do so by the commissary-general:

That every three months the commissary-general shall render to Congress an account of his receipts and expenditures, and every nine months a list of the general returns of his department, and such account and list shall be returned at such other times as Congress shall require:

That all former regulations of Congress, relative to the department of the commissary-general of purchases, which interfere with the foregoing resolutions, be repealed.

The committee to whom the letter from governor Henry, of Virginia, respecting with a contract made by him with Mr. Hawkins for the purchase of cattle was referred, brought in a report, whereupon,

Resolved, That Mr. Hay has proceeded to purchase beef, cattle and horses, agreeable to his contract with gov. Henry; and that Mr. Ayles, present deputy commissary-general of purchases, be directed to continue to execute the remaining duties of his office, until col. Wadsworth, commissary-general, shall give in other orders with respect to that department. That Mr. Wadsworth be directed to transmit money to gov. Henry, of Virginia, to enable Mr. Hawkins to go on with his purchases.

The committee to whom was referred the letter of the 10th, from gen. Washington, brought in a report, which was taken into consideration; after debate.

Resolved, That the further consideration thereof be postponed till to-morrow.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, April 15, 1777.

A letter, of the 12th, from Mr. A. Morris, and one of the 5th, from John Swanwick, were read:

Resolved, That they be referred to the board of war.

The committee on the treasury brought in a report, whereupon,

Ordered, That a warrant issue on the treasurer in favour of the committee of commerce, for 5231 $\frac{1}{2}$ dollars, to enable them to pay a bill for that sum drawn on them by Samuel and Robert Purviance; the said committee to be accountable.

Resolved, That George Campbell, Esq; be appointed a manager of the United States lottery.

The committee on the treasury brought in a report respecting the establishment of a new board of treasury, which was read:

Ordered, That the consideration thereof be postponed to Friday next.

The committee appointed to prepare a letter to the state of Delaware, brought in a draught, which was read, amended and agreed to:

Ordered, That a copy of the said letter be made out and signed by the president, and transmitted to the president of the state of Delaware.

Resolved, That Congress approve of brigadier Smallwood's conduct, in apprehending Thomas White and Charles Gordon, by virtue of their order of the 26th of March last.

Resolved, That a committee of three be appointed to prepare and report terms to be offered to such foreign officers and soldiers in the service of the king of Great-Britain, as shall quit that service and choose to become citizens of any of the United States of America.

The members chosen, Mr. Chast, Mr. Dana and Mr. G. Morris.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the commissioner of the loan-office in the state of Pennsylvania, in favour of the president and council of the said state, for the sum of 20,000 dollars, to be by them put into the hands of proper persons for the purpose of purchasing horses in the said state, for the use of the army of the United States; the said state to be accountable:

That a warrant issue on the commissioner of the loan-office in the state of Pennsylvania, in favour of Thomas Reed, assistant pay-master-general, to discharge gen. Washington's draught on William Palfrey, pay-master-general, in favour of Clement Biddle, commissary-general of forage, for 10,666 $\frac{2}{3}$ dollars; dated at camp, the 21st of Jan. last:

That a warrant issue on the commissioner of the loan-office in the state of Pennsylvania, in favour of John Gibson, auditor-general, for the sum of 61,631 $\frac{1}{2}$ dollars, to enable him to discharge the residue of a warrant drawn on him by the president of Congress, dated the 14th of September last, in favour of the supreme executive council of the state of Pennsylvania, for the sum of 200,000 dollars.

Four o'clock, P. M.

Mr. Carroll, a delegate from Maryland, attended, and took his seat in Congress.

Congress resumed the consideration of the report of the committee on gen. Washington's letter of the 10th; whereupon,

Resolved, That gen. Gates be directed forthwith to repair to Fishkill, on Hudson's-river, and take the command of all troops which now are or shall be collected and stationed at the posts on that river, and in the whole northern-department; and immediately take effectual measures to secure the communication with the eastern-states, by maintaining the possession of Hudson's-river; and for that purpose, that he be em-

powered to provide such a number of galleys, gun-boats, fire-rafts, chains, calloons and chevaux-de-frize, and erect such fortifications as he may judge necessary, taking care that the fortifications be not too extensive, and also to carry on operations against the enemy if any favourable occasions should offer :

That to enable him to carry into execution the purpose aforementioned, gen. Gates be authorized to call for militia and artificers from the states of N. York, Connecticut, Massachusetts-Bay and N. Hampshire ; and, in case the enemy shall evacuate R. Island, from that state also ; and it is hereby earnestly recommended to the said states, to afford every assistance in their power, as well in sending forth their militia in such numbers, and for such time, as gen. Gates shall think proper, as in furnishing artificers, materials and other necessaries for fortifying and obstructing the said river :

That gen. Gates be directed, from time to time, to afford every assistance in his power in forwarding the draughts and other reinforcements destined for the main army :

Resolved, That a committee of three be appointed to prepare a draught of instructions to major-general Gates :

The members chosen, Mr. G. Morris, Mr. Dana and Mr. Duer.

A memorial from Mons. Mondret, was read :

Ordered, That it be referred to the marine-committee.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of William Buchanan, Esq; late commissary-general of purchases, for 200,000 dollars, for the use of the commissary's department in the middle-district ; for which he is to be accountable :

That a warrant issue on the treasurer in favour of James Forbes, Esq; delegate from Maryland, for 700 dollars, advanced upon his application, and to be charged to the said state.

A letter, of the 9th, from gov. Livingston, of N. Jersey, with a copy of a petition from the officers, civil and military, of the county of Cumberland, was read :

Ordered, That it be referred to the committee on the representation from the general assembly of N. Jersey, and that Mr. G. Morris be added to the said committee.

Adjourned to nine o'clock to-morrow.

THURSDAY, April 16, 1778.

Resolved, That a commission of captain be granted to Mr. Capitaine, in the corps of engineers, in the service of the United States of America, and that he rank from the first of Dec. 1776.

The committee of commerce report, that they have executed the contract with Mr. Francey, agent to Mr. Beaumarchais, representative of the house of Roderique Hortales & Co. agreeably to the order of Congress, and that the same is signed by William Ellery, James Forbes, William Henry Drayton and William Duer, members of the committee of commerce :

Ordered, That the duplicate of the agreement entered into between the committee of commerce and Mr. Francey, be lodged with the said committee.

Resolved, That Mr. William Bingham, agent of the United States of America, now resident in Martinique, be authorized to draw bills of exchange at double usance on the commissioners of the United States at Paris, for any sums, not exceeding in the whole, 100,000 livres tournois, to enable him to discharge debts by him contracted on account of the said states; for which draughts he is to be accountable.

Resolved, That nothing contained in the system for the commissary-general's department, shall be construed to make the commissary-general liable for the misapplication of money for the use of his department, by any inferior officer in that department, provided that he shall take bonds from the deputy commissaries-general and assistant commissary-general, respectively appointed by him, with not less than two good and sufficient securities; in the sum of 20,000 dollars, to be by him lodged in the treasury-office; and the said deputy-commissaries shall be exonerated of all sums of money by them respectively paid to the purchasing commissaries, provided they shall take bonds from the said purchasing commissaries respectively, with not less than two good and sufficient securities, in the sum of 10,000 dollars, which bonds they shall lodge in the said treasury-office.

The yeas and nays being required,

| | | | | |
|----------------------------|------------------|----|---|----------|
| <i>Massachusetts-Bay</i> , | Mr. Dana, | no | } | * |
| | Mr. Gerry, | no | | |
| <i>Rhode-Island</i> , | Mr. Ellery, | ay | } | ay |
| | Mr. Huntington, | ay | | |
| <i>Connecticut</i> , | Mr. Wolcott, | ay | } | ay |
| | Mr. Duer, | ay | | |
| <i>New-York</i> , | Mr. G. Morris, | no | } | divided. |
| | Mr. Scudder, | no | | |
| <i>New-Jersey</i> , | Mr. F. B. Smith, | no | } | no |
| | Mr. James Smith, | ay | | |
| <i>Pennsylvania</i> , | Mr. Chase, | ay | } | divided. |
| | Mr. Carroll, | no | | |
| <i>Maryland</i> , | Mr. Forbes, | no | } | no |
| | Mr. Henry, | no | | |
| <i>North-Carolina</i> , | Mr. Burke, | no | } | divided. |
| | Mr. Harnett, | ay | | |
| <i>South-Carolina</i> , | Mr. Laurens, | ay | } | ay |
| | Mr. Drayton, | ay | | |
| <i>Georgia</i> , | Mr. Hutson, | no | } | ay |
| | Mr. Langworthy, | ay | | |

So it was resolved in the affirmative.

Congress resumed the consideration of the report of the committee of the whole, respecting an allowance to officers after the war; whereupon,

The letters of March 24th and April 10th, from gen. Washington, so far as they respect this matter, were called for and read, and a motion was made, that such parts of the said letters as relate to the making an establishment for officers in the army, be entered on the journals; upon which the previous question was moved, whether that question be now put; and the yeas and nays being required,

| | | | |
|---------------------------|------------------|----|------------|
| <i>Massachusetts-Bay,</i> | Mr. Dana, | no | } no |
| | Mr. Gerry, | no | |
| | Mr. Lovell, | no | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } no |
| | Mr. Huntington, | no | |
| <i>Connecticut,</i> | Mr. Wolcott, | no | } no |
| | Mr. Duer, | ay | |
| <i>New-York,</i> | Mr. G. Morris, | ay | } ay |
| | Mr. Scudder, | no | |
| <i>New-Jersey,</i> | Mr. J. B. Smith, | no | } no |
| | Mr. James Smith, | no | |
| <i>Pennsylvania,</i> | Mr. Chase, | ay | } ay |
| | Mr. Carrioll, | ay | |
| | Mr. Henry, | ay | |
| <i>North-Carolina,</i> | Mr. Burke, | no | } divided. |
| | Mr. Harnett, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Hutson, | ay | |
| <i>Georgia,</i> | Mr. Langworthy, | ay | ay |

So it passed in the negative.

Mr. Thomas Adams, a delegate from Virginia, attended, and took his seat in Congress.

An amendment was moved in lieu of the whole report as follows :

“ Congress, however desirous of giving every reasonable encouragement to officers of the army who bravely hazard their lives in defence of their country, and however anxious to make an honourable provision for them after the close of the war, being apprehensive of the consequence of a military-establishment, especially without knowing the sense of their constituents on a subject of such high importance :

Resolved, That the proposed plan for a military-establishment be postponed, and that a letter be addressed to the several states, and that they be requested to take into their most serious consideration, and give their opinion on the following questions :

1. Whether some provision ought not to be made for the officers of the continental army after the conclusion of the war ?

2. Whether that provision should be for life, or for a term of years ?

3. Whether any provision should be made for the widows of such as have fallen, or shall fall in battle, or die in captivity, or in the service ?

4. Whether some farther compensation or reward ought not to be granted to the privates who continue in the continental army till the close of the war ?

A previous question being moved, whether that question be now put, and the yeas and nays being required, a member declined to answer, alleging he was warranted so to do by the practice of the house ;

Whereupon, the resolution of the 26th of August last, was called and read ; and thereupon,

Resolved, That when a member is called upon to answer *ay* or *no*, he may not of right withhold his voice.

The yeas and nays being then taken on the previous question ;

| | | | |
|---------------------------|------------------|----|------------|
| <i>Massachusetts-Bay,</i> | Mr. Dana, | no | } no |
| | Mr. Gerry, | no | |
| | Mr. Lovell, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| | Mr. Huntington, | ay | |
| | Mr. Wolcott, | ay | |
| <i>New-York,</i> | Mr. Duer, | no | } no |
| | Mr. G. Morris, | no | |
| | Mr. Scudder, | ay | |
| <i>New-Jersey,</i> | Mr. J. B. Smith, | ay | } divided. |
| | Mr. James Smith, | no | |
| | Mr. Chase, | no | |
| <i>Maryland,</i> | Mr. Carroll, | no | } no |
| | Mr. Forbes, | no | |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. F. L. Lee, | no | } no |
| | Mr. Banister, | no | |
| | Mr. T. Adams, | no | |
| <i>North-Carolina,</i> | Mr. Burke, | no | } no |
| | Mr. Harnett, | no | |
| | Mr. Laurens, | ay | |
| <i>South-Carolina,</i> | Mr. Drayton, | no | } ay |
| | Mr. Hutson, | ay | |
| | Mr. Langworthy, | no | |
| <i>Georgia,</i> | | | |

So it passed in the negative.

Adjourned to nine o'clock to-morrow.

FRIDAY, April 17, 1778.

Resolved, That Mr. T. Adams be added to the committee of commerce.

A report from the board of war was read ; whereupon,

Resolved, That brigadier Starks be employed in the northern-department, under the command of general Gates.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 500 dollars be paid to John Brown, for the use of Robert Morris, Esq; to discharge four bills of 125 dollars each, drawn by John Ashe, treasurer of North-Carolina, dated the 10th of May last, in favour of James Payneville ; the state to be charged therewith :

That 1166⁵⁰/₁₀₀ dollars be advanced to Cornelius Harnett, Esq; a delegate from North-Carolina, upon his application, and charged to the said state :

That 30,000 dollars be advanced to Dr. Potts ; and that a warrant issue in his favour on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, for the farther sum of 70,000 dollars, for the use of the hospital in the middle-district ; for which sums the said Dr. Potts is to be accountable :

That 1,500,000 dollars be advanced to Jeremiah Wadsworth, Esq; commissary-general of purchases, for the use of his department ; he to be accountable.

Resolved, That the president and supreme executive council of the

commonwealth of Pennsylvania, be requested to order the commissioners by them appointed to make purchases of wheat and flour, to desist in making any further purchases of those articles, and to make returns forthwith to Mr. Wadsworth, commissary-general of purchases, and to the board of war of the purchases they have made.

The committee to whom was referred the representation of the council and assembly of New-Jersey, brought in a report; whereupon,

Resolved, That so much of the representation as relates to the supporting that state with a body of continental troops, be submitted to general Washington, commander in chief:

That the state of New-Jersey be requested to complete only three regiments of infantry, in the manner recommended by the resolutions of the 26th of February last; and that the committee of Congress lately at camp, do arrange the officers of the said state accordingly.

A letter from the board of war was read; whereupon,

Resolved, That the board of war be empowered to order and appoint general courts-martial as often as occasion requires, for trying officers and others under arrest, agreeably to the rules and articles of war, in the place where Congress may sit, and that the said courts report their proceedings to the commander in chief.

Congress resumed the consideration of the report of the committee of the whole, and the first paragraph being read, a motion was made,

"That an establishment of half-pay be made for the military-officers commissioned by Congress who now are, or hereafter may be in the service of these states, and shall continue therein during the war, and who shall not be annexed to any corps of established troops, or hold any office of profit under the United States, or any of them; and that such establishment take place after the conclusion of the present war:"

Whereupon, the agreement entered into the 1st inst. was called for and read, and thereupon a question was moved and put, whether that motion is in order consistent with the said agreement and the subsequent decision of Congress, that the report of the committee of the whole should not be entered on the journal?

And the yeas and nays being required,

| | | | | |
|---------------------------|------------------|----|---|----------|
| <i>Massachusetts-Bay,</i> | Mr. Dana, | no | } | * |
| | Mr. Lovell, | no | | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } | no |
| | Mr. Huntington, | no | | |
| <i>Connecticut,</i> | Mr. Wolcott, | no | } | no |
| | Mr. Duer, | ay | | |
| <i>New-York,</i> | Mr. G. Morris, | ay | } | ay |
| | Mr. Scudder, | no | | |
| <i>New-Jersey,</i> | Mr. J. B. Smith, | no | } | divided. |
| | Mr. James Smith, | ay | | |
| <i>Pennsylvania,</i> | Mr. Chase, | ay | } | ay |
| | Mr. Carroll, | ay | | |
| <i>Maryland,</i> | Mr. Forbes, | ay | } | ay |
| | Mr. F. L. Lee, | ay | | |
| <i>Virginia,</i> | Mr. Banister, | ay | } | ay |
| | Mr. T. Adams, | ay | | |
| <i>North-Carolina,</i> | Mr. Burke, | ay | } | ay |
| | Mr. Harnett, | ay | | |

| | | | |
|------------------------|------------------------|-----------|-------------|
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Drayton,</i> | <i>no</i> | |
| | Mr. <i>Hutson,</i> | <i>no</i> | |
| <i>Georgia,</i> | Mr. <i>Langworthy,</i> | <i>ay</i> | } <i>ay</i> |

So it was resolved in the affirmative.

The motion was then received and read by the president, and after debate,

Resolved, That the farther consideration thereof be postponed till to-morrow.

Ordered, That Mr. Forbes have leave of absence.

Ordered, That Mr. Burke have leave of absence.

Adjourned to nine o'clock to-morrow.

SATURDAY, April 18, 1778.

Mr. Plater, a delegate from Maryland, attended, and took his seat in Congress.

Whereas, Joseph Trumbull, Esq; who was elected a member of the board of war, is, on account of his ill state of health, unable to attend his duty at that board, and therefore desirous to resign :

Resolved, That his resignation be accepted.

A memorial from Joseph Carlson was read :

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

The members chosen, Mr. Banister, Mr. Carroll and Mr. Huntington.

The marine-committee brought in a report ; whereupon Congress came to the following resolutions :

Whereas, it is expedient that a speedy enquiry be made into the causes of the loss of the Virginia frigate, and a competent number of officers belonging to the navy cannot, at present, be obtained for that purpose :

Resolved, That the navy-board in the middle-district, with William Smith, Esq; of Baltimore, and Stephen Steward, Esq; of West-river, in the state of Maryland, or any three of them, be, and they are hereby appointed and fully authorized to make a strict enquiry and examination into the causes of the loss of the said frigate, and the conduct of James Nicholson, late commander of the said frigate ; and that to that end they repair to Baltimore as speedily as possible, and call before them the said James Nicholson, and examine all persons, evidences and papers necessary, and make report of such their enquiry, together with the evidences, to the marine-committee, to be laid before Congress.

The committee to whose decision, in conjunction with gen. Washington, the appointment of the officers of brigadier count Pulaski's corps was referred, brought in a report ; whereupon,

Resolved, That Michael de Kowatz be appointed colonel-commandant ; count Julius de Mountfort, major ; John de Zielinske, captain of lancers.

Resolved, That gen. Washington be authorized and directed forthwith to convene a council, to consist of the major-generals in the state of Pennsylvania, and the general-officer commanding the corps of engineers, and with the advice of the said council to form such a plan for the general operations of the campaign as he shall deem consistent with the welfare of these states :

That major-generals Gates and Mifflin, members of the board of war, have leave to attend the said council.

The committee on the treasury brought in a report; whereupon,

Resolved, That 500,000 dollars be emitted under the direction of the treasury board, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 4th inst. be numbered from the last number of each respective denomination of that emission progressively, and consist of the following denominations:

| | | | | |
|---------------------|---|---|---|---------|
| 7692 of 30 dollars, | - | - | - | 230,760 |
| 7693 of 8 do. | - | - | - | 61,544 |
| 7693 of 7 do. | - | - | - | 53,851 |
| 7692 of 6 do. | - | - | - | 46,152 |
| 7693 of 5 do. | - | - | - | 38,465 |
| 7692 of 4 do. | - | - | - | 30,768 |
| 7692 of 3 do. | - | - | - | 23,076 |
| 7692 of 2 do. | - | - | - | 15,384 |
| | | | | <hr/> |
| | | | | 500,000 |

That all powers and duties of Michael Hillegas, Esq; and of the inspectors of the prefs, signers and printers of the emission directed on the 10th of May last, shall extend to the said 500,000 dollars now to be emitted, subject to such directions and instructions as the board of treasury may judge expedient.

Ordered, That 200,000 dollars be advanced to William Buchanan, Esq; late commissary-general of purchases, to be by him transmitted to his deputy Mr. Colt, in the eastern-district; Mr. Buchanan to be accountable.

That 50,000 dollars be advanced to James Meafe, Esq; clothier-general, for the use of his department; he to be accountable.

A memorial from Mons. Fidel Dorré was read:

Ordered, That it be referred to the committee of commerce.

Resolved, That a committee of three be appointed to confer with Mr. James Meafe, clothier-general, on the subject of his department;

The members chosen, Mr. J. Adams, Mr. Morris and Mr. Drayton.

Resolved, That the board of war be directed to make a strict enquiry into the mode in which the armourer's department has been hitherto conducted, and report to Congress the result of their enquiry; and if they judge necessary, to dismiss the persons who have been hitherto employed in that business, and to engage others in their stead, on the best terms possible.

Resolved, That Mr. Hudson be added to the committee of commerce.

Resolved, That Mr. G. Morris be added to the medical-committee.

A petition from captain Knox was read:

Ordered, That it be referred to the board of treasury.

Whereas a brigadier of cavalry is necessarily put to a much greater expense in equipping himself for service and other ways than any other officer of that rank in the army; therefore,

Resolved, That the pay of the brigadier-general of cavalry be in the same proportion to that of a brigadier of infantry, as the pay of a colonel

of the cavalry is to that of a colonel of infantry, viz. 156 $\frac{1}{2}$ dols. per month.
Adjourned to nine o'clock on Monday.

MONDAY, April 20, 1778.

A letter, of the 15th, from major Lee, and one of the 17th, from E. Boudinot, Esq; commissary-general of prisoners, were read, the last informing Congress of his resolution to decline continuing any longer in the service :

Ordered, That Thursday next be assigned for electing a commissary-general of prisoners.

A letter, of the 7th, from gov. Clinton, with a proclamation enclosed, was read :

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

The members chosen, Mr. Huntington, Mr. J. B. Smith & Mr. Lee.

A letter, of the 18th, from gen. Washington, with the report of the commissioners by him appointed for settling a cartel, &c. was read :

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

The members chosen, Mr. G. Morris, Mr. Drayton and Mr. Dana.

A letter, of the 18th, from Jonathan Sergeant, Esq; and one, of the 26th of March, from governor Caswell, of North-Carolina, were read :

A letter, of the 9th, from baron Steuben, one, of the 4th, from governor Cooke, of Rhode-Island, and one, of the 6th, from brigadier Muhlenberg, were read :

Ordered, That they be referred to the board of treasury.

A letter, of the 17th, from brigadier Smallwood, with two letters enclosed, was read :

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

The members chosen, Mr. Duer, Mr. Chafe and Mr. Carroll.

The committee appointed to prepare instructions to general Gates, brought in a draught, which was taken into consideration, and sundry amendments being made, was agreed to :

Ordered, That the same be transcribed and signed by the president and transmitted to general Gates, and that a copy be sent to general Washington.

Adjourned to nine o'clock to-morrow.

TUESDAY, April 21, 1778.

The committee to whom was referred the letter of the 18th, from gen. Washington, with the several papers enclosed, brought in a report, which was taken into consideration, and the same being debated by paragraphs and amended, and each paragraph, on a question put, being agreed to,

A motion was made, that a question be put on the whole :

Whereupon a question of order was moved, whether a question can in such case be put ?

And the yeas and nays being required,

| | | | | |
|--------------------|-----------------|----|---|----|
| Massachusetts-Bay, | Mr. Dana, | no | } | * |
| | Mr. Lovell, | no | | |
| Rhode-Island, | Mr. Ellery, | ay | } | ay |
| Connecticut, | Mr. Huntington, | no | | |
| | Mr. Wolcott, | no | } | no |

| | | | |
|------------------------|------------------|----|------------|
| <i>New-York,</i> | Mr. Duer, | no | } no |
| | Mr. G. Morris, | no | |
| <i>New-Jersey,</i> | Mr. Scudder, | no | } no |
| | Mr. J. B. Smith, | ay | |
| <i>Pennsylvania,</i> | Mr. James Smith, | ay | } ay |
| | Mr. Chase, | no | |
| <i>Maryland,</i> | Mr. Carroll, | no | } no |
| | Mr. Plater, | no | |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. F. L. Lee, | no | } no |
| | Mr. Banister, | no | |
| | Mr. T. Adams, | no | |
| <i>North-Carolina,</i> | Mr. Burke, | ay | } divided. |
| | Mr. Harnett, | no | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Hutson, | ay | |
| <i>Georgia,</i> | Mr. Langworthy, | no | } no |

So it passed in the negative.

The report, as amended and agreed to, is as follows :

Resolved, That Congress approve of the conduct of colonel Grayson, lieutenant-colonel Harrison, and lieutenant-colonel Hamilton, and Elias Boudinot, Esqrs; " commissioners appointed by general Washington to meet the commissioners appointed by general sir William Howe, and with them to confer, determine and agree upon a treaty and convention for the exchange of prisoners of war, and for all matters whatsoever which may be properly contained therein," in the several meetings held at Germantown and Newton, with the commissioners of general Howe.

Resolved, That Congress are sincerely desirous of settling a cartel for the exchange of prisoners, on principles of justice, humanity and mutual advantage, and agreeable to the customary rules and practice of war among civilized nations ; and that they lament the obstacles raised by general Howe and his commissioners during the negotiations held for this desirable purpose.

Ordered, That the letters and papers received from the general, relating to the said cartel, be published, together with these resolutions.

Ordered, That the committee have leave to sit again.

Congress having received repeated information, that various abuses prevail in the department of the commissary of hides ; for securing the hides and tallow belonging to the public :

Resolved, That the board of war be directed to make such regulations for conducting that department as they shall deem best calculated to answer the end of its institution ; that they be authorized to dismiss, if they shall judge necessary, the persons who have been hitherto employed to conduct the same, and to appoint others in their stead, till the pleasure of Congress can be known, reporting to Congress the names of the principal persons by them appointed to conduct that business.

Resolved, That the members of the board of war, or any one of them be authorized, in conjunction with any two or more of the pre-

sent commissioners, to manage the business of that department, till an additional number of commissioners shall be appointed by Congress to the board of war, and shall be ready to attend that business.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq; commissioner of the loan-office in the state of Pennsylvania, for 20,000 dollars, in favour of William Henry, Esq; of Lancaster, for the purpose of paying for leather, &c. purchased by him, and for repairing arms for public service ; he to be accountable.

Resolved, That Congress will, on Monday next, take into consideration the state of our affairs with foreign courts, and the instructions to the commissioners of Congress at such courts.

—♦—
Four o'clock, P. M.

Ordered, That the quarter-master in York-town provide a room for the clerk of the United States lottery, to serve him for an office to transact his business in with convenience and security.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 7939 dollars be paid to Samuel Ewing, Esq; in discharge of an order of Thomas Reed, assistant pay-master-general, in his favour, dated the 18th inst. William Palfrey, Esq; pay-master-general, to be accountable.

Congress resumed the consideration of the report of the committee of the whole ; whereupon, the motion made on Friday last was read, and an amendment moved :

A motion was then made to take the sense of the house, whether it is in order that the resolution of Friday, which was entered on the minutes and then determined to be in order, should now be subject to any further amendment ?

And the yeas and nays being required,

| | | | |
|---------------------------|------------------|----|------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } no |
| | Mr. Lovell, | no | |
| | Mr. Dana, | no | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } no |
| <i>Connecticut,</i> | Mr. Huntington, | no | |
| | Mr. Wolcott, | no | } no |
| <i>New-York,</i> | Mr. Duer, | ay | |
| | Mr. G. Morris, | ay | } ay |
| <i>New-Jersey,</i> | Mr. Scudder, | no | |
| <i>Pennsylvania,</i> | Mr. J. B. Smith, | ay | } ay |
| | Mr. James Smith, | ay | |
| <i>Maryland,</i> | Mr. Chase, | ay | } ay |
| | Mr. Plater, | ay | |
| | Mr. Carroll, | ay | |
| | Mr. Henry, | ay | |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | } ay |
| | Mr. Banister, | ay | |
| | Mr. T. Adams, | ay | |
| <i>North-Carolina,</i> | Mr. Burke, | ay | } ay |
| | Mr. Harnett, | ay | |

| | | | |
|------------------------|-----------------|----|------|
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Hutson, | ay | |
| <i>Georgia,</i> | Mr. Langworthy, | ay | } ay |

So it was resolved in the affirmative.

On the question put to strike out "an establishment," and insert "it is expedient a provision ;"

Resolved in the affirmative.

It was then moved, that the sense of the house be taken, whether "any provision shall be made for the officers, &c. after the conclusion of the present war?"

On which the yeas and nays being required,

| | | | |
|---------------------------|------------------|----|------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | no | |
| | Mr. Dana, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } no |
| | Mr. Huntington, | no | |
| | Mr. Wolcott, | no | |
| <i>New-York,</i> | Mr. Duer, | ay | } ay |
| | Mr. G. Morris, | ay | |
| | Mr. Scudder, | no | |
| <i>New-Jersey,</i> | Mr. J. B. Smith, | ay | } ay |
| | Mr. James Smith, | ay | |
| | Mr. M-Kean, | ay | |
| <i>Pennsylvania,</i> | Mr. Chase, | ay | } ay |
| | Mr. Plater, | ay | |
| | Mr. Carroll, | ay | |
| <i>Delaware,</i> | Mr. Henry, | ay | } ay |
| | Mr. F. L. Lee, | ay | |
| | Mr. Banister, | ay | |
| <i>Maryland,</i> | Mr. T. Adams, | ay | } ay |
| | Mr. Burke, | ay | |
| | Mr. Harnett, | ay | |
| <i>Virginia,</i> | Mr. Laurens, | no | } no |
| | Mr. Drayton, | no | |
| | Mr. Hutson, | no | |
| <i>North-Carolina,</i> | Mr. Langworthy, | ay | } ay |

So it was resolved in the affirmative.

Adjourned to five o'clock, P. M. to-morrow.

WEDNESDAY, April 22, 1778. P. M.

Mr. Matthews, a delegate from South-Carolina, attended, and took his seat in Congress.

The committee to whom was referred the letter of the 18th, from gen. Washington, containing a certain printed paper sent from Philadelphia, purporting to be the draught of a bill for declaring the intention of the parliament of Great-Britain as to the exercise of what they are pleased to term their right of imposing taxes within these United States;

and also the draught of a bill to enable the king of Great-Britain to appoint commissioners with powers to treat, consult and agree upon the means of quieting certain disorders within the said states, brought in a report; wherein they beg leave to observe,

“That the said paper, being industriously circulated by the emissaries of the enemy in a partial and secret manner, the same ought to be forthwith printed for the public information.

The committee cannot ascertain whether the contents of the said paper have been framed in Philadelphia or in Great-Britain, much less whether the same are really and truly intended to be brought into the parliament of that kingdom, or whether the said parliament will confer thereon the usual solemnities of their laws; but are inclined to believe this will happen for the following reasons:

1. Because their general hath made divers feeble efforts to set on foot some kind of treaty, during the last winter; though, either from a mistaken idea of his own dignity and importance, the want of information, or some other cause, he hath not made application to those who are invested with a proper authority.

2. Because they suppose that the fallacious idea of a cessation of hostilities will render these states remiss in their preparations for war.

3. Because, believing the Americans wearied with war, they suppose we will accede to their terms for the sake of peace.

4. Because they suppose that our negotiations may be subject to a like corrupt influence with their debates.

5. Because they expect from this step the same effects they did from what one of their ministers thought proper to call his conciliatory motion, viz. “That it will prevent foreign powers from giving aid to these states; that it will lead their own subjects to continue a little longer the present war; and that it will detach some weak men in America from the cause of freedom and virtue.”

6. Because the king, from his own shewing, hath reason to apprehend, that his fleets and armies, instead of being employed against the territories of these states, will be necessary for the defence of his own dominions; and,

7. Because the impracticability of subjugating this country being every day more and more manifest, it is their interest to extricate themselves from the war upon any terms.

The committee beg leave farther to observe,

That, upon a supposition the matters contained in the said paper will really go into the British statute book, they serve to shew, in a clear point of view, the weakness and wickedness of the enemy. Their weakness,

1. Because they formerly declared not only that they had a right to bind the inhabitants of these states in all cases whatsoever, but also that the said inhabitants should absolutely and unconditionally submit to the exercise of that right: and this submission they have endeavoured to exact by the sword. Receding from their claim, therefore, under the present circumstances, shews their inability to enforce it.

2. Because their prince hath heretofore rejected the humblest petition of the representatives of America, praying to be considered as

subjects, and protected in the enjoyment of peace, liberty and safety ; and hath waged a most cruel war against them, and employed the savages to butcher innocent women and children. But, now the same prince pretends to treat with those very representatives, and grant to the arms of America what he refused to her prayers.

3. Because they have uniformly laboured to conquer this continent, rejecting every idea of accommodation proposed to them, from a confidence in their own strength : wherefore it is evident, from the change in their mode of attack, that they have lost this confidence. And,

4. Because the constant language spoken, not only by their ministers, but by the most public and authentic acts of the nation, hath been, that it is incompatible with their dignity to treat with the Americans, while they have arms in their hands ; notwithstanding which, an offer is now about to be made for treaty.

The wickedness and insincerity of the enemy appear from the following considerations :

1. Either the bills now about to be passed contain a direct, or indirect cession of a part of their former claims, or they do not. If they do, then it is acknowledged that they have sacrificed many brave men in an unjust quarrel. If they do not, then they are calculated to deceive America into terms, to which neither argument before the war, nor force since, could procure assent.

2. The first of these bills appears, from the title, to be a declaration of the intentions of the British parliament, concerning the exercise of the rights of imposing taxes within these states : wherefore, should these states treat under the said bill, they would indirectly acknowledge that right, to obtain which acknowledgment the present war hath been avowedly undertaken and prosecuted on the part of Great-Britain.

3. Should such pretended right be so acquiesced in, then, of consequence, the same might be exercised whenever the British parliament should find themselves in a different temper and disposition, since it must depend upon those, and such like contingencies, how far men will act according to their former intentions.

4. The said bill, in the body thereof, containeth no new matter ; but is precisely the same with the motion before-mentioned, and liable to all the objections which lay against the said motion, excepting the following particular, viz. that by the motion, actual taxation was to be suspended so long as America should give as much as the said parliament might think proper ; whereas by the proposed bill, it is to be suspended as long as future parliaments continue of the same mind with the present.

5. From the second bill it appears, that the British king may, if he pleases, appoint commissioners to treat and agree with those whom they please about a variety of things therein mentioned : but such treaties and agreements are to be of no validity without the concurrence of the said parliament, except so far as they relate to the suspension of hostilities and of certain of their acts, the granting of pardons and the appointing of governors to these sovereign, free and independent states : wherefore the said parliament have reserved to themselves, in express words, the power of the setting aside any such treaty, and

taking the advantage of any circumstances which may arise, to subject this continent to their usurpations.

6. The said bill, by holding forth a tender of pardon, implies a criminality in our justifiable resistance ; and, consequently, to treat under it, would be an implied acknowledgment, that the inhabitants of these states were, what Britain hath declared them to be, Rebels.

7. The inhabitants of these states being claimed by them as subjects, they may infer from the nature of the negociation now pretended to be set on foot, that the said inhabitants would of right be afterwards bound by such laws as they should make ; wherefore any agreement entered into on such negociation, might at any future time be repealed. And,

8. Because the said bill purports that the commissioners therein mentioned may treat with private individuals ; a measure highly derogatory to the dignity of national character.

From all which it appears evident to your committee, that the said bills are intended to operate upon the hopes and fears of the good people of these states, so as to create divisions among them and a defection from the common cause, now, by the blessing of Divine Providence, drawing near to a favourable issue : that they are the sequel of that insidious plan, which, from the days of the stamp-act down to the present time, hath involved this country in contention and bloodshed ; and that as in other cases, so in this, although circumstances may force them at times, to recede from their unjustifiable claims, there can be no doubt, but they will, as heretofore, upon the first favourable occasion, again display that lust of domination which hath rent in twain the mighty empire of Britain.

Upon the whole matter, the committee beg leave to report it as their opinion, that as the Americans, united in this arduous contest upon principles of common interest, for the defence of common rights and privileges ; which union hath been cemented by common calamities and by mutual good offices and affection ; so the great cause, for which they contend, and in which all mankind are interested, must derive its success from the continuance of that union ; wherefore any men or body of men, who should presume to make any separate or partial convention or agreement with commissioners under the crown or Great-Britain, or any of them, ought to be considered and treated as open and avowed enemies of these United States.

And further, the committee beg leave to report it as their opinion, that these United States cannot, with propriety, hold any conference or treaty with any commissioners on the part of Great-Britain, unless they shall, as a preliminary thereto, either withdraw their fleets and armies, or else, in positive and express terms, acknowledge the independence of the said states.

And, inasmuch as it appears to be the design of the enemies of these states to lull them into a fatal security, to the end that they may act with a becoming weight and importance, it is the opinion of your committee, that the several states be called upon, to use the most strenuous exertions, to have their respective quotas of continental troops in the field as soon as possible, and that all the militia of the said states may be held in readiness to act as occasion may require."

The report being read, and debated by paragraphs,

Resolved, unanimously, That Congress approve and confirm the said report.

Ordered, That the same be published.

Adjourned to nine o'clock to-morrow.

THURSDAY, April 23, 1778.

A letter, of March 31st, from John Carter, at Williamsburgh; one, of the 3d inst. from B. Harrison, deputy pay-master-general in Virginia, with his monthly account; one, of the 6th, from major-general Conway, at Albany; and one, of the 20th, from general Washington, were read:

Ordered, That the letter from Mr. Harrison, with the account enclosed, be referred to the board of treasury.

Ordered, That the marine-committee take into consideration the state of the river-defence of Delaware, and the measures which they judge best and proper for defending that river above Philadelphia.

A letter, of the 21st, from the board of war, was read, wherein they inform, that in pursuance of the resolution of the 18th, they have enquired into the armourer's department under Thomas Butler, and are convinced that no advantage will arise to the states from a continuance of the persons now engaged in that business; for which reason they have dismissed Mr. Butler, the former public armourer, and appointed William Henry, Esq; of Lancaster, superintendant of arms and military-accountrements:

Resolved, That Congress approve the proceedings of the board of war, and confirm their appointment.

Ordered, That Thomas Butler, late armourer, immediately render his accounts and settle with the auditors of accounts at the board of treasury.

The committee on the treasury brought in a report; whereupon,

Ordered, That 10,000 dollars be advanced to Joseph Nourse, pay-master to the board of war and ordnance, to enable col. Davis, of Carlisle, to pay off a number of waggons hired some time ago, by the direction of that board, to bring clothing from N. Carolina to Virginia; the said pay-master to be accountable:

That 1012 dollars be paid to col. Timothy Pickering, in discharge of the draught of William Palfrey, pay-master-general, dated the 29th of Jan. last, on the treasurer, in favour of the said colonel T. Pickering; the pay-master-general to be accountable.

Whereas persuasion and influence, the example of the deluded and wicked, the fear of danger, or the calamities of war, may have induced some of the subjects of these states to join, aid or abet the British forces in America, and though now desirous of returning to their duty, and anxiously wishing to be received and reunited to their country, they may be deterred by the fear of punishment; and whereas the people of these states are ever more ready to reclaim than to abandon, to mitigate than to encrease the horrors of war; to pardon than to punish offenders:

Resolved, That it be recommended to the legislatures of the several states to pass laws, or to the executive authority of each state, if invested with sufficient power, to issue proclamations, offering pardon,

with such exceptions and under such limitations and restrictions as the several states shall think expedient, to such of their inhabitants or subjects, who have levied war against any of these states, or who have adhered to, aided or abetted the enemy, and who shall surrender themselves to any civil or military officer of any of these states, and shall return to the state to which they may belong, before the 10th day of June next : and it is recommended to the good and faithful citizens of these states to receive such returning penitents with compassion and mercy, and to forgive and bury in oblivion their past failings and transgressions.

Ordered, That 500 copies in English and 200 in German be printed, and that gen. Washington be desired to take such measures as he shall deem most effectual for circulating the foregoing recommendation among the American levies in the enemy's army.

A motion was made to re-consider the order of yesterday for publishing the report of the committee, so far as relates to the immediate publication of the last paragraph but one in the said report ;

And the yeas and nays being required,

| | | | |
|---------------------------|-----------------|----|------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Dana, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } no |
| | Mr. Huntington, | ay | |
| <i>Connecticut,</i> | Mr. Wolcott, | ay | } ay |
| | Mr. Duer, | no | |
| <i>New-York,</i> | Mr. G. Morris | no | } no |
| | Mr. Scudder, | ay | |
| <i>New-Jersey,</i> | Mr. Chase, | no | } ay |
| | Mr. Plater, | no | |
| <i>Maryland,</i> | Mr. Carroll, | no | } no |
| | Mr. Henry, | no | |
| | Mr. F. L. Lee, | ay | |
| <i>Virginia,</i> | Mr. Banister, | no | } no |
| | Mr. T. Adams, | no | |
| | Mr. Burke, | no | |
| <i>North-Carolina,</i> | Mr. Harnett, | no | } no |
| | Mr. Laurens, | no | |
| <i>South-Carolina,</i> | Mr. Drayton, | no | } no |
| | Mr. Hutson, | no | |
| | Mr. Matthews, | no | |
| <i>Georgia,</i> | Mr. Langworthy, | no | } no |

So it passed in the negative.

The committee to whom was referred the letter of the 17th, from brigadier Smallwood, with the papers enclosed, brought in a report ; whereupon,

Resolved, That the governor and council of the state of Maryland be requested immediately to embody 300 militia of the eastern-shore of that state, under active and spirited officers, and to order them to march with two field-pieces and a proper number of artificers into the Delaware state, there to execute such orders as they may receive from a committee of Congress specially appointed for this purpose :

That three members be appointed a committee to give proper instructions to the officer commanding on this expedition :

That the said committee be further authorized to devise and carry into execution the most effectual measures for enquiring into, detecting and defeating all disaffections, conspiracies and insurrections on that neck of land comprehended betwixt the Delaware and Chesapeake-Bay, and that they apply to the governments of Maryland and Virginia, and to the state of Delaware, if the committee shall think necessary, for the purposes above-mentioned ; and it is earnestly recommended to the said governments to give every assistance in their power to the said committee :

That a copy of brigadier Smallwood's letter of April 17th, be transmitted to the governor and council of Maryland, and that they be requested to take immediate and adequate measures for the security of the stores at Charles-town.

Resolved, That the powers vested in gen. Washington by the resolutions of the 17th of Sept. 8th of Oct. and 10th of Dec. 1777, be renewed and extended to the 10th day of August, 1778.

Resolved, That brigadier Smallwood be informed, that the powers vested in gen. Washington by the resolutions of Congress of the 17th of Sept. 8th of Oct. and 10th of Dec. expired on the 10th of April inst. but that Congress have thought proper, by a resolution of this date, to renew and extend them to the 10th of August next.

Congress proceeded to the election of a committee for the purposes expressed in the foregoing resolutions, and the ballots being taken,

Mr. Carroll, Mr. Duer and Mr. Banister were elected.

Ordered, That Mr. Harnett have leave of absence.

Adjourned to nine o'clock to-morrow.

FRIDAY, April 24, 1778.

A letter, of the 20th, from gen. Greene, quarter-master-general, was read.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on Joseph Borden, Esq; commissioner of the continental loan-office in the state of N. Jersey, for 50,000 dols. in favour of major-general Greene, quarter-master-general, for the use of his department ; he to be accountable :

That 30,000 dollars be paid to the delegates of Maryland, to be by them transmitted to the governor and council of that state, for the purpose of recruiting their quota of continental troops ; the said state to be accountable.

Resolved, That the board of war be directed to take the most expeditious measures for transporting the public provisions and stores from the southern-states, across Chesapeake-Bay or otherwise :

That it be recommended to the governments of the state of Maryland and of Virginia, to permit the armed galleys belonging to their respective states, to be employed for the purpose above-mentioned, at the continental expense ; and that the whole of the vessels so employed, be put under the command of a continental officer, in order to prevent any ill consequences which may arise from a disputed command betwixt the state officers :

That it be recommended to the government of the state of Pennsylvania, to furnish the board of war with as many sailors now employed in the service of their state as they can spare, for the purpose of manning the Maryland and Virginia gallies, to be employed in Chesapeake-Bay :

That the marine-committee, and the committee of commerce, be directed to co-operate with the board of war in manning the gallies above-mentioned.

Adjourned to nine o'clock to-morrow.

SATURDAY, April 25, 1778.

Mr. Sherman, a delegate from Connecticut, attended, and took his seat in Congress.

A letter, of the 23d, from gen. Washington, with sundry papers enclosed, was read :

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

The members chosen, Mr. Drayton, Mr. G. Morris and Mr. Dana.

A letter, of the 6th, and one of the 9th, from gen. Heath, enclosing a copy of the parole given by lieutenant-general Burgoyne, and a copy of an agreement between lieutenant-general Burgoyne and major-general Heath, respecting the payment for provisions, fuel, &c.

Ordered, That the letters from major-general Heath, with the copy of the agreement, be referred to the board of treasury, and the copy of the parole to the board of war.

A letter, of the 2d, from the council of Massachusetts-Bay, and one, of the 19th, from brigadier Wind, were read :

Ordered, That the letter from the council of Massachusetts-Bay, be referred to the board of war.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 1000 dollars be paid to major William West, in discharge of a draught of William Palfrey, Esq; pay-master-general, in his favour, on the president of Congress, dated at camp, the 24th of March last, and for which the said William Palfrey is to be accountable.

A certificate of brigadier Smallwood, in favour of the Rev. Mr. Joseph Montgomery, was laid before Congress :

Ordered, That it be referred to the board of treasury.

The committee appointed to prepare and report terms to be offered to such foreign officers and soldiers in the service of the king of Great-Britain, as shall quit that service, and choose to become citizens of any of the United States of America, brought in a report, which was read.

Congress resumed the consideration of the report of the committee of the whole, respecting an allowance to officers after the war :

On motion, that the consideration thereof be postponed ;

Question put, and the yeas and nays being required,

| | | | |
|--------------------|-----------------|----|------|
| Massachusetts-Bay, | Mr. Gerry, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Dana, | no | |
| Rhode-Island, | Mr. Ellery, | ay | } ay |
| Connecticut, | Mr. Sherman, | ay | |
| | Mr. Huntington, | ay | |
| | Mr. Wolcott, | ay | |

| | | | |
|------------------------|----------------------|----|------|
| <i>New-York,</i> | Mr. Duer, | no | } no |
| | Mr. G. Morris, | no | |
| <i>New-Jersey,</i> | Mr. Scudder, | ay | } ay |
| | Mr. Clingan, excused | no | |
| <i>Pennsylvania,</i> | Mr. J. B. Smith, | no | } no |
| | Mr. M. Kean, | no | |
| <i>Delaware,</i> | Mr. Chase, | no | } no |
| | Mr. Carroll, | no | |
| <i>Maryland,</i> | Mr. Plater, | no | } no |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. F. L. Lee, | no | } no |
| | Mr. Banister, | no | |
| <i>North-Carolina,</i> | Mr. T. Adams, | no | } no |
| | Mr. Burke, | no | |
| <i>South-Carolina,</i> | Mr. Harnett, | no | } no |
| | Mr. Laurens, | no | |
| <i>Georgia,</i> | Mr. Drayton, | ay | } no |
| | Mr. Matthews, | no | |
| | Mr. Hutson, | no | } no |
| | Mr. Langworthy, | no | |

So it passed in the negative.

A motion was made that the provision to be made for the officers, &c. be on half of their present pay.

—+—
Four o'clock, P. M.

Congress resumed the consideration of the question under debate in the morning, to which an amendment was moved to strike out "present," and after the word "pay" add "on the first establishment made in the year 1775 :"

Question put, passed in the negative.

Another amendment was moved, to strike out "one half of their present pay," and insert "a sum of money appropriated to the officers according to their rank, and payable to them or their representatives after the conclusion of the war :"

After debate, the determination of this question, at the request of a state, was postponed to another day.

Adjourned to three o'clock, P. M. to-morrow.

—•—
SUNDAY, April 26, 1778.

Question being put on the amendment moved yesterday, which was put off at the request of a state ; and the yeas and nays being required,

| | | | |
|---------------------------|-----------------|----|------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | } no |
| | Mr. Lovell, | ay | |
| | Mr. Dana, | no | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| | Mr. Sherman, | ay | |
| | Mr. Huntington, | ay | |
| <i>Connecticut,</i> | Mr. Wolcott, | ay | } ay |
| | Mr. Duer, | no | |
| | Mr. G. Morris, | no | |

| | | | |
|------------------------|--------------------------|----|------|
| <i>New-Jersey,</i> | Mr. Scudder, | ay | } ay |
| <i>Pennsylvania,</i> | Mr. J. B. Smith, | no | |
| | Mr. Clingan, | ay | |
| <i>Delaware,</i> | Mr. M ^r Kean, | no | } no |
| <i>Maryland,</i> | Mr. Chase, | no | |
| | Mr. Plater, | no | |
| <i>Virginia,</i> | Mr. Henry, | no | } no |
| | Mr. F. L. Lee, | no | |
| | Mr. Banister, | no | |
| <i>North-Carolina,</i> | Mr. T. Adams, | no | } no |
| <i>South-Carolina,</i> | Mr. Burke, | ay | |
| | Mr. Laurens, | ay | |
| | Mr. Drayton, | ay | } ay |
| | Mr. Matthews, | no | |
| | Mr. Hutson, | ay | |
| <i>Georgia,</i> | Mr. Langworthy, | no | } no |

So it passed in the negative.

The main question was then put, and the yeas and nays being required,

| | | | |
|---------------------------|--------------------------|----|------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | no | |
| | Mr. Dana, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } no |
| <i>Connecticut,</i> | Mr. Sberman, | no | |
| | Mr. Huntington, | no | |
| <i>New-York,</i> | Mr. Wolcott, | no | } no |
| | Mr. Duer, | ay | |
| | Mr. G. Morris, | ay | |
| <i>New-Jersey,</i> | Mr. Scudder, | no | } no |
| <i>Pennsylvania,</i> | Mr. J. B. Smith, | ay | |
| | Mr. Clingan, | no | |
| <i>Delaware,</i> | Mr. M ^r Kean, | ay | } ay |
| <i>Maryland,</i> | Mr. Chase, | ay | |
| | Mr. Plater, | ay | |
| <i>Virginia,</i> | Mr. Carroll, | ay | } ay |
| | Mr. Henry, | ay | |
| | Mr. F. L. Lee, | ay | |
| <i>North-Carolina,</i> | Mr. Banister, | ay | } ay |
| <i>South-Carolina,</i> | Mr. T. Adams, | ay | |
| | Mr. Burke, | ay | |
| | Mr. Laurens, | no | } no |
| | Mr. Drayton, | no | |
| | Mr. Matthews, | ay | |
| <i>Georgia,</i> | Mr. Hutson, | no | } no |
| | Mr. Langworthy, | ay | |

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 :"

To which an amendment was moved, to strike out "for the life of the officers," and insert "for years :"

Question put, the yeas and nays being required,

| | | | |
|---------------------------|--------------------------|----|------------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Dana, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| | Mr. Sherman, | ay | |
| | Mr. Huntington, | ay | |
| <i>Connecticut,</i> | Mr. Wolcott, | ay | } ay |
| | Mr. Duer, | ay | |
| | Mr. G. Morris, | no | |
| <i>New-York,</i> | Mr. Scudder, | ay | } divided. |
| | Mr. J. B. Smith, | no | |
| | Mr. Clingan, | ay | |
| <i>New-Jersey,</i> | Mr. M ^r Kean, | no | } no |
| | Mr. Chase, | no | |
| | Mr. Plater, | no | |
| <i>Pennsylvania,</i> | Mr. Carroll, | no | } no |
| | Mr. Henry, | no | |
| | Mr. F. L. Lee, | ay | |
| <i>Delaware,</i> | Mr. Banister, | no | } no |
| | Mr. T. Adams, | no | |
| | Mr. Burke, | no | |
| <i>Maryland,</i> | Mr. Laurens, | ay | } no |
| | Mr. Drayton, | ay | |
| | Mr. Matthews, | no | |
| <i>Virginia,</i> | Mr. Hutson, | ay | } ay |
| | Mr. Langworthy, | no | |
| | | | |

So the amendment was lost, the states being equally divided.

The main question was then put, the yeas and nays being required,

| | | | |
|---------------------------|--------------------------|----|------------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Dana, | no | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } no |
| | Mr. Sherman, | no | |
| | Mr. Huntington, | no | |
| <i>Connecticut,</i> | Mr. Wolcott, | no | } no |
| | Mr. Duer, | ay | |
| | Mr. G. Morris, | ay | |
| <i>New-York,</i> | Mr. Scudder, | no | } no |
| | Mr. J. B. Smith, | ay | |
| | Mr. Clingan, | no | |
| <i>New-Jersey,</i> | Mr. M ^r Kean, | ay | } divided. |
| | Mr. Chase, | ay | |
| | Mr. Plater, | ay | |
| <i>Pennsylvania,</i> | Mr. Carroll, | ay | } ay |
| | Mr. Henry, | ay | |
| | Mr. F. L. Lee, | ay | |
| <i>Delaware,</i> | Mr. Banister, | ay | } ay |
| | Mr. T. Adams, | ay | |
| | | | |

| | | | |
|------------------------|------------------------|-----------|-------------|
| <i>North-Carolina,</i> | Mr. <i>Burke,</i> | <i>ay</i> | } <i>ay</i> |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>no</i> | |
| | Mr. <i>Drayton,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Matthews,</i> | <i>ay</i> | |
| | Mr. <i>Hutson,</i> | <i>no</i> | } <i>ay</i> |
| <i>Georgia,</i> | Mr. <i>Langworthy,</i> | <i>ay</i> | |

So it was resolved in the affirmative.

A letter, of the 25th, from gen. Washington, was read.

Congress resumed the consideration of the report from the committee of the whole; to which sundry amendments were moved; after debate,

Ordered, That the farther consideration thereof be postponed.

Adjourned to nine o'clock on Monday.

—●—

MONDAY, April 27, 1778.

A letter, of the 24th, from major Lee, was read:

Ordered, That it be referred to the board of war.

A letter, of the 20th, from col. G. Baylor, was read:

Ordered, That it be referred to the board of treasury.

Resolved, That gen. Washington be authorized to call, if he thinks proper, the commander of the artillery to the council ordered to be convened for settling such a plan for the general operations of the ensuing campaign, as gen. Washington shall deem consistent with the general welfare of these states.

The board of treasury, to whom was referred the certificate of brigadier Smallwood, in favour of the Rev. Mr. J. Montgomery, brought in a report; whereupon,

Resolved, That the Rev. Mr. J. Montgomery be allowed the pay of a brigade-chaplain, for the time of his service in that capacity, agreeably to brigadier Smallwood's certificate, viz. from June last.

Resolved, That the Rev. Mr. J. Montgomery be appointed chaplain to brigadier Smallwood's brigade.

The committee on the treasury brought in a report; whereupon,

Ordered, That 250,000 dollars be paid to Joseph Nourse, pay-master to the board of war and ordnance, to be by him transmitted to Ebenezer Hancock, Esq; deputy pay-master-general, for the use of his department; he to be accountable.

Resolved, That the board of war and ordnance transmit to gen. Heath proper directions with respect to the rout, by which he is to send to the treasurer the hard-money belonging to the United States.

Congress resumed the consideration of the report of the committee of the whole, respecting a provision for the officers after the war; whereupon it was moved, and

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 officers as they judge proper, by paying them a sum equal to six years half-pay.

Sundry amendments being made in the report;

Ordered, That the farther consideration thereof be postponed.

Adjourned to nine o'clock to-morrow.

TUESDAY, April 28, 1778.

Resolved, That major-general Gates be empowered to appoint two such persons from the line as he may think proper, to act as additional aids-de-camp.

A letter, of the 23d, from major-general M'Dougall, at Fishkill, with sundry papers enclosed, was read :

Ordered, That extracts of the said letter be sent to the treasury, and that the letter, with the papers enclosed, be referred to the board of war.

A letter, of the 22d, from major-general Conway, was read, requesting leave to resign his commission :

Whereupon it was moved, that his resignation be accepted :

Question put, and the yeas and nays required,

| | | | |
|---------------------------|------------------|-----------|-------------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | <i>no</i> | } <i>ay</i> |
| | Mr. Lovell, | <i>ay</i> | |
| | Mr. Dana, | <i>ay</i> | |
| <i>Rhode-Island,</i> | Mr. Ellery, | <i>ay</i> | } <i>ay</i> |
| | Mr. Sherman, | <i>ay</i> | |
| | Mr. Huntington, | <i>ay</i> | |
| <i>Connecticut,</i> | Mr. Wolcott, | <i>ay</i> | } <i>ay</i> |
| | Mr. Duer, | <i>ay</i> | |
| | Mr. G. Morris, | <i>ay</i> | |
| <i>New-York,</i> | Mr. Scudder, | <i>ay</i> | } <i>ay</i> |
| | Mr. F. B. Smith, | <i>ay</i> | |
| | Mr. Clingan, | <i>ay</i> | |
| <i>New-Jersey,</i> | Mr. Chase, | <i>no</i> | } <i>ay</i> |
| | Mr. Plater, | <i>ay</i> | |
| | Mr. Carroll, | <i>ay</i> | |
| <i>Pennsylvania,</i> | Mr. Henry, | <i>ay</i> | } <i>ay</i> |
| | Mr. F. Lee, | <i>no</i> | |
| | Mr. Banister, | <i>no</i> | |
| <i>Maryland,</i> | Mr. T. Adams, | <i>ay</i> | } <i>no</i> |
| | Mr. Laurens, | <i>ay</i> | |
| | Mr. Drayton, | <i>ay</i> | |
| <i>Virginia,</i> | Mr. Matthews, | <i>ay</i> | } <i>ay</i> |
| | Mr. Hutson, | <i>ay</i> | |
| | | | |

A letter, of the 28th, from Mr. Burke, was read, informing, that the instrument authenticating his last election as a delegate from N. Carolina, is dated May the 4th, 1777 : " That both his colleagues have informed him that they believed the election was made on the 28th of April preceding ;" that " the constitution of the state requires the election of delegates to be annual," &c. expressing his belief " that his power of representing that state is at an end ;" intimating that " the instrument referred to is on the journals of Congress, and they can determine whether his attendance can be longer commanded ;" and requesting " their opinion thereon ;" that his absenting himself may not be deemed a contempt or breach of order :"

Whereupon, a motion was made,

That Mr. Burke be directed to attend his duty in Congress :

Question put, passed in the negative.

A motion was then made, that Mr. Burke be informed, that Congress

consider him as a delegate from the state of N. Carolina, till the assembly of his state shall direct otherwise :

The previous question was moved, whether that question shall now be put ? and the yeas and nays being required,

| | | | |
|---------------------------|------------------|----|------------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Dana, | no | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } no |
| | Mr. Sberman, | no | |
| | Mr. Huntington, | ay | |
| <i>Connecticut,</i> | Mr. Wolcott, | no | } no |
| | Mr. Duer, | ay | |
| | Mr. G. Morris, | ay | |
| <i>New-York,</i> | Mr. Scudder, | no | } ay |
| | Mr. J. B. Smith, | no | |
| | Mr. Clingan, | no | |
| <i>New-Jersey,</i> | Mr. Chase, | no | } no |
| | Mr. Plater, | no | |
| | Mr. Carroll, | ay | |
| <i>Pennsylvania,</i> | Mr. Henry, | ay | } divided. |
| | Mr. F. L. Lee, | ay | |
| | Mr. Banister, | ay | |
| <i>Maryland,</i> | Mr. T. Adams, | ay | } ay |
| | Mr. Laurens, | ay | |
| | Mr. Drayton, | ay | |
| <i>Virginia,</i> | Mr. Hutson, | ay | } ay |
| | Mr. Matthews, | ay | |
| | Mr. Langworthy, | ay | |
| <i>South-Carolina,</i> | | | } ay |
| | | | |
| | | | |
| <i>Georgia,</i> | | | } ay |
| | | | |
| | | | |

So it passed in the negative.

A motion was made to resolve,

That Mr. Burke is not a member of this house :

To which the previous question was moved, whether that question be now put ? the yeas and nays being required,

| | | | |
|---------------------------|------------------|----|------------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Dana, | no | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } no |
| | Mr. Sberman, | no | |
| | Mr. Huntington, | no | |
| <i>Connecticut,</i> | Mr. Wolcott, | no | } no |
| | Mr. Duer, | no | |
| | Mr. G. Morris, | ay | |
| <i>New-York,</i> | Mr. Scudder, | no | } divided. |
| | Mr. J. B. Smith, | no | |
| | Mr. Clingan, | no | |
| <i>New-Jersey,</i> | Mr. Chase, | no | } no |
| | Mr. Plater, | no | |
| | Mr. Carroll, | ay | |
| <i>Pennsylvania,</i> | Mr. Henry, | ay | } divided. |
| | | | |
| | | | |
| <i>Maryland,</i> | | | } divided. |
| | | | |
| | | | |

| | | | |
|-----------------|-----------------|----|------------|
| Virginia, | Mr. F. L. Lee, | ay | } ay |
| | Mr. Banister, | ay | |
| | Mr. T. Adams, | ay | |
| South-Carolina, | Mr. Laurens, | no | } divided. |
| | Mr. Drayton, | ay | |
| | Mr. Matthews, | ay | |
| | Mr. Hutson, | no | |
| Georgia, | Mr. Langworthy, | ay | } ay |

So it passed in the negative.

Resolved, That 50,000 dollars be advanced to major Lee, on account, for the purpose of purchasing horses, and towards recruiting and equipping his corps.

The committee on the treasury brought in a report ; whereupon,

Resolved, That the pay of a secretary of a major-general, acting in a separate department, be encreased to 50 dollars a-month.

Ordered, That 100,000 dollars be paid to the delegates of Maryland, to be by them transmitted to the governor and council of their state, on whose application, by order of the general assembly, this sum is advanced ; the said state to be accountable.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, April 29, 1778.

A letter, of the 16th, from major-general Schuyler, with fundry papers enclosed, relative to Indian affairs, was read :

Ordered, That it be referred to the committee on Indian affairs.

Resolved, That three members be added to that committee ;

The members chosen, Mr. Drayton, Mr. T. Adams and Mr. J. B. Smith.

Another letter of the 16th, from major-general Schuyler, was read :

Resolved, That a committee of three be appointed to examine the evidence collected, and state charges against the general-officers who were in the northern-department when Ticonderoga and Mount-Independence were evacuated ;

The members chosen, Mr. Sherman, Mr. Drayton and Mr. Dana.

Ordered, That the letter lie on the table.

A letter, of the 27th, from gen. Washington, with an extract of a letter from major-general Heath, and fundry other papers enclosed, was read ;

Ordered, That the extract of the letter from major-general Heath be referred to the board of treasury :

That the letter from gen. Washington, with the other papers enclosed, be referred to the committee of intelligence.

A letter, of the 28th, from the board of war, was read :

Ordered, That it be referred to the board of treasury.

Two letters, of the 24th, from governor Rodney, were read :

Ordered, That they be referred to the committee appointed for the purposes expressed in fundry resolutions passed the 20th instant.

A letter, of the 17th, from major de Bois, was read :

Ordered, That it be referred to the board of war.

Congress proceeded to the election of members for the marine-committee, in the room of such as are absent ; and, the ballots being taken,

Mr. Scudder was elected for New-Jersey ; Mr. Plater for Maryland ; Mr. T. Adams for Virginia.

The commissioners of accounts at the treasury-board, with the approbation of the auditor-general, report,

That there is due, to major James Armstrong Wilfon, for his independent company, stationed at Carlisle, for the purpose of guarding public-stores, two months pay, commencing the 1st of February, and ending the 31st of March last, both days included, $843\frac{1}{9}$ dollars ; and to twelve men belonging to different regiments in gen. Wayne's division, doing duty with major Wilfon's company, their pay, commencing and ending the same time, $150\frac{4}{9}$ dollars :

That there is also due to capt. Samuel Postlethwaite's company, likewise stationed at Carlisle, for the same purpose, their pay from their first establishment to the 31st of March, inclusive, amounting to $1468\frac{4}{9}$ dollars :

That there is also due to capt. Postlethwaite, for taking up four deserters belonging to different regiments, the account of which will be sent to the pay-master-general, the sum of 52 dollars ; the whole amounting to $2514\frac{4}{9}$ dollars, from which is to be deducted 1000 dollars, part of 2020 dollars, which were formerly advanced to major Wilfon, the balance to be paid to major Wilfon, by a warrant on the treasurer, $1514\frac{4}{9}$ dollars :

Ordered, That the said sum be paid.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 65,000 dollars be paid to lieutenant Morrow, to be by him conveyed to col. Baylor, in Virginia, for the purpose of purchasing horses, arms and accoutrements for the cavalry :

That a warrant issue on William Armistead, Esq; commissioner of the loan-office in the state of Virginia, in favour of col. Baylor, for the sum of 35,000 dollars, to answer the same purpose ; for both which sums, amounting to 100,000 dollars, the said col. Baylor is to be accountable.

Resolved, That for the space of ten days, commencing to-morrow, Congress meet precisely at ten, and adjourn at one, and on the same day meet precisely at three, and adjourn at six o'clock, P. M. and that Congress be not on any account whatever kept over the times fixt for adjournment, if any one state shall insist upon adjourning.

Adjourned to ten o'clock to-morrow.

*
THURSDAY, April 30, 1778.

Resolved, That Mr. John Mease and Mr. Joseph Bullock be appointed managers of the United States lottery.

Resolved, That the salary of the secretary of the board of war and ordnance, be 1200 dollars per annum.

A letter, of the 28th, from Mr. Matthew Clarkson, at camp, was read :

Ordered, That it be referred to the board of treasury.

Resolved, That no commissioned-officer in the army of the United States, who shall be honored with a brevet commission, shall be entitled, by virtue of such brevet commission, to any higher rank in the regiment, troop or company to which he belongs, than he before held therein ; such brevet commission giving rank only upon detachments from the line and in general courts-martial ; nor shall such brevet officer be entitled to receive any additional pay in consequence of such brevet promotion.

Resolved, That major Ebenezer Stevens, in consideration of his services and the strict attention with which he discharged his duty as commanding-officer of artillery in the northern-department, during two campaigns, take rank by brevet as a lieutenant-colonel of foot, and that he be commissioned accordingly.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. Joseph Nourse, pay-master to the board of war and ordnance, for 100,000 dollars, to be by him forwarded to Ebenezer Hancock, Esq; deputy pay-master-general in the eastern-district, for the use of his department; for which he is to be accountable :

That another warrant issue on the treasurer in favour of the said Mr. Joseph Nourse, for 100,000 dollars, to be by him transmitted to col. Benjamin Flower, commissary-general of military-stores, for the use of his department ; for which he is to be accountable :

That another warrant issue on the treasurer in favour of the said Mr. Joseph Nourse, for 250,000 dollars, to be by him transmitted to Peekskill, and delivered to Jonathan Trumbull, jun. Esq; pay-master, or in his absence, to his deputy there ; the said J. Trumbull to be accountable :

That a warrant issue on Derk Ten Broek, Esq; commissioner of the continental loan-office in the state of N. York, in favour of the said Jonathan Trumbull, jun. Esq; for 100,000 dollars, for the use of his department, and for which he is to be accountable.

Congress proceeded to take into consideration the state of America with respect to foreign nations, when sundry letters and papers were called for and laid on the table, and the reading thereof begun and continued to one o'clock.

Three o'clock, P. M.

The letters and papers called for being read, a motion was thereupon made.

Adjourned to ten o'clock to-morrow.

FRIDAY, May 1, 1778.

A letter, of April 29th, from col. B. Flower, to the board of war and ordnance, was laid before Congress, and read ; whereupon,

Resolved, That it be recommended to the several states to empower the executive authority of such states, from time to time, to grant exemptions from duty in the militia, to such persons as may be employed in manufacturing military-stores and other articles for the use of the United States.

A memorial from Messrs. F. Hopkinson and J. Wharton, was read :

Ordered, That it be referred to the marine-committee.

A letter, of April 30th, from Mr. J. Nourse, was read :

Ordered, That it be referred to the board of treasury.

A petition from sundry soldiers of the late captain Stevenson's company, of Berkely county, Virginia, was read :

Ordered, That it be referred to the board of war.

A memorial from William Burke, late captain of the armed schooner Warren, was read ; whereupon,

Resolved, That a commission of captain in the continental navy be

granted to William Burke ; and that he rank from the date of this commission.

Resolved, That capt. William Burke receive pay from the time he was appointed to the command of the armed schooner Warren to this day, according to the rate of pay settled when he was so appointed.

Congress resumed the consideration of the motion made yesterday, and, after debate,

Ordered, That the farther consideration thereof be postponed.

—♦—
Three o'clock, P. M.

Mr. R. H. Lee, a delegate from Virginia, attended, and took his seat in Congress.

The commissioners of claims, with the approbation of the auditor-general, report,

That there is due to capt. Martin Pfifer, commanding an independent troop of light-horse, from North-Carolina, a balance amounting to $37\frac{45}{90}$ dollars, in bringing forward the said troop, and for pay advanced the first, second and third troop, for the month of September last :

To Joseph Funk, for sundry joiner's work done at the treasury-office, $70\frac{50}{90}$ dollars :

To Oliver Wolcott, Esq; commissioner for Indian affairs in the northern-department, up to the 15th of January, 1778, 285 dollars, for 45 days, at 4 dollars per day, and for his expenses :

Ordered, That the said accounts be paid.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 150,000 dollars be paid to John Collins, Esq; to be by him conveyed to the governor and council of the state of Rhode-Island ; it being advanced to the said state, and delivered agreeably to governor Cook's letter of the 4th of April :

That 500 dollars be paid to Mr. N. Scudder, delegate from the state of New-Jersey, advanced on his application, and for which the said state is to be accountable :

That 1000 dollars be paid to Mr. E. Langworthy, a delegate from the state of Georgia, advanced on his application ; for which the said state is to be accountable.

Congress resumed the consideration of the state of these United States with respect to foreign nations ; whereupon,

Resolved, That a committee of three be appointed to report proper instructions to be transmitted to the commissioners of the United States at foreign courts :

The members chosen, Mr. R. H. Lee, Mr. G. Morris and Mr. Sherman.

Resolved, That the marine-committee be directed to procure immediately six of the best and swiftest-sailing packet-boats, for conveying dispatches to, and from France and Spain and the West-Indies.

The committee of commerce reported, that they have received from the board of war an invoice of articles to be imported from France, for the campaign of 1779, together with a list of medicines, which they beg leave to submit to the consideration of Congress :

The invoices being read, and some alterations made therein,

Ordered, That the committee of commerce transmit the invoices as

corrected, and give the necessary directions for importing the goods therein mentioned.

Adjourned to ten o'clock to-morrow.

SATURDAY, May 2, 1778.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the commissioner of the continental loan-office in the state of Rhode-Island, for 150,000 dols. in favour of the governor and council of that state; it being advanced agreeably to governor Cook's letter of the 4th of April; the said state to be accountable.

Ordered, That there be paid to Nathan Sellers, for making a fine paper mould to manufacture paper for bills of exchange, and for his expenses coming to York-town and returning home, 164 $\frac{50}{100}$ dollars.

Resolved, That the managers of the lottery be authorized to employ their agents in each state to pay off the prizes of the tickets sold by them respectively; and for this purpose, to draw upon the several continental loan-offices for so much of the money arising on the sales of the tickets, and deposited in such offices respectively, as they shall find necessary to pay off such prizes:

That the several agents be instructed by the managers, previous to the payment of prizes not of the lowest denomination in each class, to receive the tickets entitling the possessors to such prizes, give receipts for the same, and transmit them to the managers, for their examination, with the names of the respective owners endorsed thereon, and specifying which of the said prizes are at the owners request to be paid in loan-office certificates:

That the loan-office certificates, which may issue for prizes of the second class of the lottery of the United States, shall bear an interest of six per cent. per annum; any resolution to the contrary notwithstanding:

That the managers be directed, forthwith, to prepare and make sale of the tickets of the second class of the lottery; that the drawing thereof commence the first of January next, and be completed as soon as may be, and that all the tickets then unfold, be the property and at the risque of the United States:

That loan-office certificates of the following denominations, bearing an interest of four per cent. per annum be struck, under the directions of the board of treasury, to be issued to such fortunate adventurers in the first class as may be entitled to, and apply for the same, viz.

| | |
|---------------------------------------|---------|
| 50 certificates of 1000 dollars each, | 50,000 |
| 400 ditto of 500 do. each, | 200,000 |

Resolved, That the committee appointed to superintend the publication of the journals of Congress, be empowered and instructed to employ Mr. John Dunlap to continue printing the said journals, instead of Robert Aitken.

Congress took into consideration the report of the committee to whom was referred the letter from the commissioners at Pittsburgh; whereupon,

Resolved, That two regiments be raised in Virginia and Pennsylvania, to serve for one year, unless sooner discharged by Congress, for

the protection of, and operations on the western-frontiers; twelve companies in Virginia and four in Pennsylvania; each non-commissioned officer and soldier to receive 20 dollars bounty, and the same clothing with the other continental soldiers: Every non-commissioned officer and soldier who shall find his own blanket, musket or rifle and accoutrements, shall have the same allowance as is given by Congress to the drafts from the militia for filling up the continental regiments:

That brigadier Hand be recalled from his command at Pittsburgh, agreeably to his request:

That a proper officer be immediately sent to take command on the western-frontiers:

That a proper person be appointed to perform the duties of quartermaster, commissary and pay-master to the militia of the counties of Rockingham, Augusta, Rockbridge, Bottetourt, Montgomery, Washington and Greenbrier, in Virginia:

That the commissioners at Fort-Pitt, or in their absence, the officer appointed to command on the western-frontier, be authorized to appoint a person to perform the duties aforesaid, and the officers necessary for commanding the battalions above-mentioned:

That gen. Washington be desired to appoint the officer to take the command at Fort-Pitt and the western-frontiers, and that a copy of the commissioners letter be sent to the general.

Adjourned to ten o'clock on Monday.

During the adjournment, Mr. Simeon Deane, brother to Silas Deane, Esq; one of the commissioners at the court of Versailles, arrived express from France, with sundry important dispatches; whereupon,

Congress was convened, and the dispatches opened and read, among which are a treaty of commerce and a treaty of alliance, concluded between his most Christian majesty the king of France and the United States of America, on the 6th day of February, 1778.

MONDAY, May 4, 1778.

A letter, of the 30th of April, from gen. Washington, was read:

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

The members chosen, Mr. R. H. Lee, Mr. Drayton and Mr. Chase.

Two letters, of the 1st, from gen. Washington, were read.

A letter, of the 2d, from the council of Pennsylvania, with sundry papers enclosed, was read:

Ordered, That an extract of the said letter, relative to money, be referred to the board of treasury, and that the letter, with the papers enclosed, be referred to the committee for Indian affairs.

A letter, of April the 24th, from James Duane, Esq; was read:

Ordered, That copies thereof be sent, one to gen. Washington, and one to gen. Gates.

A letter, of April the 29th, from gen. Greene, quarter-master-general, was read:

Ordered, That it be referred to the board of treasury.

A letter, of Jan. the 24th, and one, of Feb. the 2d, from Messrs. Hughes and Smith, enclosing bills of exchange drawn by them on the committee of commerce, were read:

Ordered, That they be referred to the board of treasury.

A letter, of April the 21st, from gen. Heath, was read:

Ordered, That it be referred to the board of treasury.

A report from the board of war, dated April the 16th, was read :

Ordered, That it be referred to the board of treasury.

A petition from the Rev. Mr. Lotbinier, was read :

Ordered, That it be referred to the board of treasury.

Congress took into consideration the treaties concluded between his most Christian majesty the king of France and the United States of America, which was read.

—+—
Three o'clock, P. M.

The committee to whom was referred the letter of April the 16th, from major-general Schuyler, with sundry papers enclosed, brought in a report, which was taken into consideration ; whereupon,

Resolved, That gen. Gates be directed to afford all that protection to the Oneida and Tuscorora tribes, and others of the Six Indian Nations, which the commissioners for Indian affairs in the northern-department, promised them in behalf of the United States ; and that a copy of the resolution of the said commissioners, passed on this subject, the 15th day of April last, be transmitted to gen. Gates :

That Mr. James Deane, agent and interpreter for the commissioners of Indian affairs in the northern-department, have his annual salary augmented to 600 dollars, to commence from the first day of Jan. last ; and that the said commissioners be authorized to allow him such sums for his extra expenses as they shall judge reasonable :

That the said commissioners be authorized to draw on Jonathan Trumbull, Esq; pay-master in the northern-department, for 10,000 dollars, for purchasing goods to open a trade at Fort-Schuyler with such of the Six Indian Nations as they shall judge proper, and that the said commissioners appoint some suitable person or persons to superintend and manage the said trade, under such regulations as they shall make, taking care that the said trade be not attended with any expense to the United States, if the end which Congress have in view, which is to provide for and conciliate the affections of the said Indians, can be obtained upon such terms.

Congress resumed the consideration of the treaty of amity and commerce, concluded at Paris, the 6th day of Feb. 1778, between the most Christian king and the United States of America ; and the same being read, duly weighed and considered,

Resolved, unanimously, That the same be, and is hereby ratified.

Congress also took into consideration the treaty of alliance, concluded at Paris, on the 6th day of Feb. 1778, between the most Christian king and the United States of America ; and the same being read, duly weighed and considered,

Resolved, unanimously, That the same be, and is hereby ratified.

Congress also took into consideration the act separate and secret, concluded at Paris, the 6th day of Feb. 1778; between his most Christian majesty and the United States of America ; and the same being duly weighed,

Resolved, unanimously, That the same be, and is hereby ratified.

Resolved, That this Congress entertain the highest sense of the magnanimity and wisdom of his most Christian majesty, so strongly ex-

emplified in the treaty of amity and commerce, and the treaty of alliance, entered into on the part of his most Christian majesty, with these United States, at Paris, on the 6th day of Feb. 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 the part of this Congress, it is sincerely wished that the friendship so happily commenced between France and these United States may be perpetual.

Resolved, That a committee of three be appointed to prepare the form of a ratification of the foregoing treaties;

The members chosen, Mr. R. H. Lee, Mr. Dana and Mr. Drayton.
Adjourned to ten o'clock to-morrow.

— ❖ —
TUESDAY, May 5, 1778.

On motion, *Resolved*, That a passport and safe conduct be granted to Mrs. Prevost, wife of brigadier Prevost, now at Augustine, that she may return to Europe.

A letter of the 3d, and one of the 4th, from gen. Washington, were read, the latter enclosing a letter and account from general lord Stirling:

Ordered, That the letter and account from general lord Stirling, be referred to the board of treasury.

A letter, of the 1st, from general Greene, quarter-master-general, was read.

Resolved, That the board of war be directed to send, without delay, a person of diligence and skill to Virginia, there to enquire into the state and condition of the salted pork and beef purchased for the use of the army; that he be directed to pass along the different stages, where the said provisions may be lodged, as at George-town, Alexandria, Dumfries, Cave's Ware-house, Fredericksburgh, &c. &c. and examine into the conduct of all deputy commissaries, deputy quarter-masters, and deputy waggon-masters on the said rout; and where he shall discover any misconduct in the said officers, either by neglecting to forward the provisions to the camp, or by suffering the same to be damaged, or by misconducting the waggonage to the public injury, that he report the result of such enquiry to the heads of the respective departments, and to the governor of Virginia, together with the state and condition in which he shall find the provisions; and that he cause necessary cooperage, fresh brine, smoaking and other necessary precautions to be taken for the preservation of the public provisions; and that he cause all prudent expedition to be used in forwarding the found provisions quickly to the army.

Mr. P. Livingston, a delegate from the state of New-York, attended, and took his seat in Congress.

Resolved, That the commissioners, or any one of them, representing these states at the court of France, be instructed to inform that court, that although Congress have readily ratified the treaties of amity and commerce and treaty of alliance, and the act separate and secret between his most Christian majesty, and these United States, in order

to evince more clearly their sense of the magnanimity and goodness of his most Christian majesty evidenced in the said treaties ; yet, from a sincere desire of rendering the friendship and alliance so happily begun, permanent and perpetual, and being apprehensive that differences may arise from the 11th and 12th articles in the treaty of amity and commerce, Congress are desirous that the said 11th and 12th articles may be revoked and utterly expunged :

The commissioners, or any one of them, are therefore instructed to use their best endeavours to procure the abolition of the said 11th and 12th articles of the said treaty.

The committee appointed to prepare the form of a ratification, brought in the same, which was read, and agreed to as follows :

The Congress of 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, by the grace of God, sovereign, free and independent ; to all who shall see these presents greeting :

WHEREAS, in and by our commission, dated at Philadelphia, the 30th day of September, in the year of our Lord one thousand seven hundred and seventy-six, Benjamin Franklin, one of the delegates in Congress from the state of Pennsylvania, and president of the convention of the said state, &c. Silas Deane, late a delegate from the state of Connecticut, and Arthur Lee, barrister at law, were nominated and appointed our commissioners, with full powers to treat, agree and conclude with his most Christian majesty the king of France, or with such person or persons as should be by him for that purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable and universal peace, for the defence, protection and safety of the navigation and mutual commerce of the subjects of his most Christian majesty and the people of the United States, we, promising in good faith to ratify whatsoever our said commissioners should transact in the premises : and, whereas, our said commissioners, in pursuance of their full powers, on the 6th day of February last, at Paris, with Conrad Alexander Gerard, royal syndic of the city of Strasburg, secretary of his most Christian majesty's council of state, by virtue of powers plenipotentary to him granted by his most Christian majesty, and dated the 30th day of January, in the year of our Lord one thousand seven hundred and seventy-eight, did conclude and sign, on the part of the crown of France, and of the United States of America, a (treaty of amity and commerce ; or treaty of alliance ; or act separate and secret) in the following words, (here insert the respective treaties verbatim, French and English.)

Now know ye, that we, the said Congress, have unanimously ratified and confirmed, and by these presents do ratify and confirm the said treaty and every part, article and clause thereof, on our part concluded and signed as aforesaid ; and further do authorize and direct our commissioners at the court of France, or any of them, to deliver this our act of ratification in exchange for the ratification of the said treaty on the part of his most Christian majesty the king of France and Navarre.

Done in Congress, at York-town, in the state of Pennsylvania, this

4th day of May, in the year of our Lord one thousand seven hundred and seventy-eight.

In testimony whereof, the president, by order of the said Congress, hath hereunto subscribed his name and affixed his seal.

President. (L. S.)

Attest.

Secretary.

Ordered, That six copies of the treaties, with the ratification agreed to, be made out and transmitted by the committee for foreign affairs to the commissioners of the United States at the court of France, by different conveyances.

Ordered, That the marine-committee provide vessels for carrying the said dispatches.

Ordered, That the committee appointed to prepare the form of a ratification, be directed to prepare a proper publication on the present occasion.

—♦—
Three o'clock, P. M.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Moses Black, for the sum of 54,387 $\frac{60}{100}$ dollars, in discharge of the following draughts of Otis & Andrews, in favour of Philip Moore, and endorsed to the said M. Black, viz.

One dated 1st April, 1778, at three day's sight, for 3,333 $\frac{30}{100}$ dollars; one dated 2d of April, 1778, at one day's sight, for 3,333 $\frac{30}{100}$ dollars; one dated 3d of April, 1778, at one day's sight, for 3,333 $\frac{30}{100}$ dollars; one dated 4th of April, 1778, at three day's sight, for 40,000 dollars; one dated 13th of April, 1778, at four day's sight, for 4,387 $\frac{60}{100}$ dollars; which sums are paid at the instance of James Mease, Esq; clothier-general, and to be charged to his account.

Ordered, That a warrant issue on the treasurer in favour of colonel Charles Stewart, commissary-general of issues, for the sum of 40,000 dollars, for the use of his department, and to be charged to his account.

Ordered, That 400,000 dollars be paid to William Buchanan, Esq; late commissary-general of purchases, 200,000 dollars of which, for the payment of debts by him contracted in the northern, and 200,000 dollars for the payment of debts contracted in the southern-district; which sum is to be charged to his account.

Ordered, That 1934 $\frac{60}{100}$ dollars, be paid to Daniel Joy, it being the amount of his account liquidated by the board of war for proving cannon, for the use of the United States.

Ordered, That a warrant issue on the treasurer in favour of general Greene, quarter-master-general, for 3,000,000 of dollars, for the use of his department, and to be charged to his account.

Resolved, That the officers appointed to command the two battalions ordered to be raised in Virginia and Pennsylvania, for the defence of the western-frontiers, be no longer continued in pay, nor be considered as continental officers, longer than the said regiments are continued in service.

The committee to whom was referred the letter of April the 30th, from gen. Washington, brought in a report; whereupon,

Resolved, That Congress approve gen. Washington's plan for the institution of a well-organized inspectorship:

That baron Steuben be appointed to the office of inspector-general, with the rank and pay of major-general; his pay to commence from the time he joined the army and entered into the service of the United States :

That there be two ranks of inspectors, under the direction of the inspector-general, the first to superintend two or more brigades, and the other to be charged with the inspection of only one brigade :

That the officers appointed inspectors receive, in addition to the pay which they derive from their rank, 30 dollars a-month; and that the brigade-inspectors receive, in addition to their pay, 20 dols. a-month :

That gen. Washington be authorized to appoint such persons to be inspectors and brigade-inspectors for the main army, as he shall think best qualified to execute the several duties of those offices.

Resolved, That the pay of the auditors of the army be hereafter augmented to five dollars a-day, and that each of them be allowed forage for his servant's horse whilst in camp.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, May 6, 1778.

A letter, of April 27th, from John Baynton, pay-master at Fort-Pitt, was read :

Ordered, That it be referred to the board of treasury.

A letter, of April 27th, from the commissioners at Fort-Pitt, with sundry papers enclosed, was read :

Ordered, That the same be referred to the board of war, who are directed to report thereon.

The committee on the treasury brought in a report; whereupon,

Ordered, That 16,000 dollars be paid to the marine-committee, to enable them to make a partial payment to William Smith, Esq; for iron and flour purchased by him for the use of the navy in the eastern-department; for which they are to be accountable :

That 18,306 dollars be paid to the committee of commerce, to discharge three bills of exchange drawn upon them by Messrs. Hewes and Smith, commercial agents at Edenton, North-Carolina; the said committee to be accountable.

The committee appointed to prepare a publication, brought in a draught, which was read, and after debate,

Resolved, That the same be re-committed.

Resolved, That Mr. G. Morris be added to the committee.

Three o'clock, P. M.

The committee to whom was re-committed the draught for publication, brought in another draught, which was taken into consideration, and agreed to as follows :

Whereas, Congress have received from their commissioners at the court of France, copies of a treaty of amity and commerce, and of a treaty of alliance, between the crown of France and these United States, duly entered into and executed at Paris, on the 6th day of Feb. last, by a minister properly authorized by his most Christian majesty on the one part, and the said commissioners on the other part : and whereas, the said treaties have been maturely considered and unanimously rati-

fied and confirmed by Congress; in which said treaty of amity and commerce are the articles following, to wit, (here insert Art. 6, 7, 14, 15, 16, 17, 20, 21, 25, 26, 27 and 29, with the form of the passports.) Now, therefore, to the end, that the said treaty may be well and faithfully performed and kept on the part and behalf of these United States:

Resolved, That all captains, commanders, and other officers and seamen belonging to any vessels of war of these United States, or any of them, or of any private armed vessels commissioned by Congress, and all other the subjects of these United States, do govern themselves strictly in all things according to the above recited articles; and that they do afford the same aid and protection to the persons, commerce and property of the subjects of his most Christian majesty, as is due to the persons, commerce and property of the inhabitants of these United States:

And further it is recommended to all the inhabitants of these states to consider the subjects of his most Christian majesty as their brethren and allies, and that they behave towards them with the friendship and attention due to the subjects of a great prince, who, with the highest magnanimity and wisdom hath treated with these United States on terms of perfect equality and mutual advantage, thereby rendering himself the protector of the rights of mankind.

On motion, *Resolved*, That when any ship or vessel of war in the service of the United States shall be lost by capture or otherwise, a court of enquiry, consisting of that continental navy-board which shall by the marine-committee of Congress be directed to proceed therein, or any three persons that such navy-board may appoint, be held, to enquire into the cause of such loss; and if it shall appear that the same was occasioned by the negligence or mal-conduct of the captain or any other commissioned-officer belonging to the ship or vessel of war so lost, that then a court-martial be held for the trial of the officer so offending, to consist of such officers, if conveniently to be collected, as by the rules and regulations of the navy constitute a court-martial, otherwise of five such persons, as the said navy-board shall for that purpose appoint; and if such loss should be by capture, and it shall appear on trial that the same was occasioned by the cowardice or treachery of the commanding-officer, then and in that case such commanding-officer shall suffer death; and if the loss, whether by capture or otherwise, should be occasioned by any other mal-conduct, such commanding-officer shall be by such court-martial cashiered.

Resolved, That when two or more ships or vessels of war in the service of these states are in company, and any or either of them shall be lost by capture or otherwise, a court of enquiry, so constituted as aforesaid, shall be held to enquire into the causes thereof; and if it should appear that such loss was occasioned by the mal-conduct or negligence of any captain or commanding-officer of any other ship or vessel in company as aforesaid, then a court-martial, constituted as before-mentioned, shall be held for the trial of the officer so offending; and if the loss should be by capture, and it should appear on trial that such capture was occasioned by the cowardice or treachery of such captain or commanding-officer, by withholding his assistance from the ship or vessel

of war so captured, then and in that case such captain or commanding-officer shall suffer death ; but if it shall appear that the loss happened through any other mal-conduct of such captain or commanding-officer, then he shall be by such court-martial cashiered.

Resolved, That if, upon enquiry as aforesaid into the conduct of any officer or officers in the service of these states, it shall appear that they or any of them shall have offended in any instance mentioned in these resolutions, it shall be in the power of the navy-board to suspend such officer or officers until a trial by court-martial shall be had, and the navy-board shall forthwith transmit to the marine-committee the proceedings of such court of enquiry, with their doings in consequence thereof ; and to Congress all the proceedings of courts-martial, when any shall be had, previous to the execution of any capital sentence, that shall be by such court-martial awarded ; to the end, that Congress may extend their mercy to such offenders as they may judge to be proper objects thereof.

Resolved, That these resolves continue in force one year from the date hereof, and no longer.

Resolved, That a committee of three be appointed to prepare an address to the inhabitants of these states, upon the present situation of public affairs ;

The members chosen, Mr. R. H. Lee, Mr. Chase & Mr. G. Morris.
A letter from the board of war was read :

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

The members chosen, Mr. Huntington, Mr. Carroll and Mr. Sherman.

Congress took into consideration a report of the board of treasury of the 5th ; whereupon,

Resolved, That William Palfrey, pay-master-general, be allowed the additional pay of 100 dollars a-month, from the date of this resolution, until Congress shall otherwise order.

Adjourned to ten o'clock to-morrow.

THURSDAY, May 7, 1778.

Congress took into consideration the report of the committee, on the report and proceedings of the committees of the several states that met at New-Haven in January, and on the resolves from North-Carolina ; and after some time spent thereon,

Resolved, That the farther consideration thereof be postponed.

The board of war having recommended Nathaniel Chapman, Esq; to be captain of the additional company to col. Flower's regiment of artillery artificers ; John Jordan, Esq; to be captain, in the room of David Pancoast, resigned ; and, Henry Strape and Theophilus Park lieutenants in the same corps ;

Resolved, That they be appointed, and that commissions be granted to them accordingly.

The board of treasury brought in a report ; whereupon,

Ordered, That 2066 $\frac{9}{10}$ dollars, be paid to William Hoffman, paper-maker, being so much advanced him on account.

Resolved, That the resolution of Congress of the 15th of January, 1777, empowering the continental treasurer to borrow money on loan-office certificates, be, and it hereby is repealed and annulled.

Resolved, That the commissioners appointed for the courts of Spain, Tuscany, Vienna and Berlin, should live in such stile and manner at their respective courts, as they may find suitable and necessary to support the dignity of their public character; keeping an account of their expenses, which shall be reimbursed by the Congress of the United States of America:

That, besides the actual expenses of the commissioners, a handsome allowance be made to each of them, as a compensation for his services:

That the commissioners of the other courts in Europe be empowered to draw bills of exchange, from time to time, for the amount of their expenses upon the commissioners at the court of France.

Adjourned to ten o'clock to-morrow.

FRIDAY, May 8, 1778.

A letter, of the 7th, from James Mease, clothier-general, enclosing a letter of the 20th of March last from Raymond Demere, was read, soliciting the payment of sundry bills of exchange, drawn by the said Demere:

Ordered to lie on the table.

A letter from Mr. de Francey was read:

Ordered, That it be referred to the board of treasury.

The committee to whom was referred a letter from the board of war, respecting the contracts of col. Mark Bird, for casting cannon; report,

That they agree in opinion with the board of war that he ought to be allowed £.10 Pennsylvania currency, per ton, more than the original contract with the cannon-committee, in consideration of his loss sustained by the additional quantity of powder required to be used in the proof of the said cannon beyond the first agreement; whereupon,

Resolved, That the board of war be authorized to settle with col. Mark Bird accordingly, and receive from him the cannon belonging to the United States remaining in his hands.

The commissioners of accounts at the treasury, with the approbation of the auditor-general, report,

That there is due to lieut. John Grier, of col. William Irwin's regiment, a balance of $432\frac{4}{9}$ dollars, for pay during the time he was a prisoner:

To Philip Albright, $56\frac{6}{9}$ dollars, for sundry contingencies for the money-press in York-town:

To John Thaxter, the sum of $276\frac{3}{9}$ dollars, for his services as clerk in the secretary's office, from the 9th of Jan. to the 5th of May instant.

Ordered, That the said accounts be paid.

The committee appointed to prepare an address to the inhabitants of the United States of America, brought in a draught, which was taken into consideration, and sundry amendments being made therein, was agreed to as follows:

An Address of the Congress to the Inhabitants of the United States of America.

Friends and Countrymen,

Three years have now passed away, since the commencement of the present war. A war without parallel in the annals of mankind. It hath displayed a spectacle, the most solemn that can possibly be exhibited. On one side, we behold fraud and violence labouring in the service of

despotism ; on the other, virtue and fortitude supporting and establishing the rights of human nature.

You cannot but remember how reluctantly we were dragged into this arduous contest ; and how repeatedly, with the earnestness of humble intreaty, we supplicated a redress of our grievances from him who ought to have been the father of his people. In vain did we implore his protection : In vain appeal to the justice, the generosity, of Englishmen ; of men, who had been the guardians, the assertors and vindicators of liberty through a succession of ages : Men, who, with their swords, had established the firm barrier of freedom, and cemented it with the blood of heroes. Every effort was vain. For, even whilst we were prostrated at the foot of the throne, that fatal blow was struck, which hath separated us for ever. Thus spurned, contemned and insulted ; thus driven by our enemies into measures, which our souls abhorred ; we made a solemn appeal to the tribunal of unerring wisdom and justice. To that Almighty ruler of princes, whose kingdom is over all.

We were then quite defenceless. Without arms, without ammunition, without clothing, without ships, without money, without officers skilled in war ; with no other reliance but the bravery of our people and the justice of our cause. We had to contend with a nation great in arts and in arms, whose fleets covered the ocean, whose banners had waved in triumph through every quarter of the globe. However unequal this contest, our weakness was still farther increased by the enemies which America had nourished in her bosom. Thus exposed, on the one hand, to external force and internal divisions ; on the other, to be compelled to drink the bitter cup of slavery, and to go forrowing all our lives long ; in this sad alternative, we chose the former. To this alternative we were reduced by men, who, had they been animated by one spark of generosity, would have disdained to take such mean advantage of our situation ; or, had they paid the least regard to the rules of justice, would have considered with abhorrence a proposition to injure those, who had faithfully fought their battles, and industriously contributed to rear the edifice of their glory.

But, however great the injustice of our foes in commencing this war, it is by no means equal to that cruelty with which they have conducted it. The course of their armies is marked by rapine and devastation. Thousands, without distinction of age or sex, have been driven from their peaceful abodes, to encounter the rigours of inclement seasons ; and the face of heaven hath been insulted by the wanton conflagration of defenceless towns. Their victories have been followed by the cool murder of men, no longer able to resist ; and those who escaped from the first act of carnage have been exposed, by cold, hunger and nakedness, to wear out a miserable existence in the tedious hours of confinement, or to become the destroyers of their countrymen, of their friends, perhaps, dreadful idea ! of their parents or children. Nor was this the outrageous barbarity of an individual, but a system of deliberate malice, stamped with the concurrence of the British legislature, and sanctioned with all the formalities of law. Nay, determined to dissolve the closest bonds of society, they have stimulated servants to slay their masters in the peaceful hour of domestic security. And, as if all this were insufficient to slake their thirst of blood, the blood of brothers, of unof-

fending brothers, they have excited the Indians against us; and a general, who calls himself a Christian, a follower of the merciful Jesus, hath dared to proclaim to all the world his intention of letting loose against us whole hosts of savages, whose rule of warfare is promiscuous carnage, who rejoice to murder the infant smiling in its mother's arms, to inflict on their prisoners the most excruciating torments, and exhibit scenes of horror from which nature recoils.

Were it possible, they would have added to this terrible system, for they have offered the inhabitants of these states to be exported by their merchants to the sickly baneful climes of India, there to perish. An offer not accepted of, merely from the impracticability of carrying it into execution.

Notwithstanding these great provocations, we have treated such of them as fell into our hands with tenderness, and studiously endeavoured to alleviate the afflictions of their captivity. This conduct we have pursued so far, as to be by them stigmatized with cowardice, and by our friends with folly. But our dependence was not upon man. It was upon Him, who hath commanded us to love our enemies, and to render good for evil. And what can be more wonderful than the manner of our deliverances? How often have we been reduced to distress, and yet been raised up? When the means to prosecute the war have been wanting to us, have not our foes themselves been rendered instrumental in providing them? This hath been done in such a variety of instances, so peculiarly marked almost by the direct interposition of Providence, that not to feel and acknowledge his protection, would be the height of impious ingratitude.

At length that God of battles, in whom was our trust, hath conducted us thro' the paths of danger and distress to the thresholds of security. It hath now become morally certain, that, if we have courage to persevere, we shall establish our liberties and independence. The haughty prince, who spurned us from his feet with contumely and disdain, and the parliament which proscribed us, now descend to offer terms of accommodation. Whilst in the full career of victory, they pulled off the mask, and avowed their intended despotism. But having lavished in vain the blood and treasure of their subjects in pursuit of this execrable purpose, they now endeavour to ensnare us with the insidious offers of peace. They would seduce you into a dependence, which necessarily, inevitably lead to the most humiliating slavery. And do they believe that you will accept these fatal terms? because you have suffered the distresses of war, do they suppose that you will basely lick the dust before the feet of your destroyers? can there be an American so lost to the feelings which adorn human nature? to the generous pride, the elevation, the dignity of freedom! is there a man who would not abhor a dependence upon those, who have deluged his country in the blood of its inhabitants? we cannot suppose this; neither is it possible that they themselves can expect to make many converts. What then is their intention? is it not to lull you with the fallacious hopes of peace, until they can assemble new armies to prosecute their nefarious designs? if this is not the case, why do they strain every nerve to levy men throughout their islands? why do they meanly court every little tyrant of Europe to sell them his unhappy slaves? why do they

continue to embitter the minds of the savages against you? surely this is not the way to conciliate the affections of America. Be not, therefore, deceived. You have still to expect one severe conflict. Your foreign alliances, tho' they secure your independence, cannot secure your country from desolation, your habitations from plunder, your wives from insult or violation, nor your children from butchery. Foiled in their principal design, you must expect to feel the rage of disappointed ambition. Arise then! to your tents! and gird you for battle. It is time to turn the headlong current of vengeance upon the head of the destroyer. They have filled up the measure of their abominations, and like ripe fruit must soon drop from the tree. Although much is done, yet much remains to do. Expect not peace, whilst any corner of America is in possession of your foes. You must drive them away from this land of promise, a land flowing indeed with milk and honey. Your brethren at the extremities of the continent, already implore your friendship and protection. It is your duty to grant their request. They hunger and thirst after liberty. Be it yours to dispense to them the heavenly gift. And what is there now to prevent it?

After the unremitted efforts of our enemies, we are stronger than before. Nor can the wicked emissaries, who so assiduously labour to promote their cause, point out any one reason to suppose that we shall not receive daily accessions of strength. They tell you, it is true, that your money is of no value; and your debts so enormous they can never be paid, but we tell you, that if Britain prosecute the war another campaign, that single campaign will cost her more than we have hitherto expended. And yet these men would prevail upon you to take up that immense load, and for it to sacrifice your dearest rights. For, surely, there is no man so absurd as to suppose, that the least shadow of liberty can be preserved in a dependent connexion with Great-Britain. From the nature of the thing it is evident, that the only security you could obtain, would be, the justice and moderation of a parliament, who have sold the rights of their own constituents. And this slender security is still farther weakened, by the consideration that it was pledged to rebels (as they unjustly call the good people of these states) with whom they think they are not bound to keep faith by any law whatsoever. Thus would you be cast bound among men, whose minds, by your virtuous resistance, have been sharpened to the keenest edge of revenge. Thus would your children and your children's children, be by you forced to a participation of all their debts, their wars, their luxuries, and their crimes. And this mad, this impious system they would lead you to adopt, because of the derangement of your finances.

It becomes you deeply to reflect on this subject. Is there a country upon earth, which hath such resources for the payment of her debts as America? such an extensive territory? so fertile, so blessed in its climate and productions? surely there is none. Neither is there any, to which the wise Europeans will sooner confide their property. What then are the reasons that your money hath depreciated? because no taxes have been imposed to carry on the war. Because your commerce hath been interrupted by your enemy's fleets. Because their armies have ravaged and desolated a part of your country. Because their agents have villainously counterfeited your bills. Because ex-

tortioners among you, inflamed with the lust of gain, have added to the price of every article of life. And because weak men have been artfully led to believe that it is of no value. How is this dangerous disease to be remedied? let those among you, who have leisure and opportunity, collect the monies which individuals in their neighbourhood are desirous of placing in the public funds. Let the several legislatures sink their respective emissions, that so, there being but one kind of bills, there may be less danger of counterfeits. Refrain a little while from purchasing those things which are not absolutely necessary, that so those who have engrossed commodities may suffer (as they deservedly will) the loss of their ill-gotten hoards, by reason of the commerce with foreign nations, which the fleets will protect. Above all, bring forward your armies into the field. Trust not to appearances of peace or safety. Be assured that, unless you persevere, you will be exposed to every species of barbarity. But if you exert the means of defence which God and nature have given you, the time will soon arrive, when every man shall sit under his own vine, and under his own fig-tree, and there shall be none to make him afraid.

The sweets of a free commerce with every part of the earth will soon reimburse you for all the losses you have sustained. The full tide of wealth will flow in upon your shores, free from the arbitrary impositions of those, whose interest and whose declared policy it was to check your growth. Your interests will be fostered and nourished by governments, that derive their power from your grant, and will therefore be obliged, by the influence of cogent necessity, to exert it in your favour.

It is to obtain these things that we call for your strenuous, unremitting exertions. Yet do not believe that you have been, or can be saved merely by your own strength. No! it is by the assistance of heaven, and this you must assiduously cultivate, by acts which heaven approves. Thus shall the power and the happiness of these sovereign, free and independent states, founded on the virtue of their citizens, increase, extend and endure, until the Almighty shall blot out all the empires of the earth.

Resolved, That it be recommended to ministers of the gospel of all denominations to read or cause to be read, immediately after divine service, the above address to the inhabitants of the United States of America, in their respective churches and chapels, and other places of religious worship.

A petition from Jacob Gerhard Derks was read :

Ordered, That it be referred to general Washington.

A letter, of the 7th, from Mr. Simeon Deane, with sundry papers enclosed, was read :

Ordered, That it be referred to the board of treasury.

Three o'clock, P. M.

The committee appointed to examine into the conduct of captain Folger, touching a certain packet from the commissioners of these United States at Paris, which had been robbed, report,

That they have made as full an examination into that business as the evidence they were able to obtain would permit, and, on the whole, have no proof of any guilt in Mr. Folger : whereupon,

Resolved, That Mr. Folger be permitted to go home, and that his expenses be paid him, as well such as have been already incurred as such as may necessarily accrue on his journey home.

Congress resumed the consideration of the report of the committee of the whole, on a provision for officers after the close of the war; whereupon a motion was made to add,

“ Provided, that the foregoing resolution shall not extend to any foreign officers, who now are or hereafter may be in the service of the United States :

On which the previous question was moved, whether that question be now put ? and the yeas and nays being required,

| | | | |
|----------------------------|------------------|----|------|
| <i>Massachusetts-Bay</i> , | Mr. Gerry, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Dana, | ay | |
| <i>Rhode-Island</i> , | Mr. Ellery, | ay | } ay |
| | Mr. Sherman, | ay | |
| | Mr. Wolcott, | no | |
| <i>Connecticut</i> , | Mr. Scudder, | no | } no |
| | Mr. James Smith, | ay | |
| | Mr. F. B. Smith, | ay | |
| <i>New-Jersey</i> , | Mr. Clingan, | ay | } ay |
| | Mr. Chase, | no | |
| | Mr. Carroll, | no | |
| <i>Pennsylvania</i> , | Mr. Henry, | no | } no |
| | Mr. Plater, | no | |
| | Mr. R. H. Lee, | no | |
| <i>Maryland</i> , | Mr. F. L. Lee, | no | } no |
| | Mr. T. Adams, | no | |
| | Mr. Laurens, | no | |
| <i>Virginia</i> , | Mr. Matthews, | no | } no |
| | Mr. Hutson, | no | |
| | Mr. Langworthy, | no | |

So it passed in the negative.

A motion was then made to add,

“ Provided, That the provision of half-pay shall not extend to any officer who shall take or hold any commission from any foreign prince, power or potentate, and be liable to be called into the service of the prince, power or potentate of whom he is a subject :”

A previous question was moved, whether that question be now put ? and the yeas and nays being required,

| | | | |
|----------------------------|------------------|----|------------|
| <i>Massachusetts-Bay</i> , | Mr. Gerry, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Dana, | ay | |
| <i>Rhode-Island</i> , | Mr. Ellery, | ay | } ay |
| | Mr. Sherman, | ay | |
| | Mr. Wolcott, | no | |
| <i>Connecticut</i> , | Mr. Scudder, | ay | } divided. |
| | Mr. James Smith, | ay | |
| | Mr. F. B. Smith, | ay | |
| <i>New-Jersey</i> , | Mr. Clingan, | ay | } ay |
| | | | |

| | | | |
|-----------------|-----------------|----|------|
| Maryland, | Mr. Cbase, | no | } no |
| | Mr. Plater, | no | |
| | Mr. Carroll, | no | |
| | Mr. Henry, | no | |
| Virginia, | Mr. R. H. Lee, | no | } no |
| | Mr. F. L. Lee, | ay | |
| | Mr. T. Adams, | no | |
| South-Carolina, | Mr. Laurens, | no | } no |
| | Mr. Matthews, | no | |
| | Mr. Hutson, | no | |
| Georgia, | Mr. Langworthy, | no | } no |

So it passed in the negative.

A letter, of the 8th, from Mr. Matthew Irwin, was read :

Ordered to lie on the table.

Adjourned to ten o'clock to-morrow.

— ❖ —

SATURDAY, May 9, 1778.

A letter, of the 8th, from the board of war, was read :

Ordered, That it be referred to the board of treasury.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 200 dollars be paid to Charles Gist and James Claypoole, towards defraying their expenses on their employment by the treasurer in superintending the making of paper for loan-office certificates and bills of exchange ; they to be accountable.

Ordered, That 20,000 dollars be advanced to the marine-committee, for the use of the navy-board in the middle-district ; the said committee to be accountable.

Ordered, That 24,000 dollars be advanced to the committee of commerce, to be by them paid to Monf. de Francey, for the use of the house of Messrs. Roderique Hortales & Co. and to be charged to them by the said committee of commerce, who are to be accountable.

Resolved, That a member be elected for the navy-board in the middle-district, in the room of John Nixon, Esq; resigned ;

The ballots being taken, William Smith, Esq; of Baltimore, was elected.

The marine-committee, to whom was referred the letter from baron Steuben, recommending capt. Landais, report, that they have had a conference with capt. Landais ; that he produced brevet commissions of his being a lieutenant and captain in the navy of France, also a continental commission dated March 1st, 1777, appointing him captain of the ship Heureaux or Flammand, which commission is accompanied with a letter from Silas Deane, Esq; in the following words : " I give you a commission to use in case of necessity or the advantage of making a prize ; but you are not to go out of your course for that purpose ; you will keep an account of your expenses, which will be paid you on your arrival in America. I shall write to the Congress by other conveyances, and assure them that you have received nothing but your expense, and your generous confidence in them will not pass unnoticed." That Mr. Deane, in letters to the marine-committee, recommends Mr. Landais in the strongest terms ; that it appears to the committee that capt. Landais hath performed the business he was

employed in with zeal and activity ; that by his spirited behaviour a mutiny was quelled on board the ship *Flammand*, and she and her lading brought safely into port ;" whereupon,

Resolved, That a sum of money be paid to capt. Landais, and that the marine-committee be directed to report a pecuniary consideration, adequate to his services.

Resolved, That capt. Landais be continued as a captain in the navy of the United States.

Whereas, there are more captains in the navy than there are ships provided for them :

Ordered, That the committee for foreign affairs write to the commissioners of the United States at foreign courts, and inform them, that Congress expect they will not recommend any foreign sea-officers, nor give any of them the least expectation of being employed as captains in the navy of the United States.

Congress resumed the consideration of the report of the committee of the whole, on a provision to be made for officers after the war, and some time being spent thereon,

Ordered, That the farther consideration thereof be postponed to Monday next.

Ordered, That Saturday next be assigned for taking into consideration the articles of confederation ; and that on or before Wednesday next, the delegates of the several states lay on the table for the perusal of the members, any objections made or amendments proposed to the confederacy by their states.

A PROCLAMATION.

Whereas, Congress have received information and complaints " that violences have been done by American armed vessels to neutral nations, in seizing ships belonging to their subjects and under their colours, and in making captures of those of the enemy whilst under the protection of neutral coasts, contrary to the usage and custom of nations : " to the end, that such unjustifiable and piratical acts, which reflect dishonour upon the national character of these states, may be in future effectually prevented, the said Congress hath thought proper to direct, enjoin and command, and they do hereby direct, enjoin and command, all captains, commanders and other officers and seamen belonging to any American armed vessels, to govern themselves strictly in all things agreeably to the tenor of their commissions, and the instructions and resolutions of Congress ; particularly that they pay a sacred regard to the rights of neutral powers and the usage and custom of civilized nations, and on no pretence whatever presume to take or seize any ships or vessels belonging to the subjects of princes or powers in alliance with these United States, except they are employed in carrying contraband goods or soldiers to our enemies, and in such case that they conform to the stipulations contained in the treaties subsisting between such princes or powers and these states ; and that they do not capture, seize or plunder any ships or vessels of our enemies, being under the protection of neutral coasts, nations or princes, under the penalty of being condignly punished therefor, and also of being bound to make satisfaction for all matters of damage and the interest thereof by reparation, under the pains and obligation of their persons and

goods. And further, the said Congress doth hereby resolve and declare, that persons willfully offending in any of the foregoing instances, if taken by any foreign powers in consequence thereof, will not be considered as having a right to claim protection from these states, but shall suffer such punishment as by the usage and custom of nations may be inflicted upon such offenders.

Given in Congress, at York, in the state of Pennsylvania, this ninth day of May, anno domini 1778.

Adjourned to ten o'clock on Monday.

Monday, May 11, 1778.

A letter, of the 1st, from governor Henry, of Virginia, and one of April 30th, from B. Harrison, deputy pay-master-general, with his monthly account, were read :

Ordered, That they be referred to the board of treasury.

A letter, of the 1st, from W. Aylett, Esq; deputy commissary-general of purchases in Virginia, was read, respecting the pork bought of Hewes & Co. and damages recovered of them on account of its bad quality.

Whereas, it hath been represented unto us, that a certain snow called "Our Lady of Mount Carmel and St. Anthony," said to be the property of Messrs. John Ignatius de Oliveria Perceira, and Anthony dios dos Santos, subjects of his most faithful majesty the king of Portugal, and bound from the Brasils to Fayal, was taken on the high seas by a private armed vessel commissioned by these United States, and sent as a prize into the state of Massachusetts-Bay : that the same vessel, being duly libelled in the courts of the said state, was acquitted ; and that no owner hath appeared to claim the said snow and her cargo, the master of the said snow having, as is said, been sent home in another vessel at his own request, by the master of the said armed vessel : and whereas it hath been further represented unto us, that divers of the commodities in the said snow contained are perishable ; that damage may arise from permitting the vessel and cargo to continue in their present situation, and that it would be dangerous to send the said snow to the place of her former destination, as she might be made prize of by ships in the service of the king of Great-Britain.

Now therefore, to the end, that right may in this behalf be done,

Resolved, That the board of war of the said state of Massachusetts-Bay be requested to make sale, with all-convenient speed, in the best manner and for the most money possible, of the said snow and her cargo, to deposit the net proceeds thereof, after deducting all costs and charges, which shall then be due thereon, in the public funds of these United States ; and to transmit an exact account thereof to the committee of foreign affairs :

That the said committee do transmit such account and a copy of the proceedings of the court of admiralty, relative to the said snow, together with these resolutions, to the commissioner or commissioners of these states, who may then be and reside at the court of his most Christian majesty ; and,

That the said commissioner or commissioners do inform the ambassador or resident of his most faithful majesty at the said court, of the

premises; in order that the lawful and rightful owners of the said snow and her cargo may obtain proper certificates and authentic proof of their property in the same, and thereby be enabled, either personally or by their lawful attorney, to appear, demand and receive the monies so deposited as aforesaid, together with the interest thereof.

It is nevertheless provided, that nothing in the foregoing resolutions contained, shall be construed to bar the lawful and rightful owners of the said snow and of her cargo, from their action or actions against the master or owners of the said private armed vessel, or any of them, for damages sustained beyond the money so to be deposited by reason of the capture aforesaid; any clause or article thereof to the contrary notwithstanding:

On the question put, to agree to the foregoing resolution, the yeas and nays being required,

| | | | | |
|---------------------------|------------------|----|---|----|
| <i>Massachusetts-Bay,</i> | Mr. Lovell, | ay | } | * |
| | Mr. Dana, | no | | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } | no |
| <i>Connecticut,</i> | Mr. Sherman, | no | | |
| | Mr. Huntington, | no | } | no |
| | Mr. Wolcott, | no | | |
| <i>New-York,</i> | Mr. G. Morris, | ay | } | * |
| <i>New-Jersey,</i> | Mr. Scudder, | no | | |
| <i>Pennsylvania,</i> | Mr. J. B. Smith, | ay | } | ay |
| | Mr. J. Smith, | ay | | |
| | Mr. Clingan, | no | } | ay |
| <i>Delaware,</i> | Mr. McKean, | ay | | |
| <i>Maryland,</i> | Mr. Carroll, | no | } | ay |
| | Mr. Plater, | ay | | |
| | Mr. Henry, | ay | } | ay |
| <i>Virginia,</i> | Mr. R. H. Lee, | ay | | |
| | Mr. F. L. Lee, | ay | } | ay |
| | Mr. T. Adams, | ay | | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } | no |
| | Mr. Matthews, | no | | |
| | Mr. Hutson, | ay | } | ay |
| <i>Georgia,</i> | Mr. Langworthy, | ay | | |

So it was resolved in the affirmative.

Ordered, That the committee to whom was referred the memorial of the 6th of March last, from R. Morris, Esq; be discharged from proceeding on that business.

The committee on the treasury brought in a report; whereupon,

Ordered, That 15,000 dollars be paid to Joseph Nourse, Esq; pay-master to the board of war and ordnance, to be by him transmitted to count Pulaski, for the purpose of purchasing horses and recruiting his corps; the said count Pulaski to be accountable.

A letter, of this day, from Joseph Nourse, pay-master to the board of war and ordnance, was read, informing, that the board of war have directed him to apply for 25,000 dollars for George Ewing, commissary of hides, to enable him to furnish his deputies with money for their respective districts, to pay his workmen and discharge debts contracted by him on public account; whereupon,

Resolved, That the sum of 25,000 dollars be applied for by the commissary of hides, be paid to the board of war, and that they employ a discreet and proper person to apply the said money to the department of hides, until due enquiry shall be made into the conduct of the said commissary.

Congress proceeded to the election of a commissary of prisoners, in the room of Elias Boudinot, Esq; resigned, and the ballots being taken, colonel Francis Johnson was elected.

Adjourned to ten o'clock to-morrow.

TUESDAY, May 12, 1778.

A letter, of the 10th, from Mr. Udney Hay, with fundry papers enclosed, was read :

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

The members chosen, Mr. G. Morris, Mr. Dana and Mr. Carroll.

A letter, of the 10th, from colonel George Morgan, was read ; whereupon,

Ordered, That so much of the said letter as relates to his accounts, together with his accounts, accompanying the said letter, be referred to the board of treasury :

That so much of the said letter as relates to Indian affairs, be referred to the committee on Indian affairs :

That the board of war be directed to make enquiry into the causes of the loss of the boats on the Ohio, mentioned in the said letter, and report thereon to Congress.

Congress resumed the consideration of the report of the committee of the whole, on an allowance to officers after the war, and some time being spent thereon,

Ordered, That the farther consideration thereof be postponed till to-morrow.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, May 13, 1778.

A letter, of April 26th, from colonel Alexander M'Clenaghan, of the 7th Virginia regiment, was read, representing, that the state of his health renders him unfit to serve his country in such manner as he could wish, and as there is no appearance of his being able to take the field this campaign, requesting leave to resign :

Resolved, That his resignation be accepted.

A letter, of the 11th, from Matthew Clarkson, Esq; was read :

Ordered, That it be referred to the board of treasury.

A letter, of April 20th, from brigadier Stark ; one, of May 6th, from Normond Laneuville ; and a petition from major de Bois ; were read :

Ordered, That they be referred to the board of war.

A remonstrance from John Jeffers was read, praying to be paid for rum seized by order of the board of war, for the use of the army ; whereupon,

Resolved, That all applications for payment of rum, seized by order of the board of war, for the use of the army, be made to the said board, who are hereby directed and authorized to liquidate and adjust the same as they shall think equitable and proper.

A letter, of the 11th, from general Washington, enclosing a letter of the 10th, from general sir W. Howe, respecting an exchange of prisoners, was read :

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

The members chosen, Mr. Duer, Mr. R. H. Lee and Mr. Carroll.

A letter, of April 22d, from major-general Heath, enclosing a copy of a letter from John Morrison, with gen. Heath's answer respecting the supplying the troops of the convention of Saratoga with provisions, &c. was read :

Ordered, That the same be referred to the foregoing committee.

A petition from John Sackville Higgins, at Boston, was read, praying for leave to return to England on parole, or to go to New-York to solicit an exchange :

Ordered. That it be referred to general Washington.

A memorial from Monf. Laneuville, with sundry papers enclosed, was read :

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

The members chosen, Mr. Lovell, Mr. Carroll and Mr. Duer.

A letter, of this day, from general Lee, was read :

Ordered, That the consideration thereof be postponed till to-morrow.

The marine-committee, to whom was referred the memorial from Messrs. Francis Hopkinson and J. Wharton, brought in a report ; whereupon,

Ordered, That 600 dollars be allowed to each of the memorialists for their extra services in Bordentown, and to defray their expenses to Baltimore.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on Nathaniel Appleton, Esq; commissioner of the continental loan-office in the state of Massachusetts-Bay, in favour of the committee of commerce, for 11,666 $\frac{2}{3}$ dollars, to enable them to pay Archibald Mercer and Philip Moore, the valuation of the ship Two Friends, and the ship Moore, chartered and insured by the said committee, and taken by the enemy, as appears to them by protests regularly made ; the said committee to be accountable :

That 10,174 $\frac{8}{9}$ dollars be advanced to the committee of commerce, to discharge Samuel and Robert Purviance's bill of the 25th of April last, on the said committee, in favour of Elbridge Gerry, Esq; for that sum, it being the amount of their accounts against the ship Chase and snow George ; the said committee to be accountable :

That 20,000 dollars be advanced to William Buchanan, Esq; late commissary-general of purchases, to be by him paid to col. George Morgan, for the use of the commissary-general's department in the western-district ; the said William Buchanan, Esq; to be accountable :

That 30,000 dollars be advanced to col. George Morgan, to be by him transmitted to John Baynton, Esq; pay-master of the western-district at Fort-Pitt, who is to be accountable :

That 60,000 dollars be advanced to William Buchanan, Esq; late commissary-general of purchases, for the use of the middle-district of the commissary-general's department ; the said William Buchanan to be accountable :

That 10,000 dollars be advanced to Joseph Nourse, pay-master to the

board of war and ordnance, to be by him transmitted to lieutenant-colonel Temple, upon the application of col. Theophilus Bland, of the first regiment of light dragoons, to purchase clothing for the same; the said col. Bland to be accountable:

That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, in favour of William Buchanan, Esq; late commissary-general of purchases, for 25,696 $\frac{80}{100}$ dollars, to discharge a demand of Blair M'Clenaghan, for a quantity of rum purchased of him agreeable to an order of Congress of the 12th day of Sept. last; and that the commissioner of the loan-office be directed to date the certificates the 25th day of Dec. last, it being the time that Mr. M'Clenaghan applied for the certificates, agreeable to his contract; the said William Buchanan to be accountable:

That 200 dollars be advanced to capt. M'Ree, to discharge a draught of John Ashe, provincial treasurer of the state of N. Carolina, dated May 10th, 1777, in favour of Francis Child, and expressed to be for the service of the United States; the said state to be accountable.

Ordered, That col. Bland make a particular return of the clothing by him purchased and distributed to his men, with the names of the men receiving the same, to the clothier-general, in order that a proper charge may be made thereof in his books.

The commissioners of claims at the board of treasury, with the approbation of the auditor-general, report,

That there is due to Mr. Simeon Deane, a balance of 685 $\frac{80}{100}$ dollars, on account of his expenses in bringing dispatches from the commissioners at Paris:

To the Rev. Mr. Lotbinier, chaplain to col. James Livingston's regiment, for pay and rations from March 11th to May 10th, inclusive, 101 dollars:

Ordered, That the said accounts be paid.

Ordered, That 3000 dollars be paid to Mr. Simeon Deane, in consideration of his faithful execution of a most important trust reposed in him by the commissioners of these states at Paris.

Congress resumed the consideration of the report of the committee of the whole, on an allowance to officers after the war; whereupon it was moved,

That the report of the committee of the whole, as amended by Congress, be referred to the consideration of the legislatures of the several states, for their opinion and directions thereon:

And the yeas and nays being required,

| | | | |
|---------------------------|-----------------|----|------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Dana, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| | Mr. Sberman, | ay | |
| | Mr. Huntington, | ay | |
| <i>Connecticut,</i> | Mr. Wolcott, | ay | } ay |
| | Mr. Duer, | no | |
| | Mr. G. Morris, | no | |
| <i>New-York,</i> | Mr. Duer, | no | } no |
| | Mr. G. Morris, | no | |
| <i>New-Jersey,</i> | Mr. Scudder, | ay | } ay |

| | | | |
|-----------------|-------------------------------|-----------|-------------|
| Pennsylvania, | Mr. <i>R Morris,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>James Smith,</i> | <i>no</i> | |
| | Mr. <i>Clingan,</i> | <i>ay</i> | |
| Delaware, | Mr. <i>M^cKean,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Carroll,</i> | <i>no</i> | |
| | Mr. <i>Plater,</i> | <i>no</i> | |
| Maryland, | Mr. <i>Henry,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>R. H. Lee,</i> | <i>no</i> | |
| | Mr. <i>F. L. Lee,</i> | <i>no</i> | |
| Virginia, | Mr. <i>T. Adams,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Laurens,</i> | <i>ay</i> | |
| | Mr. <i>Matthews,</i> | <i>no</i> | |
| South-Carolina, | Mr. <i>Hutson,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Langworthy,</i> | <i>no</i> | |
| | | | |
| Georgia, | | | |

So it passed in the negative.

Adjourned to nine o'clock to-morrow.

— — — — —
THURSDAY, May 14, 1778.

A letter, of the 12th, from gen. Washington, with sundry papers enclosed, was read :

Ordered, That so much of the said letter as relates to the destruction of the frigates in the Delaware, be referred to the marine-committee, and the remainder to the board of war.

A letter, of the 9th, from lieutenant-colonel Ethen Allen, was read ; whereupon,

Resolved, That a brevet commission of colonel be granted to Ethen Allen, in reward of his fortitude, firmness and zeal in the cause of his country, manifested during the course of his long and cruel captivity, as well as on former occasions.

A letter, of the 11th, from general Gates, at Reading, was read ; whereupon,

Resolved, That a deputy adjutant-general be appointed for the army in the northern-department, under the command of general Gates :

The ballots being taken,

Lieutenant-colonel Robert Troup was elected.

A letter, of the 12th, from T. Wharton, Esq; president of the council of Pennsylvania ; one, of the 13th, and one of the 18th of April, from Mr. president Lowndes, of South-Carolina ; and one, of the 20th of April, from brigadier Moultrie ; were read :

Ordered, That the letters from Mr. president Lowndes and brigadier Moultrie, be referred to a committee of three ;

The members chosen, Mr. Henry, Mr. T. Adams and Mr. Matthews.

An application from baron Bosc was read :

Ordered, That it be referred to the board of war.

A letter, of this day, from the board of war, was read, together with a letter of the 10th, from John Penn and Benjamin Chew, Esqrs; enclosed therein ;

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

The members chosen, Mr. M^cKean, Mr. Carroll and Mr. James Smith.

Ordered, That the committee for Indian affairs, to whom the letter of the 2d from the council of Pennsylvania was referred, be discharged from proceeding on that business, and that the said letter be referred to the board of war.

A letter, of April 16th, from William Gibbes, William Parker, and Edward Blake, commissioners of the continental loan-office in the state of South-Carolina, to the continental treasurer, was laid before Congress, and read:

Ordered, That it be referred to the committee of commerce, who are to report thereon.

Ordered, That the memorial from sundry inhabitants of Nova-Scotia, which was read the 6th, be referred to a committee of three;

The members chosen, Mr. R. H. Lee, Mr. F. L. Lee and Mr. G. Morris.

A representation of the bishops and elders of the United Brethren settled in Pennsylvania, was read:

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

The members chosen, Mr. Ellery, Mr. M^cKean and Mr. Carroll.

The committee on the treasury brought in a report; whereupon,

Ordered, That 11,000 dollars be advanced to Edward Langworthy, Esq; a delegate from the state of Georgia, on his application, for the use of that state, which is to be accountable.

The state of South-Carolina having transmitted their accounts against the United States,

Ordered, That the same be referred to the board of treasury.

The committee to whom were referred the letters and certificates respecting Mons. de la Neuville, report, "that they have duly examined the same, and find that Mons. de la Neuville, the elder, is recommended by baron de Wormser, lieutenant-general in the French service, as an officer of great zeal, activity and knowledge in the French service, and as one who may be usefully employed in all military operations; that he is recommended to general Washington by the marquis de Bouilli, governor of Martinico, as an intelligent officer, not only acquainted with the theory, but practice of war, having served several campaigns in Germany; that he is also recommended to gen. Washington by Mons. Merlet, quarter-master-general of the French army, and pointed out in that recommendation as a proficient in the science of tactics, and consequently very capable of forming and disciplining bodies of infantry; that these recommendations are further strengthened by the favourable testimonies of the marquis de la Fayette and major-general Conway:" whereupon,

Resolved, That it is the interest of the United States to employ Mons. de la Neuville as inspector of the army under the command of major-general Gates:

On putting this question, the yeas and nays being required,

| | | | |
|--------------------|-------------|----|------|
| Massachusetts-Bay, | Mr. Gerry, | ay | } no |
| | Mr. Lovell, | no | |
| | Mr. Dana, | no | |
| Rhode-Island, | Mr. Ellery, | no | } no |

| | | | |
|-----------------|------------------|----|------|
| Connecticut, | Mr. Sherman, | no | } no |
| | Mr. Huntington, | no | |
| | Mr. Wolcott, | no | |
| New-York, | Mr. Duer, | ay | } ay |
| | Mr. G. Morris, | ay | |
| New-Jersey, | Mr. Scudder, | ay | } ay |
| | Mr. R. Morris, | no | |
| Pennsylvania, | Mr. James Smith, | no | } no |
| | Mr. J. B. Smith, | ay | |
| | Mr. Clingan, | no | |
| Delaware, | Mr. McKean, | ay | } ay |
| | Mr. Carroll, | ay | |
| Maryland, | Mr. Plater, | ay | } ay |
| | Mr. Henry, | no | |
| Virginia, | Mr. R. H. Lee, | ay | } ay |
| | Mr. F. L. Lee, | ay | |
| | Mr. T. Adams, | ay | |
| South-Carolina, | Mr. Laurens, | ay | } ay |
| | Mr. Matthews, | ay | |
| | Mr. Hutson, | ay | |
| Georgia, | Mr. Langworthy, | no | } no |

So it was resolved in the affirmative.

Resolved, That Mr. de la Neuville's pay as inspector be 105 dols. per month, and six rations a-day; his pay and rations to commence from the time of his entering into the service of the United States.

Resolved, That Mr. de la Neuville be informed, that Congress will be disposed, after an experience of his services of an inspector to the army under gen. Gates, for the space of three months, to confer on him such rank as his merits may justly entitle him to.

Adjourned to nine o'clock to-morrow.

FRIDAY, May 15, 1778.

A letter, of the 5th, from gov. Trumbull; one, of April the 30th, from Jonathan Trumbull, jun. Esq; pay-master in the northern-department; and one, of the 29th of the same month, from Joseph Trumbull, Esq; late commissary-general, were read:

Ordered, That the two last be referred to the board of treasury.

A letter, of the 9th, from W. Denning, Esq; was read.

A paragraph of a letter of April the 27th, from gov. Livingston, was laid before Congress, and read:

Ordered, That it be referred to the board of treasury.

Congress having received information, that divers infractions have been made by officers in the service of the king of Great-Britain upon the convention of Saratoga, particularly by compelling some of the prisoners to bear arms against these United States, since their return to Canada;

Resolved, That his excellency gov. Clinton, of N. York, be requested to take such measures as he shall deem most prudent and effectual for ascertaining the truth of this information, and to transmit to Congress the evidence which he may obtain.

Resolved, That the sum of 2000 dollars in specie, and 10,000 dol-

lars in continental money be advanced to gov. Clinton, for defraying the necessary expenses of executing the foregoing resolution, and that the board of treasury be authorized to pay the said sums.

Congress resumed the consideration of the report of the committee of the whole, on an allowance to be made to officers after the war, and on revision, an amendment being admitted by general consent, a question was put to agree to the whole as amended; whereupon,

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 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 such officers; provided, that no general-officer of the cavalry, artillery or infantry shall be entitled to receive more than the 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 States, unless he shall have taken an oath of allegiance to, and shall actually reside within some one of the United States.

Resolved unanimously, That every non-commissioned military-officer and soldier, who hath enlisted, or shall enlist, 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 80 dollars at the expiration of the war.

The yeas and nays being required,

| | | | |
|---|------------------|----|------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | no | |
| | Mr. Dana, | ay | |
| <i>Rhode-Island,</i> <i>Connecticut,</i> | Mr. Ellery, | ay | } ay |
| | Mr. Sherman, | ay | |
| | Mr. Huntington, | ay | } ay |
| | Mr. Wolcott, | no | |
| <i>New-York,</i> | Mr. Duer, | ay | } ay |
| | Mr. G. Morris, | ay | |
| <i>New-Jersey,</i> <i>Pennsylvania,</i> | Mr. Scudder, | ay | } ay |
| | Mr. R. Morris, | ay | |
| | Mr. J. B. Smith, | ay | } ay |
| | Mr. James Smith, | ay | |
| <i>Delaware,</i> <i>Maryland,</i> | Mr. Clingan, | ay | } ay |
| | Mr. McKean, | ay | |
| | Mr. Carroll, | ay | } ay |
| | Mr. Henry, | ay | |
| <i>Virginia,</i> | Mr. Plater, | ay | } ay |
| | Mr. R. H. Lee, | ay | |
| | Mr. F. L. Lee, | ay | } ay |
| | Mr. T. Adams, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| | Mr. Matthews, | ay | |
| | Mr. Hutson, | ay | |
| <i>Georgia,</i> | Mr. Langworthby, | ay | } ay |

So it was resolved in the affirmative.

A letter, of this day, from general Mifflin, was read :

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

The members chosen, Mr. G. Morris, Mr. Carroll and Mr. Dana.

The committee to whom was referred the letter from John Penn and Benjamin Chew, Esqrs; dated May the 10th, and directed to the board of war, brought in a report ; whereupon,

Resolved, That John Penn and Benjamin Chew, Esqrs; be conveyed, without delay, into the state of Pennsylvania, and there discharged from their parole, and that their excellencies the president of Pennsylvania and the governor of N. Jersey be severally furnished immediately with a copy of this act.

Adjourned to nine o'clock to-morrow.

SATURDAY, May 16, 1778.

A letter, of this day, from I. Melchior, was read :

Ordered, That it be referred to the board of war, and that the board enquire into the state of the barrack-master's department, the number of deputies employed, and the places where, and report thereon.

A report from gov. Livingston was laid before Congress and read, wherein he informs, " that in pursuance of the resolution of Congress of the 19th of Feb. he has removed Gifford Dally, deputy quartermaster at Morris-town, in that state, for misbehaviour and neglect of duty, and appointed in his place Benjamin Lindsey, Esq; during the will and pleasure of Congress, or such his superior officer as is or may be authorized to remove him ; that he has reduced the number of assistants employed by Joseph Dewees, deputy commissary in the same place, from four to three ;"

Ordered, That the said report be referred to a committee of three ; The members chosen, Mr. G. Morris, Mr. Dana and Mr. Ellery.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 100,000 dollars be paid to Dr. Thomas Bond, jun. to be by him delivered to Dr. Jonathan Potts, deputy director-general, for the use of the hospitals of the middle-district ; the said Dr. J. Potts to be accountable :

That 20,000 dollars be advanced to the committee of commerce, to enable them to discharge four bills drawn on them by Abraham Livingston, Esq; continental agent at Charlestown, dated the 18th, 19th, 20th and 21st of March, for that sum.

Resolved, That the invoice of articles to be imported from France, together with the list of medicines, approved by Congress, be signed by the committee of commerce, and transmitted to the commissioners of the United States at Paris, who are authorized and directed to apply to the house of Roderique Hortales & Co. for such of the said articles as they shall not have previously purchased or contracted for.

Ordered, That copies of the invoices be delivered to Monf. de Francey, agent for Roderique Hortales & Co. together with a copy of the foregoing resolution.

Resolved, That the articles to be shipped by the house of Roderique Hortales & Co. be not insured, but that notice be given to the commissioners at France, that they may endeavour to obtain convoy for the protection thereof.

Resolved, That a copy of gov. Livingston's letter of April 27th, respecting the horses purchased for the use of the continental army, at the request of the committee of Congress in camp, be transmitted to the quarter-master-general; and that he be ordered immediately to pay for such horses and settle the accounts with the persons employed to make the purchases, agreeably to the terms upon which the governor engaged.

Resolved, That the committee for foreign affairs report such alterations in, or additions to, the instructions and commissions given to the commissioners at the courts of Berlin, Vienna and Tuscany, as they may think expedient.

Resolved, That col. Ethan Allen be entitled to all the benefits and privileges of a lieutenant-colonel in the service of the United States, during the time of his late captivity.

A number of intercepted letters were laid before Congress:

Ordered, That they be referred to a committee of three, and that the said committee be empowered to take such steps and pursue such measures as they judge necessary for the interest of the United States;

The members chosen, Mr. R. H. Lee, Mr. Lovell and Mr. Wither-
spoon.

Adjourned to nine o'clock on Monday.

Monday, May 18, 1778.

A petition from sundry inhabitants of the county of Bedford, in the state of Pennsylvania, was read:

Ordered, That it be referred to the board of war.

A letter and petition from David Laird were read:

Ordered, That they be referred to the board of war.

A letter, of this day, from W. Turnbull, was read:

Ordered, That it be referred to the board of treasury.

A letter, of the 15th, from W. Bowley, was read:

Ordered, That it be referred to the committee of commerce.

A letter, of the 16th, from the board of war, was read:

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

The members chosen, Mr. Carroll, Mr. J. B. Smith and Mr. G. Morris.

A letter, of April 26th, from gov. Caswell, of N. Carolina, was read, informing, that the two houses of assembly of that state have unanimously acceded to the confederation.

A petition from Jacob Gerhard Dericks was read, praying to be honored with a colonel's commission.

Ordered to lie on the table.

A letter, of the 11th, from Thomas Smith, of Bedford county, to James Smith, Esq; delegate for Pennsylvania, was laid before Congress, and read:

Ordered, That it be referred to the board of war, and that they be authorized, in conjunction with gen. Washington, to take such measures for affording present relief to the western frontiers as can be adopted, consistent with the present state of the main army.

The committee lately sent to camp, laid before Congress a plan for regulating the army:

Ordered, That to-morrow be assigned for taking the same into consideration.

A letter, of March 26th, from the board of war, of the state of Massachusetts-Bay, with an extract of a letter of the 30th, from Mr. Gar-
doqui & Sons, at Bilboa, was read :

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

The members chosen, Mr. G. Morris, Mr. Carroll and Mr. Gerry.

A petition from sundry German officers, in the service of the United States of America, was read ; whereupon,

Resolved, That the Rev. Mr. Henry Miller be appointed chaplain to the Germans in the main army ; and that he be allowed the pay and privileges of a brigade-chaplain, without being confined to any particular brigade.

Adjourned to nine o'clock to-morrow.

TUESDAY, May 19, 1778.

A letter, of the 18th, from the executive council of Pennsylvania, enclosing a copy of a letter of the 14th, from Samuel Hunter, lieutenant of the county of Northumberland, was read :

Ordered, That it be referred to the board of war.

The board of war, to whom was referred the petition from major de Bois, report as their opinion, " that the resignation of major de Bois be accepted, agreeable to his petition, and that a sum of money, the quantum of which to be settled by the board of treasury, should be allowed him to defray his expenses back to France :

Ordered, That the said report, with the petition of major de Bois, be referred to the board of treasury.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 10.000 dollars be paid to Thomas M^cKean, Esq; to be by him forwarded to his excellency Cæsar Rodney, president of the state of Delaware, for the recruiting service ; for which the state is to be charged.

Resolved, That Mr. Joseph Trumbull, late commissary-general, be informed of the disposition of Congress not to grant money to such persons as having been officers of the United States, are now out of office, until they shall have accounted for the public money which shall have been previously advanced to them respectively.

The board of war, to whom the letter from general Washington, respecting lieutenant-colonel Derick, was referred, report,

" That the board concur in opinion with general Washington, as to the inexpediency of complying with lieutenant-colonel Derick's request to be appointed commandant of an independent corps, and therefore that his petition be dismissed :"

Resolved, That Congress agree to the said report.

The board of war, to whom was referred the memorial from the general assembly of Pennsylvania, relative to forts built in Westmoreland, &c. report,

" That they have been informed, that brigadier Hand directed the lieutenants of the two western-counties to take other posts, at which to station the militia, than those mentioned in the memorial of the assembly ; that the lieutenants only partially complied with the directions, and instead of fulfilling them, built the forts at Ligonier and Hanna's-town ; that however, as the board are not sufficiently ac-

quainted with the circumstances to judge whether the forts are so situated as to answer only a local, instead of a general purpose, or whether they are properly constructed, if the posts are well chosen, it is impossible to furnish Congress with a final report on the subject; that as brigadier Hand is re-called from the command, his successor will judge between him and the lieutenants of the counties, whom the board presume to have had the best intentions, but think it by no means proper to encourage any thing which has the appearance of being done in opposition to the orders of the commanding continental officer, unless weighty and special reasons can be assigned:" whereupon,

Resolved, That a copy of the memorial from the assembly of Pennsylvania, relative to the forts built at Ligonier and Hanna's-town, in the said state, by the inhabitants of the adjacent county, be transmitted to the commanding-officer at Fort-Pitt, and if he shall be of opinion, that the posts are necessary for the general defence of the frontiers, or to secure the communication with that fort, the plans proper, and the works sufficiently well done, so as to be durable and of military use, that he appoint proper persons to examine the accounts of the expenses of building these forts, laying in provisions, and paying the persons necessarily employed at those posts; that the accounts so examined be certified, with the vouchers, to the board of treasury, accompanied with the opinion on the whole of the general-officer commanding at Fort-Pitt.

The committee to whom was referred the letter from major-general Mifflin, report, that they have had a conference with general Mifflin and the auditor-general upon the subject of the said letter, and having heard general Mifflin's observations upon his peculiar situation as quarter-master-general, and his objections to being held strictly to account in cases where, from the nature of the business and particular circumstances attending it, he was incapable of direct agency and the necessary superintendence; that the committee delivered to him and to the auditor-general their opinion, that the great servants of the public are generally to be accountable; that if, in the course of adjusting the public accounts, deficiencies shall appear, Congress will, in every special case, determine upon the circumstances as they arise, whether the party shall, or shall not be discharged; that the committee had no doubt, but such favourable allowances would be made as justice should require; but that Congress could not, consistent with their duty to the United States, by any general resolutions, hold up the maxim that payment of money to deputies or assistants in a department should discharge the principal:

Resolved, That Congress agree to the said report.

The committee to whom was referred the report of the board of war, respecting an allowance to officers on parole, brought in a report; whereupon,

Congress came to the following resolutions:

Whereas Congress, by a resolve passed the 19th day of Jan. last, determined, that captive officers should receive pay, as well when on parole as when in the enemy's possession, for so long time as they continue to be officers of the United States, and liable to be called into service upon being released from their captivity: and, whereas, divers

officers have been, and may be made prisoners, and continue such beyond the period within which they are liable to be called into service : and as it has been found that such officers, when released on parole, are sometimes debarred from the pursuit of their former employments, or being liable always to be re-called into captivity at the pleasure of the enemy, are prevented from entering into such engagements and plans of business as their necessary support demands ;

Resolved, That all officers in the land service of the United States, who have been, or shall be made prisoners by the enemy, shall be entitled to receive their full pay and rations while in the enemy's possession, deducting only from their rations such supplies as they may have received from the enemy or the commissary of prisoners ; and that all such officers, when admitted on their parole, shall receive their full pay without rations, until they shall be exchanged or discharged from their parole, or that the general change of circumstances shall render their pay no longer necessary for their support, as Congress hereafter determine.

A petition from J. Connolly and others, prisoners, was read :

Ordered, That it be referred to the board of war, who are directed to enquire into the facts therein set forth, and report thereon to Congress.

Congress took into consideration a report of the board of treasury of the 12th ; whereupon,

Resolved, That bills of exchange of the following denominations be forthwith struck, under the direction of the board of treasury, for the payment of interest to such holders of loan-office certificates as may be entitled to receive it in such bills :

| | | | | | |
|--|----------|---|-----|-----|-----------|
| 3000 fets of 12 dollars each, at 5 livres tournois } | | | | | 180,000 |
| [per dollar. } | | | | | |
| 3000 do. | 18 do. | - | do. | - | 270,000 |
| 3000 do. | 24 do. | - | do. | - - | 360,000 |
| 3000 do. | 30 do. | - | do. | - | 450,000 |
| 3000 do. | 36 do. | - | do. | - - | 540,000 |
| 1000 do. | 60 do. | - | do. | - | 300,000 |
| 1000 do. | 120 do. | - | do. | - - | 600,000 |
| 800 do. | 300 do. | - | do. | - | 1,200,000 |
| 400 do. | 600 do. | - | do. | - - | 1,200,000 |
| 200 do. | 1200 do. | - | do. | - | 1,200,000 |

18,400

6,300,000

That the bills be drawn upon the commissioners of the United States in Paris, signed by such person or persons as shall hereafter be appointed by Congress, and countersigned and numbered by the commissioners of the continental loan-office issuing the said bills respectively :

That each set contain four bills, of the following form :

" Exchange for Dollars, at five Livres Tournois per Dollar.
No. United States of North-America. day of

17

At thirty days sight of this Bill, and not paid, pay to
or order, Dollars in Livres Tour-
nois, for interest due on money borrowed by the United States.

To
of the United States of North-America.
Counterfigned
Commissioner of the Continental
Loan-Office in the state of .”

Resolved, That the board of treasury be authorized to direct the treasurer, from time to time; to send to the several commissioners of the loan-offices as many of the said bills and of such denominations as the board shall judge necessary.

A letter, of the 18th, from the board of war, and one, of the 19th, from the board of treasury, were read :

Ordered to lie on the table.

Congress took into consideration the report of the committee from camp, relative to a new regulation of the army ; to which an amendment was moved as follows :

“ 1. That each regiment consist of two battalions :

2. That each battalion consist of four companies or centuries, or grand-divisions :

3. That each company, century or grand-division, consist of one captain, one captain-lieutenant, two lieutenants, one ensign or standard-bearer, eight, or at least six, serjeants, and the same number of corporals, 128 privates, which is 64 files two deep ; two drummers or horn-founders ; and that each company, century or grand-division have a colour or standard :

4. That to each battalion there be one lieutenant-colonel, major, adjutant, serjeant-major, drum-major or horn-founder major :

5. That the regimentary-officers be one colonel, one regimental colour-bearer, or ensign-major, with an orderly horseman to attend the colonel ; the ensign-major to have the rank of lieutenant.

Thus every regiment to consist of 1 colonel, 2 lieutenant-colonels, 2 majors, 8 captains, 8 captain-lieutenants, 16 lieutenants, 1 ensign-major, 8 ensigns, making 46 commissioned-officers, 64 or at least 48 serjeants, the same number of corporals, 2 serjeants-major, 2 drum-majors, 16 drummers or horn-founders, and 1024 privates.”

On the question to agree to the said amendment, the yeas and nays being required,

| | | | |
|---------------------------|------------------|----|------------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } no |
| | Mr. Lovell; | no | |
| | Mr. Dana, | no | |
| <i>Rhode-Island;</i> | Mr. Ellery; | no | } no |
| <i>Connecticut,</i> | Mr. Sherman, | no | |
| | Mr. Huntington, | no | } no |
| | Mr. Wolcott, | no | |
| <i>New-York,</i> | Mr. Duer, | ay | } divided. |
| | Mr. G. Morris, | no | |
| <i>New-Jersey,</i> | Mr. Scudder, | no | } no |
| <i>Pennsylvania,</i> | Mr. J. B. Smith, | no | |
| | Mr. James Smith, | ay | } no |
| | Mr. Clingan, | no | |
| <i>Delaware,</i> | Mr. M. Kean, | no | > no |

| | | | |
|-----------------|-----------------|----|------|
| Maryland, | Mr. Carroll, | no | } no |
| | Mr. Plater, | no | |
| | Mr. Henry, | no | |
| Virginia, | Mr. R. H. Lee, | ay | } * |
| | Mr. F. L. Lee, | ay | |
| South-Carolina, | Mr. Laurens, | no | } no |
| | Mr. Matthews, | no | |
| | Mr. Hutson, | no | |
| Georgia, | Mr. Langworthy, | ay | > ay |

So it passed in the negative.

Adjourned to ten o'clock to-morrow.

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WEDNESDAY, May 20, 1778.

A letter, of this day, from capt. Herman Courter, who brought a duplicate of dispatches from France, was read :

Ordered, That the same, together with his account, be referred to the board of treasury.

A letter, of this day, from col. F. Johnston, was read :

Ordered, That it be referred to the committee lately at camp.

A letter, of the 13th, and one, of the 16th, from brigadier Wayne, were read :

Ordered, That the same be referred to the said committee.

A letter, of the 18th, from gen. Washington, was read :

Ordered, That it be referred to the foregoing committee.

A letter, of the 16th, from baron Steuben, was read.

A letter, of the 3d, from major-general Sullivan, with sundry papers enclosed, was read :

Ordered, That so much of gen. Sullivan's letter as relates to brigadier Stark, be referred to gen. Washington, and that he be informed that brigadier Stark is ordered to the northern-department, from which Congress do not think proper he should be removed ; and that gen. Washington be directed, if he thinks proper, to send some other brigadier to join major-general Sullivan.

Ordered, That the plans enclosed in gen. Sullivan's letter, be referred to the board of war.

A letter, of the 13th, from gov. G. Clinton, of N. York, with sundry papers enclosed, was read :

Ordered, That it be referred to the board of war.

A petition from Benard Baxter, was read :

Ordered, That it be referred to the board of war, who are directed to report generally thereon.

The committee of commerce, to whom was referred the letter of the commissioners of the continental loan-office in the state of S. Carolina, brought in a report, which was read :

Ordered, That the same, together with the said letter, be referred to the board of treasury.

Congress resumed the consideration of the report of the committee lately sent to camp, relative to the arrangement of the army, and some progress being made therein,

Ordered, That the farther consideration thereof be postponed till to-morrow.

Adjourned to nine o'clock to-morrow.

THURSDAY, May 21, 1778.

Mr. Samuel Adams, a delegate from Massachusetts-Bay, attended, and took his seat in Congress.

A letter, of the 27th, and one, of the 28th of April, from the council of Massachusetts-Bay, were read :

Ordered, That they be referred to a committee of four :

The members chosen, Mr. Ellery, Mr. Dana, Mr. Huntington and Mr. Wither Spoon.

A letter, of 7th, from Messrs. Otis & Andrews, at Boston, and one of the 20th, from Mr. J. Mease, were read :

Ordered, That so much of the same as relates to money, be referred to the board of treasury ; and so much as relates to putting a stop to any further purchases of clothing by agents or commissioners appointed by the several states, be referred to the board of war.

A letter, of April 22d, from John Lucas, was read :

Ordered, That it be referred to the board of war.

A letter, of the 19th, from the general assembly of Pennsylvania, with a petition from sundry inhabitants on the western-frontiers, was read :

Ordered, That the same be referred to the board of war.

A letter, of April 25th, from the council of Massachusetts-Bay, with an account of the expenses of that state for prisoners, was read :

Ordered, That the same be referred to the board of treasury.

The committee to whom was referred the memorial from divers persons, late inhabitants of Nova-Scotia, reported.

The committee to whom was referred the letter from col. F. Johnston, brought in a report ; whereupon,

Resolved, That the necessary contingent charges of executing the office of commissary-general of prisoners, be allowed, over and above the present pay.

Whereas, col. Johnston was taken from the line to execute the office of commissary-general of prisoners, upon an information given to Congress that his health would not permit him to continue in the army, and undergo the fatigues of it ; and as there is no necessary relation between his office and the line,

Resolved, That col. Johnston be permitted to hold his rank, but no command in the line, nor be entitled to receive the seven years half-pay lately granted to the military commissioned-officers.

The committee to whom was referred the letter from brigadier Wayne, brought in a report ; whereupon,

Resolved, That the Rev. Dr. Robert Blackwell be appointed chaplain to the first Pennsylvania brigade, commanded by brigadier Wayne.

A letter, of April 14th, from Thomas White, of the state of Delaware, and an extract of a letter of May 8th, from Mr. president Rodney, of the said state, both directed to Mr. McKean, were laid before Congress, and read :

Ordered, That the same be referred to the committee appointed to provide for the safety of, and prevent insurrections in, the peninsula between Delaware and Chesapeake-Bays.

Mr. Josiah Bartlett, one of the delegates from New-Hampshire, attended, and produced the credentials of his appointment, which are as follows :

" State of New-Hampshire.

" In the House of Representatives, March 14th, 1778.

" Voted, That the hon. Josiah Bartlett and John Wentworth, jun. Esqrs; be, and hereby are appointed to serve as delegates to represent this state in the continental Congress, for and during the term of one year from the date hereof, unless sooner recalled; and that they and each of them, in the absence of the other, have full and ample power, in behalf of this state, to consent and agree to all measures which Congress shall deem necessary for the public good.

Sent up for concurrence,

JOHN DUDLEY, *Speaker, p. temp.*

In Council the same day, read and concurred,

E. THOMPSON, *Secretary.*

Copy attested,

MESHECK WEARE, *President."*

Resolved, That major-general Mifflin have leave to join the army under the command of gen. Washington.

The committee to whom was referred the letter of the 11th, from gen. Washington, enclosing a copy of a letter from gen. Howe, respecting the exchange of prisoners, report,

" That the propositions of gen. sir William Howe, for an exchange of prisoners, in his letter of May the 10th, appear so ambiguously expressed and so liable to misconception, that, in their opinion, it is expedient that Congress should on their part make proposals for an exchange on principles of equality, and expressed in clear and explicit terms:" whereupon,

Resolved, That gen. Washington be desired to inform gen. sir William Howe, that Congress, ever anxious to alleviate the calamities of war, are willing to make an exchange of prisoners, on the following principles, viz.

That an exchange be made of all officers in the possession of either party, whether on parole or otherwise, as far as rank and number will apply:

That as gen. sir William Howe has the power of exchanging the officers made prisoners under the convention of Saratoga, Congress cannot think of agreeing to an equivalent in privates for officers, but are willing to extend this exchange to the officers of gen. Burgoyne's army:

That an exchange, as far as numbers will apply, be made of all soldiers in the actual possession of either party; and also of all, who having been released on parole are, in the opinion of gen. Washington, proper objects of exchange:

That the officers and soldiers so to be exchanged, be mutually delivered at such places in the states of R. Island, N. York and Pennsylvania, and at such periods of time, as the said generals may determine on:

That in case the proposed exchange should unhappily not take place, gen. Washington be directed to inform gen. sir William Howe, that Congress expect that he will, from a regard to the prisoners in the power of these states, take effectual measures, that the American prisoners may not suffer any distresses from the approaching hot season, which it is in his power to prevent, as the present possession of L. Island

and R. Island afford him an opportunity of extending humanity towards prisoners, without a breach of duty to the power under which he acts.

Adjourned to nine o'clock to-morrow.

FRIDAY, May 22, 1778.

The board of war brought in a report; whereupon,

Resolved, That it be recommended to the legislatures of the respective states, to enact laws for exempting from militia duty, all persons who have deserted or shall hereafter desert from the British army or navy during the present war:

That it be further recommended to the legislatures of the respective states, to disqualify by law, all prisoners and deserters from acting as substitutes in the militia during the present war, to render all such contracts void, and to authorize any prisoner or deserter, who may be engaged as a substitute, to appropriate to his own use all monies by him received on such agreement.

On the recommendation of brigadier Muhlenberg,

Resolved, That the Rev. Mr. Alexander Balmain be, and he hereby is appointed chaplain to the brigade commanded by brigadier Muhlenberg.

The committee to whom were referred the letters of the 24th and 27 of April, from major-general Heath, enclosing a letter from John Morrison, a commissary in the British service, brought in a report; whereupon,

Resolved, That Congress approve of major-general Heath's conduct relative to the proposals made by major-general Pigot, for supplying with provisions the troops who surrendered prisoners under the convention of Saratoga:

That the president be directed to inform major-general Heath, that Congress expect that all assistance afforded to the enemy in unloading, storing or transporting provisions for the support of the convention prisoners, be paid for in solid coin, agreeably to the spirit of their resolution of the 19th of December last.

Congress took into consideration the report of the committee on the rules for the better conducting the business of Congress; and some progress being made therein,

Ordered, That the farther consideration thereof be postponed.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on John Lawrence, Esq; commissioner of the loan-office in the state of Connecticut, in favour of James Stevenson, Esq; one of the commissioners of accounts for the middle-department, for 1081 dollars, it being the balance of his pay, from July 26th. 1776, to the 4th instant.

Ordered, That so much of the report as relates to Messrs. Otis and Andrews, be re-committed.

Resolved, That 5,000,000 of dollars be emitted under the direction of the board of treasury, and upon the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 11th of April last, and be numbered from the last number of each respective denomination progressively, and consist of the following denominations, viz.

| | | |
|-----------------------------|---|-----------|
| 41,667 bills of 40 dollars, | - | 1,666,680 |
| 41,667 do. of 30 do. | - | 1,250,010 |
| 41,666 do. of 20 do. | - | 833,320 |
| 41,666 do. of 8 do. | - | 333,328 |
| 41,666 do. of 7 do. | - | 291,622 |
| 41,667 do. of 6 do. | - | 250,002 |
| 41,666 do. of 5 do. | - | 208,330 |
| 41,667 do. of 4 do. | - | 166,668 |

5,000,000

That all the powers and duties of Michael Hillegas, Esq; and of the inspectors of the press, signers and printers of the emission of the 20th day of May, 1777, shall extend to the said 5,000,000 of dollars now to be emitted, subject, however, to such directions and instructions as the board of treasury may judge expedient.

Ordered, That 240,000 dollars be advanced to William Buchanan, Esq; late commissary-general of purchases, for the use of the middle-district; for which he is to be accountable.

A letter, of the 2d, from gov. Caswell, of N. Carolina, with sundry papers enclosed, was read:

Ordered, That the same be referred to the committee on the letter from capt. Cottineau.

Adjourned to nine o'clock to-morrow.

— — — — —
SATURDAY, May 23, 1778.

A letter, of the 22d, from col. F. Johnston, was read, informing, that as it never was his wish to give up his rank in the line, he therefore begs leave to decline the acceptance of his late appointment of commissary-general of prisoners; whereupon,

Resolved, That he have leave to decline the said appointment.

A letter, of the 7th, from John James Doerner, jun. at Edenton, in N. Carolina, was read:

Ordered, That it be referred to the board of treasury.

The board of war, to whom was referred the letter of the 17th, from John Connolly and others, prisoners, brought in a report, which was read; whereupon,

Congress passed the following:

Whereas, it appears probable that attempts are making to misrepresent the conduct of these United States towards the prisoners in their possession, in some degree to wipe off or counterbalance the just reproach that has fallen upon our enemies for their barbarity:

Ordered, That the letters from John Connolly and others, dated York gaol, May 17th, 1778, together with the report of the board of war upon it, be published.

The committee on the treasury brought in a report; whereupon,

Ordered, That 50,000 dollars be advanced to the marine-committee, to be by them transmitted to the navy-board at Boston, for the use of the navy in the eastern-district; the said marine-committee to be accountable.

Ordered, That Mr. Scudder have leave of absence.

Adjourned to nine o'clock on Monday.

MONDAY, May 25, 1778.

On a recommendation of col. F. Johnston,

Resolved, That the Rev. David Jones be, and he is appointed chaplain to the brigade of Pennsylvania troops commanded by col. Johnston.

A letter, of the 6th, from governor Caswell, was read :

Ordered, That the same, together with a resolve of the general assembly of N. Carolina, empowering the governor of that state to draw for 500,000 dollars, and an act for raising men to complete the continental battalions of that state, which were enclosed in the governor's letter of the 2d, be referred to the committee lately sent to camp.

A letter, of March 20th, from gov. Houston, of Georgia, with sundry resolves of the assembly of that state enclosed, was read :

Ordered, That the same be referred to the foregoing committee.

A letter, of the 4th, from major-general Heath, enclosing an invoice of specie sent forward, was read :

Ordered, That the same be referred to the board of treasury.

A letter, of the 15th, from Mr. Aylett, deputy commissary-general of purchases, with sundry papers enclosed, was read :

Ordered, That they be referred to the committee of commerce.

A letter, of the 15th, from gov. Henry, of Virginia, was read.

The committee on the treasury, to whom was re-committed the report respecting Messrs. Otis & Andrews, brought in another report ; whereupon,

Ordered, That 150,000 dollars be advanced to James Mease ; and that a warrant for 500,000 dollars be drawn in his favour on the commissioner of the loan-office in the state of Massachusetts-Bay, both which sums are to be by him immediately transmitted to his agents, Messrs. Otis & Andrews, of Boston, for the use of the clothier-general's department, who is to be accountable :

That Mr. Nourse, pay-master of the board of war and ordnance, receive the money from the treasurer, and transmit it, with the warrant on the loan-office, to Mr. Mease, with a copy of this order.

A motion being made for putting a stop to the farther purchase of clothing,

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

The members chosen, Mr. Wither Spoon, Mr. Sherman and Mr. F. L. Lee.

A letter, of this day, from lieutenant-colonel Carrington, of colonel Harrison's regiment of artillery, was read, enclosing a list of the officers of the said regiment :

Ordered, That the same be referred to the board of war.

A motion being made for obtaining and filing at the board of war copies of military-commissions,

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

The members chosen, Mr. Banister, Mr. G. Morris and Mr. Dana.

Resolved, That the auditor, together with Mr. Milligan, one of the commissioners of claims, be authorized and directed to examine and pass upon the accounts of Dr. Isaac Forster, deputy director-general of the eastern-department.

The committee on the treasury brought in a report ; whereupon,

Resolved, That gen. Heath be directed to pay, in continental cur-

rency, to brigadier Glover; the sum that shall appear to be due to him on account, for purchasing provisions and other articles for the prisoners of the convention of Saratoga, whilst on their march from that place to Boston, and for guards attending the said prisoners.

Resolved, That the warrant drawn by the president of Congress the 2d of Feb. last, on Joseph Clarke, Esq; commissioner of the loan-office in the state of R. Island and Providence Plantations; in favour of Ebenezer Hancock, Esq; deputy pay-master-general for the eastern-district, and by him returned, be cancelled, and the entries thereof in the treasury book reversed.

Resolved, That a committee of three be appointed to report a plan for filling up the continental battalions by recruits, to be enlisted to serve during the war ;

The members chosen, Mr. Dner, Mr. Drayton and Mr. G. Morris.

A letter, of this day, from E. Blaine, Esq; deputy commissary-general, was read :

Ordered, That it be referred to the committee lately at camp.

A motion being made for paying the New-Jersey militia,

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

The members chosen, Mr. G. Morris, Mr. Wither Spoon and Mr. Drayton.

Adjourned to nine o'clock to-morrow.

* * *

TUESDAY, May 26, 1778.

Resolved, That the quarter-master-general be directed to furnish baron Steuben with two good horses for his use.

A petition, from Moses Black, was read, praying, in behalf of William Woolsey and the owners of the private armed schooner Harlequin, that an action be commenced at the inferior court of common pleas in the county of Providence, in the state of R. Island, &c. touching the capture of a certain prize sloop, may be referred to the court of appeals, for their decision thereon :

Ordered, That it be dismissed.

The board of war, to whom the application of baron Bose was referred, brought in a report ; whereupon,

Resolved, That the sum of 500 dollars be paid to baron Bose, as a compensation for his sufferings in the cause of the United States.

The committee to whom was referred the letters from Mr. president Lowndes, major-general Howe, and brigadier Moultrie, brought in a report :

Ordered to lie on the table.

Mr. Elmer, a delegate from the state of N. Jersey, and Mr. Roberdeau, a delegate from Pennsylvania, attended, and took their seats in Congress.

Congress resumed the 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, 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 while the journals or 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 rise 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 the house.

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 be again postponed, but by order of the house.

13. The previous question (that is, that the main question be 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 ayes, then the main question shall not be then put, but otherwise it shall.

14. Each member present shall declare openly and without debate his assent or dissent to a 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 name and vote in such cases shall be entered on the journals, 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 to the house on a day previous to the balloting being entered into, except by consent of all the states present.

16. Every morning the minutes of the preceding day shall be read, before Congress enter on 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.

A memorial from the field-officers now prisoners on parole on Long-Island, in behalf of themselves and at the particular joint request of their brethren in like situation, was read :

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

The members chosen, Mr. R. H. Lee, Mr. S. Adams and Mr. Duer.

A letter, of the 9th, and one of the 11th, from general Schuyler, were read, the latter containing Indian intelligence :

Ordered, That the letter of the 11th, with the papers enclosed, be referred to the board of war.

A petition from John Sherman was read :

Ordered, That it be referred to the board of war.

A letter, of the 18th, from general Conway, was read :

Ordered to lie on the table.

Congress resumed the consideration of the report of the committee on the arrangement of the army ; and after some time spent,

Resolved, That the further consideration thereof be postponed till to-morrow.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, May 27, 1778.

A letter, of the 14th, from Peter Boyer, was read, informing, that the situation of his family and private affairs obliges him to decline accepting the trust of auditor of accounts in the northern-district, to which Congress has been pleased to appoint him.

A letter, of the 15th, from William Greene, Esq; governor of Rhode-Island, &c. was read, informing Congress of his being elected to that office.

A letter, of the 20th, from governor Livingston, and one, of the 24th, from general Washington, were read, the latter enclosing a memorial from the field-officers of the North-Carolina battalions, respecting captain Vanie :

Ordered, That the letter from general Washington, with the papers enclosed, be referred to a committee of three ;

The members chosen, Mr. Drayton, Mr. M'Kean and Mr. Huntington.

Resolved, That Mr. Bartlett, for New-Hampshire, Mr. S. Adams, for Massachusetts-Bay, in room of Mr. Dana, Mr. G. Morris, for New-York, in room of Mr. Livingston, Mr. Drayton, for South-Carolina, in room of Mr. Laurens, be appointed members of the marine-committee.

The committee on Indian affairs, to whom was referred an extract of a letter of April the 10th, from colonel Morgan, brought in a report, which was read :

Ordered, That it be referred to the board of war.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 700 dollars be advanced to Mr. J. Henry, delegate from Maryland, on his application ; the said state to be accountable :

Ordered, That 200,000 dollars be paid to Mr. J. Nourse, pay-master to the board of war and ordnance, to be by him transmitted to William Palfrey, Esq; pay-master-general, for the use of his department ; who is to be accountable :

Ordered, That 24,000 dollars be paid to Mr. J. Nourse, pay-master to the board of war and ordnance, on the application of the said board ; it being the remainder of the sum to be advanced agreeably

to a resolution of Congress of the 6th of April last, and to be by him transmitted to brigadier count Pulaski, to complete the raising and equipping his legion; the said brigadier count Pulaski to be accountable.

Congress resumed the consideration of the report of the committee on the arrangement of the army, which was agreed to as follows:

Establishment of the American Army.

I. INFANTRY.

Resolved, That each battalion of infantry shall consist of nine companies, one of which shall be of light-infantry; the light-infantry to be kept complete by drafts from the battalion, and organized during the campaign into corps of light-infantry:

That the battalion of infantry consist of

| | | Pay per month. | |
|---------------|-----------------------------------|---|---|
| Commissioned. | 1 Colonel and captain, | - | 75 dollars. |
| | 1 Lieutenant-colonel and captain, | - | 60 |
| | 1 Major and captain, | - | 50 |
| | 6 Captains, | each | 40 |
| | 1 Captain-lieutenant, | - | $26\frac{2}{3}$ |
| | 8 Lieutenants, | each | $26\frac{2}{3}$ |
| | 9 Ensigns, | each | 20 |
| | Pay-master, | to be taken from { 20 dols. } { 13 { 13 | In addition to their pay as officers in the line. |
| | Adjutant, | | |
| | Quarter-master, | | |
| | 1 Surgeon, | - | 60 dollars. |
| | 1 Surgeon's-mate, | - | 40 |
| | 1 Serjeant-major, | - | 10 |
| | 1 Quarter-master-serjeant, | - | 10 |
| | 27 Serjeants, | each | 10 |
| | 1 Drum-major, | - | 9 |
| | 1 Fife-major, | - | 9 |
| | 18 Drums and fifes, | each | $7\frac{1}{3}$ |
| | 27 Corporals, | each | $7\frac{1}{3}$ |
| | 477 Privates, | each | $6\frac{2}{3}$ |

Each of the field-officers to command a company.

The lieutenant of the colonel's company, to have the rank of captain-lieutenant.

II. ARTILLERY.

That a battalion of artillery consist of

| | | Pay per month. | |
|---------------|-------------------------|---|---|
| Commissioned. | 1 Colonel, | - | 100 dollars. |
| | 1 Lieutenant-colonel, | - | 75 |
| | 1 Major, | - | $62\frac{1}{2}$ |
| | 12 Captains, | each | 50 |
| | 12 Captain-lieutenants, | each | $33\frac{1}{4}$ |
| | 12 First-lieutenants, | each | $33\frac{1}{4}$ |
| | 36 Second-lieutenants, | each | $33\frac{1}{4}$ |
| | Pay-master, | to be taken from { 25 dols. } { 16 { 16 | In addition to their pay as officers in the line. |
| | Adjutant, | | |
| | Quarter-master, | | |

| | | | | |
|----------------------------|------|---|---|-----------------|
| 1 Surgeon, | - | - | - | 75 dollars. |
| 1 Surgeon's-mate, | - | - | - | 50 |
| 1 Serjeant-major, | - | - | - | $11\frac{2}{3}$ |
| 1 Quarter-master-serjeant, | - | - | - | $11\frac{2}{3}$ |
| 1 Fife-major, | - | - | - | $10\frac{3}{8}$ |
| 1 Drum-major, | - | - | - | $10\frac{3}{8}$ |
| 72 Serjeants, | each | - | - | 10 |
| 72 Bombardiers, | each | - | - | 9 |
| 72 Corporals, | each | - | - | 9 |
| 72 Gunners, | each | - | - | $8\frac{2}{3}$ |
| 24 Drums and fifes, | each | - | - | $8\frac{2}{3}$ |
| 336 Matrosses, | each | - | - | $8\frac{1}{3}$ |

III. CAVALRY.

That a battalion of cavalry consist of

| | | | | Pay per month. |
|---------------|-----------------------------|----------------------------|--|---|
| Commissioned. | 1 Colonel, | - | - | $93\frac{3}{4}$ dollars. |
| | 1 Lieutenant-colonel, | - | - | 75 |
| | 1 Major, | - | - | 60 |
| | 6 Captains, | each | - | 50 |
| | 12 Lieutenants, | each | - | $33\frac{1}{3}$ |
| | 6 Cornets, | each | - | $26\frac{2}{3}$ |
| | 1 Riding-master, | - | - | $33\frac{1}{3}$ |
| | Pay-master, | to be taken from the line. | $\left\{ \begin{array}{l} 25 \text{ dols.} \\ 15 \\ 15 \end{array} \right\}$ | In addition to their pay as officers in the line. |
| | Adjutant, | | | |
| | Quarter-master, | | | |
| | 1 Surgeon, | - | - | 60 dollars. |
| | 1 Surgeon's-mate, | - | - | 40 |
| | 1 Saddler, | - | - | 10 |
| | 1 Trumpet-major, | - | - | 11 |
| | 6 Farriers, | each | - | 10 |
| | 6 Quarter-master-serjeants, | each | - | 15 |
| | 6 Trumpeters, | each | - | 10 |
| | 12 Serjeants, | each | - | 15 |
| | 30 Corporals, | each | - | 10 |
| | 324 Dragoons, | each | - | $8\frac{1}{3}$ |

IV. PROVOST.

Resolved, That a provost be established, to consist of

| | | | | Pay per month. |
|--|----------------------------|------|---|-----------------|
| | 1 Captain of provosts, | - | - | 50 dollars. |
| | 4 Lieutenants, | each | - | $33\frac{1}{3}$ |
| | 1 Clerk, | - | - | $33\frac{1}{3}$ |
| | 1 Quarter-master-serjeant, | - | - | 15 |
| | 2 Trumpeters, | each | - | 10 |
| | 2 Serjeants, | each | - | 15 |
| | 5 Corporals, | each | - | 10 |
| | 43 Provosts or privates, | each | - | $8\frac{1}{3}$ |
| | 4 Executioners, | each | - | 10 |

This corps to be mounted on horse-back, and armed and accoutred as light-dragoons.

Resolved, That in the engineering department three companies be established, each to consist of

| | | | | Pay per month. |
|----|--------------|------|---|------------------|
| 1 | Captain, | - | - | 50 dollars. |
| 3 | Lieutenants, | each | - | 33 $\frac{1}{3}$ |
| 4 | Serjeants, | each | - | 10 |
| 4 | Corporals, | each | - | 9 |
| 60 | Privates, | each | - | 8 $\frac{1}{3}$ |

These companies to be instructed in the fabrication of field-works, as far as relates to the manual and mechanical part, Their business shall be to instruct the fatigue-parties to do their duty with celerity and exactness: to repair injuries done to the works by the enemy's fire, and to prosecute works in the face of it. The commissioned-officers to be skilled in the necessary branches of the mathematics: the non-commissioned-officers to write a good hand.

Resolved, That the adjutant and quarter-master of a regiment be nominated by the field-officers out of the subalterns, and presented to the commander in chief or the commander in a separate department for approbation; and that being approved of, they shall receive from him a warrant agreeable to such nomination.

That the pay-master of a regiment be chosen by the officers of the regiment out of the captains or subalterns, and appointed by warrant as above: the officers are to risque their pay in his hands: the pay-masters to have the charge of the clothing, and to distribute the same.

Resolved, That the brigade-major be appointed as heretofore by the commander in chief, or commander in a separate department, out of the captains in the brigade to which he shall be appointed.

That the brigade quarter-master be appointed by the quarter-master-general, out of the captains or subalterns in the brigade to which he shall be appointed.

Resolved, That two aids-de-camp be allowed to each major-general, who shall for the future appoint them out of the captains or subalterns.

Resolved, That in addition to their pay as officers in the line, there be allowed to

| | |
|-------------------------|-----------------------|
| An aid-de-camp, | 24 dollars per month. |
| Brigade-major, | 24 |
| Brigade-quarter-master, | 15 |

Resolved, That when any of the staff-officers appointed from the line are promoted above the ranks in the line out of which they are respectively appointable, their staff appointments shall thereupon be vacated.

The present aids-de-camp and brigade-majors to receive their present pay and rations.

Resolved, That aids-de-camp, brigade-majors, and brigade-quarter-masters, heretofore appointed from the line, shall hold their present ranks and be admissible into the line again in the same rank they held when taken from the line; provided that no aid, brigade-major, or quarter-master, shall have the command of any officers who commanded him while in the line.

Resolved, That whenever the adjutant-general shall be appointed from the line, he may continue to hold his rank and commission in the line.

Resolved, That when supernumerary lieutenants are continued under this arrangement of the battalions, who are to do the duty of ensigns, they shall be entitled to hold their rank and receive the pay such rank entitled them to receive.

Resolved, That no more colonels be appointed in the infantry ; but where any such commission is or shall become vacant, the battalion shall be commanded by a lieutenant-colonel, who shall be allowed the same pay as is now granted to a colonel of infantry, and shall rise in promotion from that to the rank of brigadier : and such battalion shall have only two field-officers, viz. a lieutenant-colonel and major, but it shall have an additional captain.

Adjourned to nine o'clock to-morrow.

THURSDAY, May 28, 1778.

A letter, of the 27th, from brigadier Weedon, was read ; whereupon, A motion was made for committing it : but on motion,

Resolved, That the consideration thereof be postponed.

In consequence of an adjustment by the auditor-general and commissioners of claims,

Ordered, That 1145 $\frac{72}{100}$ dollars, be paid to capt. John Folger, being the balance of his account for his service and expenses, from October 21st, 1777, to June 1st, 1778.

A report from the board of war being read,

Resolved, That major Henry Lee's corps of Partizan light-dragoons consist of three, instead of two, troops :

That those troops be formed on the old establishment, with the usual allowance of officers ; and that those wanted in addition to the present officers in the corps be appointed by gen. Washington, who is also authorized to appoint a proper person to act as quarter-master to the corps, with the rank of cornet.

The committee to whom was referred a motion respecting the clothier-general's department, brought in a report ; whereupon,

Resolved, That all further purchases of clothing, on account of the United States, by the clothier-general, his deputies or agents, be forthwith suspended ; and that they be directed immediately to prepare and bring in their accounts to the board of treasury, to be liquidated and settled.

Resolved, That the hides belonging to the United States be applied towards furnishing the army with shoes, as heretofore, under the direction of the board of war ; and that the said board do purchase or cause to be purchased shoes, stockings and linen for the use of the continental army, until the clothing department shall be properly arranged and organized.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 16,000 dollars be advanced to the marine-committee, to be by them paid to William Smith, Esq; of Baltimore, on account of flour and iron he has purchased for the use of the navy in the east-department ; the said committee to be accountable :

That 750 $\frac{42}{100}$ dollars be advanced to the committee of commerce, to enable them to pay Andrew & James Caldwell the freight of sundry medicines imported in their sloop from Martinico, on public account ; the said committee to be accountable.

Congress proceeded to the election of a commissary-general of prisoners, and the ballots being taken, major John Beatty was elected.

Congress proceeded to the election of a secretary to the board of war and ordnance, and the ballots being taken, captain Robert Smith was elected.

Resolved, That until the secretary of the board of war and ordnance be duly qualified and enter upon the execution of his office, all military commissions be attested by the secretary of Congress.

The committee to whom was referred the letter of the 18th, from gen. Washington, brought in a report ; whereupon,

Ordered, That all the linen, shirts, stockings, shoes and blankets, lately imported on account of these United States now in Boston, Portsmouth, or in any other places in the state of Massachusetts-Bay or New-Hampshire, in whose hands soever the same may be, be immediately sent forward to the clothier-general or his order, to be by him delivered out, if necessary, for the use of the main army ; and that the other articles of imported clothing only, whether they should have been delivered out to any persons in the clothing department or others or not, be removed with all-convenient speed to Springfield, in the county of Hampshire, in the state of Massachusetts-Bay, there to be stored if practicable, under the constant care of a suitable store-keeper, who shall see that they be properly aired and otherwise attended to, so that they receive no damage by being stored ; and the person or persons in whose care the same clothing shall be, is hereby strictly forbidden to deliver out any part of the same without the special order of Congress or the board of war.

If the last mentioned clothing cannot all be conveniently stored in Springfield, that then the residue be stored at Worcester, in the same state, in like manner and subject to the same directions as that part which may be stored at Springfield. The packages are to be carefully preserved for future transportation.

Ordered, That the board of war attend to, and give proper directions for the punctual execution of the foregoing order.

Congress being informed, that clothing and other articles imported into Massachusetts-Bay, on account of the United States, have been delivered partly to the navy-board in the eastern-district, partly to the board of war of that state, and partly to the continental agent there, and that parcels thereof have been issued by the said navy-board without the order of Congress, committee of commerce, or of the board of war, from all which great confusion, misapplication and waste may ensue ; therefore,

Ordered, That for the future, all such importations, where not otherwise directed, be delivered into the hands of the continental agent or his order only ; and the said agent is hereby strictly forbidden to deliver out any part thereof, without the special order of Congress, the board of war and ordnance, or the committee of commerce.

Adjourned to nine o'clock to-morrow.

FRIDAY, May 29, 1778.

A memorial from William Tisdale, Esq; judge of the court of admiralty for the state of N. Carolina, and John Cooke, Esq; proctor and

advocate in the said court, in behalf of John Cochran, Cornelius Amble, Isaac M-Key and Nathaniel Moore, was read, setting forth, that the said John Cochran, &c. brought into that port and libelled in the court of admiralty a loop called the Tryal, which was condemned in the said court, and two-thirds of the net proceeds adjudged to the use of the United States, and the other third to the use of the libellants, and praying, for sundry special reasons therein set forth, that the two-thirds adjudged to the use of the United States may be given up to the use of the said libellants :

Resolved, That the prayer of the said memorial be granted.

Resolved, That the clothier-general and his agents continue to make up and issue the clothing which they have already purchased and now have in their stores, any thing in the resolution of the 28th inst. to the contrary notwithstanding.

Resolved, That a committee of four be appointed to report a plan for regulating continental expresses, and to enquire into and rectify abuses in the general post-office ;

The members chosen, Mr. R. H. Lee, Mr. S. Adams, Mr. Wither-
spoon and Mr. Drayton.

Congress resumed the consideration of the report of the committee lately sent to camp, relative to the establishment of the army ; whereupon,

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

Congress took into consideration the report of the committee on gov. Caswell's letter ; whereupon,

Resolved, That the non-commissioned-officers and other men belonging to the battalions of the state of N. Carolina, now in camp, be forthwith reduced and formed by the commander in chief into as many battalions as they will complete, according to the number composing the old battalions ; and that such new-formed battalions be officered agreeably to the new arrangement of the battalions ; and that all the supernumerary officers be immediately ordered to return to the state of N. Carolina, to officer the men raised by that state to complete their quota of the continental battalions, there to remain till the further order of Congress.

Resolved, That the state of N. Carolina be required to fill up four battalions, and no more, upon the new establishment, in addition to those now in camp, and to officer the same with such of their continental officers as may be ordered from camp as supernumeraries of the battalions there, or as are within the state of N. Carolina, or with such other persons as they shall think proper ; and that the said four battalions remain within the state of N. Carolina, at such places as the governor shall direct, until the farther order of Congress :

Resolved, That the officers, who have been appointed by the said state of N. Carolina to battalions raised by that state, and who shall not be annexed either to their battalions in camp or to one of the said four battalions, shall not be considered in the service of these United States, but as dismissed therefrom.

Resolved, That 100,000 dollars be paid to capt. Reading Blount, in lieu of gov. Caswell's draught for 500,000 dollars, made in pursuance of a resolution of the the general assembly of the state of N. Carolina ; the said state to be accountable.

Congress took into consideration the report of the committee on the letters from Mr. president Lowndes, and from generals Howe and Moultrie; whereupon,

Resolved, That an immediate enquiry be made what stores are now in the state of S. Carolina belonging to the United States; and that, for this purpose, the commanding-officer of the troops and the continental agent in that state be required to transmit to Congress a full and proper account of the same; and that the president of that state be requested to forward this business by his countenance and authority.

Resolved, That the state of S. Carolina be requested to continue, as heretofore, to advance whatever monies may be necessary for the payment of the continental troops in that state; and also for whatever contingent expenses relative to the troops shall accrue on the continental account; and to supervise and examine the expenditure thereof; and that a regular account of all such expenditures be transmitted to Congress up to the 31st day of Dec. in every year, together with the vouchers for the same; and after the said accounts have been liquidated and adjusted by Congress, the same shall be allowed out of the annual quota to be demanded by Congress of the said state; and if such expenditures shall exceed the quota of that state, the balance shall either be immediately remitted to the said state, or carried to its credit in the continental account:

That the state of S. Carolina be allowed to retain the 500,000 dollars, their quota for the present year, as part payment of their account now transmitted to Congress.

Resolved, That Mr. president Lowndes acted with propriety and a true regard to the interest of the United States in refusing to advance any further sums of money to col. Huger, deputy quarter-master-general, until he accounted for what he had before received; and that the president, by the resolution of the 9th of Feb. last, has a power of suspending from pay and employment for misbehaviour or neglect of duty any officer in the quarter-master-general's department, or in the commissary-general's department, or any officer of the staff or other civil officer, within his state appointed by the head of his department and not immediately by Congress.

The committee to whom were referred the letters of gov. Houston and major-general Howe, with the papers enclosed, brought in a report; whereupon,

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 in which they reside in common with other citizens; but as to the propriety of undertaking distant expeditions or enterprizes, or other military operations, and the mode of conducting them, the general or commanding-officer must finally judge and determine at his peril:

That after a careful examination by their committee of the letters of gov. Houston and major-general Howe, and the papers enclosed; Congress do not find that gen. Howe has been wanting in that attention and respect to the authority of Georgia, which is due from the commanding-officer.

Resolved, That gov. Houston be assured that Congress are not unmindful of the particular condition of the state of Georgia, but have

for some time past had it in contemplation and are disposed to afford that state such aid, and to adopt such measures, as shall give them effectual relief as soon as it will be prudent, consistently with the great and general interests of the United States.

The committee to whom were referred the letters from major-general Greene, and lieutenant-colonel Udney Hay, brought in a report, which was agreed to as follows:

Whereas Congress, in the present arrangement of the quarter-master-general's department, have given the quarter-master-general the appointment of the subordinate officers of that department;

Resolved, That Udney Hay, Esq; who, under the former arrangement of the said department, was appointed assistant deputy quarter-master-general at Ticonderoga, and a lieutenant-colonel by brevet, cannot now hold that office by virtue of the said appointment, nor be entitled to any privilege or emolument, which either does at present or may hereafter accrue to any officer of the same rank in the line.

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.

The marine-committee report, that they have conversed with capt. Landais, an experienced sea-officer, and skilled in the construction of ships of war, and that he has demonstrated to their satisfaction, that the 74 gun-ship now on the stocks at Portsmouth, in N. Hampshire, may be more profitably for the public, constructed a two-decker, carrying twenty-eight 24 pounders upon the lower battery, and twenty-eight 18 pounders on the upper deck; in the whole 56 guns: whereupon,

Resolved, That the ship heretofore intended for one of 74 guns, be constructed to carry 56 guns only, upon two batteries, that is to say, twenty-eight 24 pounders upon the lower deck, and twenty-eight 18 pounders upon the upper deck.

Resolved, That the new continental frigate built at Salisbury, in the state of Massachusetts-Bay, and lately launched, be called, "*The Alliance*."

Ordered, That Mr. R. Peters have leave of absence from the board of war, for a short time, on business of importance.

Adjourned to nine o'clock to-morrow.

SATURDAY, May 30, 1778.

Mr. Wentworth, a delegate from N. Hampshire, attended, and took his seat in Congress.

The committee to whom was referred the letter of the 24th, from gen. Washington, with the papers enclosed, relative to captain Vance, brought in a report:

Ordered, That the consideration thereof be postponed.

Resolved, That Tuesday next be assigned to take into consideration the articles of confederation.

The committee to whom was referred the letter of the 28th of April, from the president and council of the state of Massachusetts-Bay, brought in a report; whereupon,

Resolved, That, for the reasons assigned by the president and council, Congress approve of their placing about 500 of the British troops

of the convention of Saratoga in the barracks at Rutland, and the erecting temporary barracks at that place for the remainder of the British :

That Congress approve of the Hessians being continued in their present stations, if no other places more safe and convenient at a greater distance from Boston can be had ; but do not think it of public utility to permit these troops to proceed immediately to Great-Britain :

That the president and council of Massachusetts-Bay be requested to cause the barracks, in which the troops of the convention may be stationed, to be picketed in, and to take effectual measures to render an escape impracticable.

Congress took into consideration a report from the board of treasury, relative to the managers of the lottery ; and after debate,

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

The members chosen, Mr. R. H. Lee, Mr. Sherman and Mr. Dana.

Ordered, That Mr. F. L. Lee have leave of absence.

Ordered, That Mr. Henry have leave of absence.

The board of war, to whom was referred a petition from John Sherman, brought in a report ; whereupon,

Resolved, That the sum of 1000 dollars be advanced out of the public treasury to Mr. John Sherman, on a loan for two years, free of interest, to enable him to prosecute his business ; and that Mr. Sherman execute a bond to the treasurer, for the use of the United States, for the payment of the above sum, in such warlike implements or stores, and at such prices and periods of delivery, as shall be contracted for between the board of war and the said John Sherman ; and in default of such contract, the money to be re-paid on demand.

The commissioners of claims, with the approbation of the auditor-general, report,

That they have liquidated the accounts of capt. Harman Courter's expenses while in the public service, and that there is a balance due to him, amounting to 2141 $\frac{8}{9}$ dollars :

Ordered, That the said sum be paid.

Ordered, That the board of treasury report a proper sum as a compensation for capt. Courter's time and trouble in bringing dispatches from the commissioners at Paris to Congress.

Resolved, That the board of war be directed to report a plan for the payment of the sums that may, from time to time, be due to officers and soldiers of the United States, for their pay and rations whilst in captivity.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on Nathaniel Appleton, Esq; commissioner of the continental loan-office in the state of Massachusetts-Bay, for 7190 $\frac{5}{9}$ dollars, in favour of Parson Jones and Enoch Ilsey, in discharge of a draught of his excellency R. Caswell, governor of N. Carolina, dated Newbern, the 4th of May, 1778, for £. 2876 : 5s, N. Carolina currency, in favour of Richard and James Ellis, expressed to be for clothing purchased for the use of the army ; the said state to be accountable.

Resolved, That for the space of one month, commencing on Monday next, Congress meet at ten o'clock and sit till one, and on the same

day, except Wednesdays and Saturdays, meet at three and adjourn at six, P. M. and that Congress be not on any account whatever, continued over the times fixed, if one state insists on adjourning.

Adjourned to ten o'clock on Monday.

MONDAY, June 1, 1778.

A letter, of May 21st, from gen. Washington, enclosing an account of brigadier M'Intosh, for his expenses from Georgia to headquarters, and sundry other papers, was read :

Ordered, That the account of brigadier M'Intosh, be referred to the board of treasury, and that gen. Washington's letter, with the other papers enclosed, be referred to the board of war.

A letter, of May the 28th, from gen. Washington, and one, of the 26th, from gov. Livingston, were read.

Congress took into consideration the instructions to the commissioners in Europe; and after debate,

Resolved, That they be re-committed, and that three members be, for this purpose, added to the committee for foreign affairs, who reported the same;

The members chosen, Mr. Drayton, Mr. Duer and Mr. Smith.

Three o'clock, P. M.

The committee to whom the instructions to the commissioners of the United States at the several courts in Europe were re-committed, brought in a report, which was taken into consideration, and after some debate thereon,

Ordered, That the farther consideration thereof be postponed.

Adjourned to ten o'clock to-morrow.

TUESDAY, June 2, 1778.

A letter, of May the 27th, from gen. Gates, at Fish-kill, enclosing copies of letters that passed between him and gen. Washington, and between him and gov. Trumbull, with sundry other papers, was read, and also a letter of May the 23d, from gen. Conway :

Ordered, That they be referred to the board of war.

Congress proceeded to the election of a deputy adjutant-general in the northern-department, in the room of lieutenant-colonel Troup, who declines, and whose commission is returned by gen. Gates; and the ballots being taken,

Colonel William Malcolm was elected.

The board of war having represented, that the corps of artificers is sufficient for the protection of the magazines and stores at Carlisle,

Resolved, That major Wilfon's corps, raised as guards for the stores and magazines at Carlisle, in the state of Pennsylvania, be dismissed from the service of the United States.

Resolved, That the officers herein-after-mentioned be entitled to draw one ration a-day, and no more; that where they shall not draw such ration, they shall not be allowed any compensation in lieu thereof; and to the end, that they may be enabled to live in a manner becoming their station :

Resolved, That the following sums be paid to them monthly for

their subsistence, to wit, to every colonel, 50 dollars; to every lieutenant-colonel, 40 dollars; to every major, 30 dollars; to every captain, 20 dollars; and to every lieutenant and ensign, 10 dollars; to every regimental-surgeon, 30 dollars; to every regimental-surgeon's-mate, 10 dollars; and to every chaplain of brigade, 50 dollars.

Resolved, That subsistence-money be allowed to officers and others on the staff, in lieu of extra rations, and that henceforward none of them be allowed to draw more than one ration a-day.

Ordered, That the committee of arrangement report to Congress, as soon as possible, such an allowance as they shall think adequate to the station of the respective officers and persons employed on the staff.

The commissioners of claims, with the approbation of the auditor-general, report,

That there is due, to the Rev. Mr. G. Duffield, as chaplain to Congress, from Oct. the 1st, 1777, to April 30th, 1778, included, exclusive of rations due to him, being seven months, at 60 dollars per month, 420 dollars, which is to be paid to the Rev. Dr. Witherpoon, at the request of Mr. Duffield:

To Peter Scriber, for making a box for a paper-mould for bills of exchange, six dollars:

Ordered, That the said sums be paid.

The committee on the treasury brought in a report; whereupon,

Ordered, That 30,395 $\frac{9}{10}$ dollars, be paid to Reading Blount, in discharge of a draught of his excellency R. Caswell, governor of the state of North-Carolina, in favour of Nicholas Long, deputy pay-master-general of that state, for the sum of £. 1400, and £. 10,758 : 5 : 6, N. Carolina currency, expressed to be for the purchase of waggons and the balance of the said N. Long's accounts; the said state to be accountable.

Ordered, That 1500 dollars be paid to captain Harman Courter, in compensation for his public services, and to defray his expenses at Boston.

Resolved, That the order of the day, for taking into consideration the articles of confederation, be postponed.

Three o'clock, P. M.

Resolved, That an interpreter and translator of languages to Congress be appointed; that his pay be 100 dollars per month:

The ballots being taken, Mr. Paul Fooks was elected.

A letter, of May 31st, from general Washington, was read:

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

The members chosen, Mr. McKean, Mr. Witherpoon and Mr. J. Smith.

Congress resumed the consideration of the instructions of the commissioners of the United States at foreign courts, and after debate,

Resolved, That the farther consideration thereof be postponed till to-morrow.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, June 3, 1778.

A letter, of May the 28th, from governor Trumbull, enclosing a let-

ter from Mr. William Tryon, of New-York, and governor Trumbull's answer, was read :

Ordered, That the same be referred to the committee of intelligence.

A letter, of May the 28th, from general Washington, and one, of the 16th, from major-general Sullivan, were read :

Ordered, That they be referred to the board of war.

A letter, of May the 27th, from J. Wadsworth, commissary-general of purchases, with sundry papers enclosed, was read :

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

The members chosen, Mr. Carroll, Mr. Morris and Mr. Huntington.

A letter, of May the 17th, from general Schuyler, at Albany, enclosing a message from him to the Oneidas and Tuscaroras, was read :

Ordered, That the same be referred to the board of war.

A memorial from captain Harman Courter, was read, praying to be honoured with the commission of a captain, to be employed when there may be a sufficient number of ships for those now holding that rank, who may be capable of the important trust ; and in the interim, not to receive any pay which may accrue by virtue of such commission until he is called into actual service :

On motion, That the prayer of the memorial be granted,

Passed in the negative.

Ordered, That printed pamphlets, containing lists of the prizes drawn by the adventurers in the first class of the lottery of the United States, be transmitted by the managers to the assemblies, commissioners of the loan-offices, post-masters and lottery agents, and to every person intrusted with the sale of tickets in the several states, for the free inspection of the several adventurers ; and that the printers in the several states be requested to publish the whole in weekly portions.

The committee to whom was referred the letter of May 31st, from gen. Washington, brought in a report, which was read, and after debate,

Ordered, That it be re-committed, and that two members be added to the committee ;

The members chosen, Mr. Dana and Mr. R. H. Lee.

The commissioners of claims, with the approbation of the auditor-general, report,

That there is due, to Martin Brenicise, for his services as door-keeper, &c. to Congress, from March the 1st, to May the 31st, inclusive, 92 days, $153\frac{3}{9}$ dollars :

To Claypoole and Cist, a balance of $14\frac{3}{9}$ dollars, for their service and expenses on a journey to and from Baltimore, &c. by order of the board of treasury :

Ordered, That the said accounts be paid.

Adjourned to ten o'clock to-morrow.

THURSDAY, June 4, 1778.

A letter, of the 1st, from brigadier count Pulaski, and one of May the 23d, from captain Touzard, were read ;

Ordered, That they be referred to the board of war.

A letter, of the 2d, from general Washington, and one, of the 1st, from Mr. Resolve Smith, were read.

Resolved, That a committee of three be appointed to examine the

journal, and extract from thence, in order for publication, all the resolutions relative to the government of the army, the regulations of the quarter-master's, commissary's and clothier's departments, and to the pay and settlements of the accounts of the army ;

The members chosen, Mr. Carroll, Mr. Matthews and Mr. Wentworth.

A letter, of the 1st, from general Greene, quarter-master-general, was read :

Ordered, That it be referred to the board of war, who are directed to report thereon with all-convenient dispatch.

A letter, of the 2d, from W. Atlee, deputy commissary of prisoners at Lancaster, was read :

Ordered, That the consideration thereof be postponed.

A letter, of May the 6th, from governor Caswell, enclosing a resolution of the general assembly of North-Carolina, in favour of Mr. de Cambray, was read :

Ordered, That the same be referred to the board of war.

A memorial, from general Conway, was read :

Ordered to lie on the table.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 8583 $\frac{3}{9}$ dollars be advanced to the committee of commerce, to pay Cumberland Dugan the valuation of his brigantine Abigail, chartered and insured on public account, and which was captured by the enemy, as appears by the captain's protest ; the said committee to be accountable :

That 4704 dollars be advanced to the committee of commerce, to pay a bill drawn on them by Mr. Stephen Ceronio, commercial agent at Cape-Francois, dated March the 24th, 1777, in favour of Adam Badcock ; the said committee to be accountable :

That 12,000 dollars be advanced to Joseph Nourse, pay-master to the board of war and ordnance, to enable the board of war and ordnance to pay the sums due to the troops ordered to march to Fort-Pitt ; the said board to be accountable.

Ordered, That the resolution passed May the 2d, for paying the prizes in the first class of the lottery, and for drawing the second class, be published.

A letter, of April the 20th, from Dr. Rush to Messrs. Drayton, Huntington and Banister, the committee appointed to enquire into his charges against Dr. Shippen, was read :

Ordered to lie on the table.

Three o'clock, P. M.

The board of war having represented the expediency of appointing commissioners to meet the Indians at Fort-Pitt, and to attend the treaty proposed by the late commissioners,

Resolved, That three commissioners be appointed for the purpose of holding a treaty with the Delawares, Shawanese and other Indians, who may assemble at Fort-Pitt, on the 23d of July next.

Resolved, That the governor and council of the state of Virginia be authorized and requested to appoint two gentlemen, and that the executive power of the state of Pennsylvania to appoint one gentleman, of suitable characters, for the purpose aforesaid.

Resolved, That Congress will make an adequate allowance for the services and expenses of the said commissioners.

The committee to whom was referred the letter of the 27th, from J. Wadsworth, with the papers enclosed, brought in a report, which was taken into consideration; whereupon, Congress came to the following resolution:

Whereas, by a change of circumstances in the commerce of these states, the regulation of prices lately recommended by Congress may be unnecessary; and the measure not being yet adopted by all the states; therefore,

Resolved, That it be recommended to the legislatures of the several states that have adopted it, to suspend or repeal their laws made for that purpose.

Ordered, That the farther consideration of the report be postponed till to-morrow.

Ordered, That the letter of the 2d, from W. Atlee, with the papers enclosed, be referred to the board of war.

A memorial from E. Blaine, Esq; deputy commissary-general of purchases, was read:

Ordered, That it be referred to the board of treasury, who are directed to report specially thereon.

Resolved, That the resolutions of Congress for the arrangement of the army be transmitted to the commander in chief, who, with the advice and assistance of Mr. J. Reed and Mr. Dana, or either of them, is hereby directed and empowered to proceed in arranging the same according to the said resolutions, and the resolutions of the 10th day of Jan. last; and that, for this purpose, the committee appointed according to the resolutions last mentioned, do transmit to the commander in chief all such materials as may be in their possession relative to such arrangement: and further,

Resolved, That the commander in chief transmit to the board of war lists of the officers of the several regiments on the new arrangement, that new commissions be made out for such officers.

A petition, from Henry Wats, was read;

Ordered, That it be referred to the board of war.

The committee to whom was re-committed the report on the letter of May 31st, from gen. Washington, brought in a report; whereupon,

Resolved, That, should the city of Philadelphia be evacuated by the enemy, it will be expedient and proper for the commander in chief to take effectual care that no insult, plunder or injury of any kind may be offered to the inhabitants of the said city:

That, in order to prevent public or private injury from the operations of ill-disposed persons, the general be directed to take early and proper care to prevent the removal, transfer or sale of any goods, wares or merchandize in possession of the inhabitants of the said city, until the property of the same shall be ascertained by a joint committee, consisting of persons appointed by Congress, and of persons appointed by the supreme executive council of the state of Pennsylvania, to wit, so far as to determine whether any, or what part thereof may belong to the king of Great-Britain or to any of his subjects.

Adjourned to ten o'clock to-morrow,

FRIDAY, June 5, 1778.

Ordered, That the committee appointed to examine the journals and extract resolutions for publication, be discharged ; and that the secretary deliver to the auditor-general such of the journals of Congress as he shall, from time to time, judge necessary, for extracting resolutions relative to the department of the auditors of the army, passed since the first of January, 1777.

The committee on the treasury brought in a report ; whereupon,

Ordered, That, upon the application of the board of war and ordinance, 27,520 dollars be paid to Joseph Nourse, pay-master of the said board, to be by him transmitted to brigadier M^cIntosh, for the purpose of raising two regiments in the states of Virginia and Pennsylvania, for the defence of the western-frontiers, agreeably to the resolution of the 2d of May last ; brigadier M^cIntosh to be accountable.

Congress resumed the consideration of the report of the committee on the letter of May 27th, from J. Wadsworth, and some progress being made therein,

Ordered, That it be re-committed, and that two members be added to the committee ;

The members chosen, Mr. R. H. Lee and Mr. Dana.

Adjourned to ten o'clock to-morrow.

SATURDAY, June 6, 1778.

Mr. Heyward, a delegate from S. Carolina, attended, and took his seat in Congress.

A letter, of the 4th, from gen. Washington, enclosing copies of letters that passed between him and lord Howe and gen. Clinton ; also a letter of May the 27th, from lord Howe, and one, of the 3d of June, from gen. sir Henry Clinton, at Philadelphia, accompanied with three acts of the parliament of Great-Britain ; were read :

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

The members chosen, Mr. Drayton, Mr. R. H. Lee, Mr. G. Morris, Mr. Witherspoon and Mr. S. Adams.

Ordered, That the committee retire into the next room, and prepare an answer to lord Howe and gen. Clinton's letters.

A letter, of the 6th, from general Conway, was read :

Ordered, That it be referred to the board of treasury.

A letter, of the 5th, from the council of Pennsylvania to the delegates of that state in Congress, and a memorial and petition from sundry inhabitants of the county of Northumberland, were laid before Congress, and read :

Ordered, That they be referred to the board of war.

A report from the board of war was read ; whereupon,

Resolved, That the resolution of Congress of June 2d, relative to the subsistence-money to be allowed to officers in the continental service, be extended to all militia or other troops which may, from time to time, be called into the continental service, or which may be raised in pursuance of a special resolution of Congress.

Resolved, That brigadier M^cIntosh be authorized to purchase, and cause to be made up, on the most reasonable terms, such articles of the bounty-clothing for the two regiments which are to be raised in pursu-

ance of the resolution of Congress of the 2d day of May last, as cannot be speedily procured from the commissary of clothing; and that to enable brigadier M^cIntosh to execute this resolution, the sum of 60,000 dollars be advanced; for which brigadier M^cIntosh is to be accountable.

The committee on the treasury brought in a report; whereupon,

Ordered, That 1125 dollars be paid to brigadier L. M^cIntosh, in discharge of a bill in his favour drawn by Thomas Reed, assistant pay-master, dated camp, the 19th of May, 1778; W. Palfrey, Esq; pay-master-general, to be accountable.

Another letter, of the 5th, from the council of Pennsylvania to the delegates of that state, was laid before Congress, and read:

Ordered, That it be referred to the board of treasury.

The committee appointed to prepare an answer to lord Howe and gen. Clinton's letters, brought in a draught, which was agreed to as follows:

MY LORD,

I have had the honor to lay your lordship's letter, of May 27th, with the acts of the British parliament enclosed, before Congress, and I am instructed to acquaint your lordship, that they have already expressed their sentiments upon bills not essentially different from those acts, in a publication of the 22d of April last.

Your lordship may be assured, that when the king of Great-Britain shall be seriously disposed to put an end to the unprovoked and cruel war waged against these United States, Congress will readily attend to such terms of peace, as may consist with the honor of independent nations, the interest of their constituents, and the sacred regard they mean to pay to treaties.

I have the honor to be, &c.

President.

Ordered, That a similar letter be sent to sir Henry Clinton.

A letter, of May 27th, from col. Malcolm, lately appointed deputy adjutant-general in the northern-department, was read:

Ordered, That it be referred to the committee of arrangement.

Adjourned to ten o'clock on Monday.

MONDAY, June 8, 1778.

Mr. Henry Marchant, a delegate from R. Island and Providence Plantations, attended, and produced the credentials of the delegates of that state, which were read as follows:

"State of Rhode-Island and Providence Plantations.

"I certify, that at the general election held at Providence, within and for the state aforesaid, on the first Wednesday in May inst. the hon. Stephen Hopkins, Esq; the hon. William Ellery, Esq; the hon. Henry Marchant, Esq; and the hon. John Collins, Esq; were chosen delegates to represent the said state in Congress, for one year, as appears of record. In witness whereof, I have hereunto set my hand, this eighth day of May, in the year of our Lord one thousand seven hundred and seventy-eight.

HENRY WARD, *Secretary.*"

A letter, of May 26th, from major-general Sullivan, at Providence, was read:

Ordered, That it be referred to the committee of intelligence, and afterwards to the board of war.

A letter, of the 7th, and one of the 28th of February, from William Lee, Esq; at Paris, were read :

Ordered, That they be referred to the committee for foreign affairs.

A letter, of May 28th, from Mr. Chevalie, supercargo of the ship Fier Roderique, arrived in Hampton-road, Virginia, and one of March 23d, from Messrs. Beaumarchais & Co. by the said ship, were read :

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

The members chosen, Mr. G. Morris, Mr. Banister and Mr. Dana.

The board of war, to whom was referred the letter of May 28th, from general Washington, having reported thereon, Congress came to the following resolutions :

It appearing by general Washington's letter of May 28th, that lieutenant-colonel John Gibson, of the 6th Virginia regiment, has, since the 25th day of October last, been entitled to the commission of a colonel in that line,

Resolved, That a commission of colonel in the Virginia line be granted to lieutenant-colonel John Gibson ; he to rank as colonel from the 25th day of October, 1777.

The board of war, to whom was referred the memorial and petition from sundry inhabitants of Northumberland, in the state of Pennsylvania, having reported thereon, Congress came to the following resolution :

Resolved, That one company of foot be raised in the county of Northumberland, in the state of Pennsylvania, for its immediate defence and the assistance of the inhabitants of the neighbouring counties, so far as it shall be in their power, against the Indians and other enemies who may infest the same, but not to be marched from those frontiers without their own consent :

That this company consist of one captain, one captain-lieutenant, two lieutenants and one ensign, five serjeants, five corporals, and 85 privates, and continue in service for six months from the time of their enlistments, unless sooner discharged by Congress :

That the president and council of the state of Pennsylvania be empowered to issue warrants to suitable persons for officers to enlist the company aforesaid, and to grant a commission to such one as shall enlist 19 men :

That the same pay, rations and subsistence-money be allowed to this company as to the officers of the like ranks and soldiers in the continental army :

That the commissary-general of purchases, or his deputy, be directed to contract with a suitable person to supply this company with provisions :

That each man provide himself with clothes and a blanket :

That 8 dollars be allowed to each man who shall furnish himself with a good rifle and accoutrements :

That the lieutenant, or in his absence, the sub-lieutenants, of the county of Northumberland, be empowered and desired to superintend the said company, give orders relative to its operations, and in case of failure in duty of any of the officers, to report the same to the board of war.

A letter, of the 2d, from governor Johnson, of Maryland, to the delegates of that state, was laid before Congress :

Ordered, That it be referred to the board of war, who are directed to enquire into the matters set forth therein, and to take such measures for the relief of the Maryland troops as can be adopted consistent with a regard to the general wants of the army.

Three o'clock, P. M.

Congress resumed the consideration of the report of the committee on the letter from J. Wadsworth, and thereupon came to the following resolution :

Whereas, the exportation of provisions from these states hath occasioned much difficulty in procuring supplies for our armies, and by the capture of vessels concerned in such exportation, the armies of the enemy have been freed from distresses that would have greatly embarrassed their operations ; and, whereas, for the easy supply of our armies, and to embarrass and distress the enemy the ensuing campaign, it is absolutely necessary an embargo should be immediately laid to prohibit such exportations ; and as from the distance of the states from Congress and the different periods of assembling their legislatures, the good end of such embargo would be totally frustrated, should Congress not proceed to impose the embargo ; therefore,

Resolved, That an embargo be, and it hereby is laid, to prohibit the exportation of wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon, live-stock, and other provisions, from any of these United States, from and after the 10th day of June inst. until the 15th day of Nov. next, unless sooner revoked by Congress ; provided, that this embargo shall not be construed to prevent the taking on board such provision as shall be necessary for the stores only of any ships or vessels of war, or others trading to and from these states.

Resolved, That it be earnestly recommended to the respective states, to take the most effectual measures for carrying the foregoing resolution into immediate execution.

Adjourned to nine o'clock to-morrow.

TUESDAY, June 9, 1778.

A letter, of the 7th, from gen. Washington, was read :

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

The members chosen, Mr. R. H. Lee, Mr. S. Adams, and Mr. Marchant.

A letter, of the 3d, from gen. Gates, with 15 papers enclosed, and one, of May 29th, from gen. Schuyler, at Albany, with three papers enclosed, were read :

Ordered, That the letter from gen. Schuyler, with the papers enclosed, be referred to the board of war :

That the letter from gen. Gates, with the papers enclosed, except those numbered 4, 5 and 6, be referred to a committee of three ;

The members chosen, Mr. Drayton, Mr. R. H. Lee and Mr. S. Adams.

Ordered, That the board of war be discharged from proceeding on the letter of May 26th, from gen. Sullivan, and that it be referred to the foregoing committee.

Ordered, That so much of gen. Gates's letter as relates to establish-

ing a magazine of flour in the eastern-department, be referred to the board of war.

A letter, of May 24th, from brigadier Stark, was read :

Ordered, That it be referred to the foregoing committee.

A letter, of May 25th, from major-general marquis de la Fayette, with sundry papers enclosed, was read :

Ordered, That so much thereof as relates to Monsf. Toufard and Mr. de Norman, be referred to the board of war.

A letter, of the 5th, from the marquis de la Fayette, was read :

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

The members chosen, Mr. M'Kean, Mr. Witherpoon and Mr. Sherman.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 50,000 dollars be advanced to Dr. Isaac Forster, deputy director-general in the eastern-district, for the use of his department ; and for which he is to be accountable.

That 250 dollars be paid to Andrew Armstrong, in discharge of a bill drawn by John Ashe, treasurer of the state of N. Carolina, dated May 22d, 1777, in favour of Edmund Gamble, expressed to be for the service of the United States ; the state of N. Carolina to be accountable.

Resolved, That four members be added to the board of treasury :

The members chosen, Mr. Heyward, Mr. Marchant, Mr. Wentworth and Mr. Sherman.

The committee of commerce, to whom was referred the memorial of Monsf. Dorie, report, "that the memorialist hath produced to the committee a promissory note oy him subscribed, and which accompanies the report, payable to Congress on the 10th day of Jan. next, for the sum of £. 1000, continental currency, meaning thereby, £. 1000, Pennsylvania currency, or 2666 $\frac{2}{3}$ dollars, which promissory note is also underfigned by the hon. George Plater, Francis Lightfoot Lee, John Banister, Charles Carroll, of Carrollton, Esqrs; col. Thomas Hartley, hon. W. H. Drayton, John Matthews, Daniel Roberdeau, William Duer, and Gouverneur Morris, Esqrs; as security for the above sum : whereupon,

Ordered, That the sum of 2666 $\frac{6}{9}$ dollars be advanced to the hon. George Plater and the other subscribers, to be by them appropriated to the use of the memorialist, if they think proper, they to be chargeable for the re-payment thereof, at the time mentioned in the said note.

Three o'clock, P. M.

Whereas, doubts have arisen as to the sum which shall be paid for the rations which now may be due and owing to officers in the service of these states, and also as to the vouchers for drawing the same, by reason whereof the intentions of Congress with respect to such officers are frustrated :

Resolved, That the value of the rations due since the first day of Jan. last, till the first inst. be estimated at $\frac{1}{3}$ d of a dollar ; and that the officers do present their accounts to the pay-master-general or deputy pay-master-general, who shall adjust and pay the same ; provided always, that the said officers shall make oath to their accounts respect-

passed the 30th of the same month, by the assembly of Rhode-Island, &c. was read :

Ordered, That so much of the said letter as relates to the enemy's attempt on Tiverton, be published, and that the letter with the enclosed resolution, be referred to the board of war.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 200,000 dollars be advanced to Ephraim Blaine, Esq; deputy commissary-general of purchases, and at his desire, paid to James White, in consequence of a letter of credit of William Buchanan, Esq; late commissary-general of purchases, who is to be accountable.

The board of war report, " that major Thomas Mullens, late an aid-de-camp to major-general Conway, is an old officer in the French service ; that he served the last campaign in the main army, and for his bravery and good conduct, at the battles of Brandywine and Germantown, was honored with particular marks of approbation by the commander in chief in general orders ; that he means to accompany general Conway to France, but has not the means of defraying his expenses thither : " whereupon,

Resolved, That major Thomas Mullens, who served with honor the last campaign, have a brevet commission of lieutenant-colonel in the armies of the United States.

Ordered, That so much of the said report as relates to an advance for lieutenant-colonel Mullens's expenses to France, be referred to the board of treasury.

Colonel Spencer, commanding the brigade late brigadier Conway's, having recommended the Rev. William Rogers to be chaplain to that brigade, Congress proceeded to an election, and, the ballots being taken,

The Rev. Mr. William Rogers was elected chaplain to the brigade late commanded by brigadier Conway.

Ordered, That the application of Mr. Rogers, for pay, as brigade-chaplain, from July last, be referred to the committee at camp.

The board of war, to whom were referred the letters from the late commissioners at Fort-Pitt, dated April 27th, the letters from the commissioners for Indian affairs, convened at Albany the 15th of April, and sundry letters from major-general Schuyler, relative to the temper and disposition of the Six-Nations, report,

That from the information contained in the above papers, and from other information received through a variety of channels, it appears that the cruelties lately exercised by the savages on the frontiers of N. York, Pennsylvania and Virginia, are the commencement of an Indian war, which threatens, with extensive devastation, the frontiers of these United States :

That the nations concerned in carrying on the same, are the Senecas, Cayugas, Mingoes, Wiandots in general, a majority of the Onondagoes, and some few of the Ottowas, Chippawas, Shawanese and Delawares, acting contrary to the voice of their nations, amounting, in the whole, to about 1600 warriors, exclusive of several Tories and other emissaries from the posts occupied by the enemy in the Indian country :

That from the presence of Mr. Butler and Mr. Magee, two of the British agents for Indian affairs, amongst the Indians, and from a va-

riety of other circumstances, it appears incontestibly that this cruel war has been industriously instigated, and is still prosecuting with unrelenting perseverance, by principal officers in the service of the king of Great-Britain, particularly by col. Hamilton, commanding-officer of the garrison of Detroit :

That the frequent attempts which have been made to conciliate the minds of the hostile tribes, and even the threats which have been made use of by the commissioners convened at Albany in April last, have produced no good effect ; but, on the contrary, have confirmed the savages in an opinion industriously inculcated on them by the enemy, that the forbearance of these states proceeds from their inability to revenge the outrages committed against them :

That the Delawares, Oneidas, Tuscaroras, and other friendly Indians, are collecting themselves in bodies, in order to guard against the impending storm ; and call loudly for assistance against enemies, whom they have rendered implacable by a warm and steady attachment to the cause of these states :

That from the papers referred to the board, it appears to be the design of the enemy to take post this year at Oswego :

That from the account given by capt. White-Eyes, a Delaware chief, to the commissioners of Indian affairs lately convened at Fort-Pitt, the fortress of Detroit was, during the last winter, in the same defenceless situation it has been in for some years past :

These circumstances, collected from the various papers referred to them, the board have deemed it expedient to recapitulate, and after an attentive consideration, concur in opinion with the commissioners lately convened at Fort-Pitt and at Albany, that a defensive war would not only prove an inadequate security against the inroads of the Indians, but would, in a short time, be more expensive than a vigorous attempt to compel them to sue for peace :” whereupon,

Resolved, That an expedition be immediately undertaken, the object of which shall be, to reduce, if practicable, the garrison of Detroit, and to compel to terms of peace such of the Indian nations now in arms against these states as lie on or contiguous to the route betwixt Fort-Pitt and Detroit :

That 3000 men be engaged in the service of these states, for the purpose above-mentioned :

That Patrick Lockart, Esq; be appointed to procure provisions, pack-horses and other necessities for the army destined for the above-mentioned operations :

That the governor and council of the state of Virginia be requested, on the application of the board of war, or of brigadier M^cIntosh, to call forth such a body of militia, not exceeding 2500 men, as shall be judged necessary to complete the number of men appropriated for this service :

That the sum of 932,743 $\frac{1}{2}$ dollars be advanced from the treasury, to the order of the board of war, to be by them applied towards defraying the expenses of the expedition above-mentioned :

That the board of war be directed to co-operate with brigadier M^cIntosh in every measure necessary for executing the intention of Congress; and to give such instructions to brigadier M^cIntosh and to

the principal officers employed on this service, as shall, to them, appear best adapted to answer the end of this expedition.

And, whereas, the success of the expedition against Detroit may be facilitated, and the hostile tribes of Indians sooner reduced to terms of peace, by another expedition from the Mohawk-river to the Seneca country, in order to chastise that insolent and revengeful nation, and to dispossess the enemy from Oswego, should they have taken possession of that post ; therefore,

Resolved, That major-general Gates, or the officer commanding the troops on the east-side of Hudson's-river and in the northern-department, be directed to take the most expeditious measures for carrying the war into the Seneca's country, in order to reduce to terms of peace, such of the Six-Nations as are hostile, and to dispossess the enemy from Oswego in case they should have taken possession of that post :

That the commissioners of Indian affairs in the northern-department, or any of them who may be at Albany, be directed to co-operate with major-general Gates and the officer appointed to command on this expedition, in the execution of this measure :

That the board of war give notice, from time to time, to major-general Gates and the officer commanding the expedition against the Seneca's, of the progress of the preparations making at Fort-Pitt, and of the time when the troops from that quarter will set out on their march, in order that the two armies may, as far as is practicable, act in concert :

That major-general Gates be directed to appoint a suitable officer to conduct the expedition into the Seneca country.

The committee to whom was referred the claim of Joseph Carson for a number of leather breeches furnished the army, brought in a report ; whereupon,

Resolved, That the said Joseph Carson be allowed the sum of 16 dollars for each pair of leather breeches with which he furnished the army ; and that the clothier-general do settle and adjust the accounts of the said Joseph Carson, and pay him what shall appear to be due agreeably to the above estimate.

A motion was made,

That general Washington be directed to order an enquiry to be made into the conduct of major-general Mifflin, late quarter-master-general, and the other officers who acted under him in that department ; and if it shall appear that the extraordinary deficiencies thereof, and the consequent distresses of the army, were chargeable to the misconduct of the quarter-master-general or any of the said officers, that a court-martial be forthwith held on the delinquents :

On motion, that the consideration thereof be postponed ; the yeas and nays were required by Mr. Gerry, on the question for postponing ;

| | | | |
|----------------------------|----------------|----|------|
| <i>New-Hampshire</i> , | Mr. Bartlett, | ay | } ay |
| | Mr. Wentworth, | ay | |
| <i>Massachusetts-Bay</i> , | Mr. S. Adams, | ay | } ay |
| | Mr. Gerry, | no | |
| | Mr. Dana, | ay | |
| | Mr. Lovell, | ay | |

| | | | |
|------------------------|-------------------------------|----|-------------------|
| <i>Rhode-Island,</i> | Mr. <i>Ellery,</i> | ay | } <i>divided.</i> |
| | Mr. <i>Marchant,</i> | no | |
| <i>Connecticut,</i> | Mr. <i>Sberman,</i> | ay | } <i>ay</i> |
| | Mr. <i>Huntington,</i> | ay | |
| | Mr. <i>Wolcott,</i> | no | |
| <i>New-York,</i> | Mr. <i>Lewis,</i> | no | } <i>no</i> |
| | Mr. <i>G. Morris,</i> | no | |
| <i>New-Jersey,</i> | Mr. <i>Witberspoon,</i> | ay | } <i>divided.</i> |
| | Mr. <i>Elmer,</i> | no | |
| <i>Pennsylvania,</i> | Mr. <i>Roberdeau,</i> | no | } <i>no</i> |
| <i>Delaware,</i> | Mr. <i>M^cKean,</i> | no | |
| <i>Maryland,</i> | Mr. <i>Carroll,</i> | no | } <i>no</i> |
| | Mr. <i>Plater,</i> | no | |
| <i>Virginia,</i> | Mr. <i>R. H. Lee,</i> | ay | } <i>no</i> |
| | Mr. <i>Banister,</i> | no | |
| | Mr. <i>T. Adams,</i> | no | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | no | } <i>no</i> |
| | Mr. <i>Drayton,</i> | no | |
| | Mr. <i>Matthews,</i> | no | |
| | Mr. <i>Hutson,</i> | no | |
| | Mr. <i>Heyward,</i> | ay | |
| <i>Georgia,</i> | Mr. <i>Langworthy,</i> | no | } <i>no</i> |

So it passed in the negative.

It was then moved to strike out the word "forthwith ;" and on the question put,

Resolved in the affirmative.

On the question put to agree to the motion as amended,

Resolved in the affirmative.

A petition from sundry inhabitants of the town of York, in behalf of John King, who is under sentence of death for desertion, was read ; whereupon,

Ordered, That the execution of the said John King be suspended till Tuesday next.

Adjourned to ten o'clock to-morrow.

FRIDAY, June 12, 1778.

A petition from colonel David Kennedy was read :

Ordered, That it be referred to the board of war.

Congress being informed that Mr. P. Livingston, one of the delegates for the state of N. York, died last night, and that circumstances require that his corpse be interred this evening ;

Resolved, That Congress will, in a body, attend the funeral this evening, at six o'clock, with a crape round the arm, and will continue in mourning for the space of one month.

Ordered, That Mr. Lewis, Mr. Duer and Mr. G. Morris, be a committee to superintend the funeral, and that the Rev. Mr. Duffield, the attending chaplain, be notified to officiate on the occasion.

The committee to whom was referred the letter of the 9th, from gen. Washington, with the papers enclosed, brought in a report, which was taken into consideration, and, after debate,

Ordered, That the farther consideration thereof be postponed.

The committee appointed to examine the evidence collected and state charges against the general-officers who were in the northern-department, when Ticonderoga and Mount-Independence were evacuated, brought in a report, which was read :

Ordered to lie on the table.

Adjourned to ten o'clock to-morrow.

SATURDAY, June 13, 1778.

A letter, of this day, from capt. Robert Smith, lately appointed secretary to the board of war and ordnance, was read, requesting to be informed, whether the appointment is considered as inconsistent with that which he at present holds in the army, and if it is, expressing a desire to continue in the line, in which he has for some time been engaged ; whereupon,

Resolved, That capt. Smith have leave to resign his appointment as secretary to the board of war and ordnance.

Ordered, That Tuesday next be assigned for electing a secretary to the board of war and ordnance.

A letter, of the 8th, from general Greene, quarter-master-general, was read ;

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

The members chosen, Mr. Sherman, Mr. Witherspoon and Mr. R. H. Lee.

A letter, of this day, from capt. John M'Pherson, was read :

Ordered, That it be referred to the marine-committee.

A paper from Mr. de Francey was laid before Congress :

Ordered, That it be referred to the committee of commerce.

A report from the board of war, relative to Mr. du Cambray, being read and considered,

Resolved, That Mons. du Cambray be annexed to the corps of engineers commanded by brigadier du Portail, with the rank and pay of a lieutenant-colonel.

Resolved, That the delegates from the states of N. Hampshire, Massachusetts-Bay and Connecticut, be requested to write in the name of this Congress, to their respective states, setting forth, the urgent necessity of their immediately raising the quota of troops by them respectively agreed on, to be under the command of major-general Sullivan, for the relief of the state of R. Island and Providence Plantations, and to prevent further depredations of the enemy in that state.

Congress resumed the consideration of the report of the committee on the letter of the 9th, from gen. Washington, with the papers enclosed :

During the debate an express arrived with a letter of the 11th, from gen. Washington, which was read, also a packet, in which was enclosed, together with other papers, a letter signed " Carlisle, William Eden, George Johnston," dated Philadelphia, June the 9th, 1778, and directed " to his excellency Henry Laurens, the president, and others the members of Congress ;" which letter was read to the words, " insidious interposition of a power, which has, from the first settlement of the colonies, been actuated with enmity to us both : and, notwithstanding the pretended date or present form of the French offers," inclusive ; whereupon the reading was interrupted, and a motion was made not to proceed farther, because of the offensive language against his most Christian majesty :—debates arising thereon,

Ordered, That the farther consideration of the motion be postponed.
Adjourned to ten o'clock on Monday.

MONDAY, June 15, 1778.

A letter, of the 1st, from B. Harrison, jun. deputy pay-master-gen. in Virginia, with a copy of his accounts, was laid before Congress:

Ordered, That it be referred to the board of treasury.

A letter, of the 5th, from W. Aylett, deputy commissary-general of purchases, was read:

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

The members chosen, Mr. Dana, Mr. Lewis and Mr. Hutson.

A letter, of May 26th, from gov. Henry, of Virginia, to the delegates of that state, was laid before Congress, and read:

Ordered, That it be referred to the foregoing committee.

Another letter, of May 23d, from gov. Henry to the delegates, enclosing a resolution passed by the house of delegates of Virginia, May 18th, was read:

Ordered, That the consideration thereof be postponed,

A letter, of May 25th, from major-general Heath, enclosing sundry papers, was read.

A letter, of the 10th, from major-general Gates, with sundry papers enclosed, was read:

Ordered, That it be referred to the board of war.

A letter from Udney Hay, was read.

The committee on the treasury brought in a report; whereupon,

Ordered, That 90,000 dollars be advanced to W. Buchanan, late commissary-general of purchases, to be by his request paid to Daniel Kellogg, who is to transmit the same to Henry Champion, purchaser of cattle in the eastern-district; the said W. Buchanan to be accountable.

The commissioners of claims report, that there is due, to the Rev. Mr. Lotbinier, chaplain, for his pay and rations to the 10th inst. the sum of $53\frac{63}{90}$ dollars:

Ordered, That the said account be paid.

The auditor-general and commissioners of claims having, in consequence of the resolution of May 25th, reported upon the accounts of Dr. Forster,

Ordered, That it be referred to the board of treasury, and that the accounts of Dr. Forster be adjusted agreeably to the said report, when he shall produce vouchers shewing the expenditures of the stores by him procured and charged in the said account.

A letter, of the 1st, from F. Hopkinson, enclosing an account for compiling indexes to the two first volumes of the journals of Congress, and directed to the committee appointed to superintend the publication, was laid before Congress:

Ordered, That it be referred to the board of treasury.

Three o'clock, P. M.

Congress resumed the consideration of the motion respecting the letter from the commissioners of the king of Great-Britain, and after debate thereon,

Adjourned to ten o'clock to-morrow.

The committee appointed to examine the evidence collected and state charges against the general-officers who were in the northern-department, when Ticonderoga and Mount-Independence were evacuated, brought in a report, which was read :

Ordered to lie on the table.

Adjourned to ten o'clock to-morrow.

SATURDAY, June 13, 1778.

A letter, of this day, from capt. Robert Smith, lately appointed secretary to the board of war and ordnance, was read, requesting to be informed, whether the appointment is considered as inconsistent with that which he at present holds in the army, and if it is, expressing a desire to continue in the line, in which he has for some time been engaged ; whereupon,

Resolved, That capt. Smith have leave to resign his appointment as secretary to the board of war and ordnance.

Ordered, That Tuesday next be assigned for electing a secretary to the board of war and ordnance.

A letter, of the 8th, from general Greene, quarter-master-general, was read ;

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

The members chosen, Mr. Sherman, Mr. Wither Spoon and Mr. R. H. Lee.

A letter, of this day, from capt. John M'Pherson, was read :

Ordered, That it be referred to the marine-committee.

A paper from Mr. de Francey was laid before Congress :

Ordered, That it be referred to the committee of commerce.

A report from the board of war, relative to Mr. du Cambray, being read and considered,

Resolved, That Monsi. du Cambray be annexed to the corps of engineers commanded by brigadier du Portail, with the rank and pay of a lieutenant-colonel.

Resolved, That the delegates from the states of N. Hampshire, Massachusetts-Bay and Connecticut, be requested to write in the name of this Congress, to their respective states, setting forth, the urgent necessity of their immediately raising the quota of troops by them respectively agreed on, to be under the command of major-general Sullivan, for the relief of the state of R. Island and Providence Plantations, and to prevent further depredations of the enemy in that state.

Congress resumed the consideration of the report of the committee on the letter of the 9th, from gen. Washington, with the papers enclosed :

During the debate an express arrived with a letter of the 11th, from gen. Washington, which was read, also a packet, in which was enclosed, together with other papers, a letter signed " Carlisle, William Eden, George Johnston," dated Philadelphia, June the 9th, 1778, and directed " to his excellency Henry Laprens, the president, and others the members of Congress ;" which letter was read to the words, " insidious interposition of a power, which has, from the first settlement of the colonies, been actuated with enmity to us both : and, notwithstanding the pretended date or present form of the French offers," inclusive ; whereupon the reading was interrupted, and a motion was made not to proceed farther, because of the offensive language against his most Christian majesty :—debates arising thereon,

Ordered, That the farther consideration of the motion be postponed.
Adjourned to ten o'clock on Monday.

—•—
Monday, June 15, 1778.

A letter, of the 1st, from B. Harrison, jun. deputy pay-master-gen. in Virginia, with a copy of his accounts, was laid before Congress:

Ordered, That it be referred to the board of treasury.

A letter, of the 5th, from W. Aylett, deputy commissary-general of purchases, was read:

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

The members chosen, Mr. Dana, Mr. Lewis and Mr. Hutson.

A letter, of May 26th, from gov. Henry, of Virginia, to the delegates of that state, was laid before Congress, and read:

Ordered, That it be referred to the foregoing committee.

Another letter, of May 23d, from gov. Henry to the delegates, enclosing a resolution passed by the house of delegates of Virginia, May 18th, was read:

Ordered, That the consideration thereof be postponed,

A letter, of May 25th, from major-general Heath, enclosing sundry papers, was read.

A letter, of the 10th, from major-general Gates, with sundry papers enclosed, was read:

Ordered, That it be referred to the board of war.

A letter from Udney Hay, was read.

The committee on the treasury brought in a report; whereupon,

Ordered, That 90,000 dollars be advanced to W. Buchanan, late commissary-general of purchases, to be by his request paid to Daniel Kellogg, who is to transmit the same to Henry Champion, purchaser of cattle in the eastern-district; the said W. Buchanan to be accountable.

The commissioners of claims report, that there is due, to the Rev. Mr. Lotbinier, chaplain, for his pay and rations to the 10th inst. the sum of $53\frac{63}{90}$ dollars:

Ordered, That the said account be paid.

The auditor-general and commissioners of claims having, in consequence of the resolution of May 25th, reported upon the accounts of Dr. Forster,

Ordered, That it be referred to the board of treasury, and that the accounts of Dr. Forster be adjusted agreeably to the said report, when he shall produce vouchers shewing the expenditures of the stores by him procured and charged in the said account.

A letter, of the 1st, from F. Hopkinson, enclosing an account for compiling indexes to the two first volumes of the journals of Congress, and directed to the committee appointed to superintend the publication, was laid before Congress:

Ordered, That it be referred to the board of treasury.

—•—
Three o'clock, P. M.

Congress resumed the consideration of the motion respecting the letter from the commissioners of the king of Great-Britain, and after debate thereon,

Adjourned to ten o'clock to-morrow.

TUESDAY, June 16, 1778.

Resolved, That the board of war be directed to order col. Hartley's regiment immediately to repair to camp, and join the army.

Resolved, That a committee of three be appointed to prepare a resolution for preventing any correspondence with the enemy :

The members chosen, Mr. Drayton, Mr. S. Adams and M. R. H. Lee.

A letter, of the 13th, from J. Nourse, secretary to the board of war and ordnance, was read ;

Ordered, That it be referred to the board of treasury.

A memorial from capt. Talleman and other French captains in the port of Boston, was read, complaining of an affront offered by the capt. of the Warren frigate to their commandant, and praying redress :

Ordered, That it be referred to the marine-committee, and that they be directed to take order thereon.

A letter, of the 11th, from col. B. Flower, commissary-general of military-stores, was read :

Ordered, That it be referred to the board of treasury.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 7784 $\frac{9}{10}$ dollars be advanced to the delegates of Virginia, upon their application, for the use of that state, which is to be accountable :

That 750,000 dollars be advanced to J. Nourse, pay-master to the board of war and ordnance, to be by him transmitted to Jonathan Trumbull, Esq; pay-master in the northern-department, for the use of the said department, and the posts on Hudson's-river ; the said J. Trumbull to be accountable.

The committee to whom was referred the letter of the 8th, from general Greene, quarter-master-general, brought in a report, which was read :

Ordered, That it be referred to the board of treasury.

Congress resumed the consideration of the motion respecting the letter from the commissioners of the king of Great-Britain, which was amended to read as follows :

That Congress cannot bear any language reflecting upon the honor of his most Christian majesty, the good and faithful ally of these states :

A motion was made, that the consideration thereof be postponed, and, on the question being put, the yeas and nays being required by Mr. Drayton,

| | | | |
|---------------------------|-----------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay. |
| | Mr. Wentworth, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | } ay |
| | Mr. Gerry, | no | |
| | Mr. Dana, | ay | |
| | Mr. Lovell, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| | Mr. Marchant, | ay | |
| <i>Connecticut,</i> | Mr. Sherman, | ay | } ay |
| | Mr. Huntington, | ay | |
| | Mr. Wolcott, | ay | |
| <i>New-York,</i> | Mr. Lewis, | ay | } divided. |
| | Mr. G. Morris, | no | |

| | | | |
|------------------------|-------------------------------|-----------|-------------------|
| <i>New-Jersey,</i> | Mr. <i>Witberspoon,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Elmer,</i> | <i>ay</i> | |
| <i>Pennsylvania,</i> | Mr. <i>Roberdeau,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>J. B. Smith,</i> | <i>ay</i> | |
| | Mr. <i>Clingan,</i> | <i>ay</i> | |
| <i>Delaware,</i> | Mr. <i>M^cKean,</i> | <i>no</i> | } <i>no</i> |
| <i>Maryland,</i> | Mr. <i>Plater,</i> | <i>no</i> | |
| | Mr. <i>Carroll,</i> | <i>ay</i> | } <i>divided.</i> |
| <i>Virginia,</i> | Mr. <i>R. H. Lee,</i> | <i>no</i> | |
| | Mr. <i>Banister,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>T. Adams,</i> | <i>no</i> | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Drayton,</i> | <i>no</i> | |
| | Mr. <i>Matthews,</i> | <i>no</i> | |
| | Mr. <i>Hutson,</i> | <i>no</i> | |
| | Mr. <i>Heyward,</i> | <i>ay</i> | } <i>no</i> |
| <i>Georgia,</i> | Mr. <i>Langworthy,</i> | <i>no</i> | |

So it was resolved in the affirmative.

A motion was then made, that the letter from the commissioners of the king of Great-Britain lie on the table ;

Passed in the negative.

Ordered, That the letters and papers accompanying it, be read ; whereupon,

A letter, of the 9th, and one dated June 1778, both signed Carlisle, William Eden and George Johnstone ; and a paper endorsed " copy of the commission for restoring peace, &c. To the earl of Carlisle, lord viscount Howe, William Eden and George Johnstone ;" and also three acts of the parliament of Great-Britain ; were read :

Ordered, That they be referred to a committee of five :

The members chosen, Mr. R. H. Lee, Mr. S. Adams, Mr. Drayton, Mr. G. Morris and Mr. Witherpoon.

—+—
Three o'clock, P. M.

Congress took into consideration a report from the committee on the treasury, dated May 5th ; whereupon,

Resolved, That the board of war and ordnance be authorized, till the further order of Congress, to encrease the salary of the secretary of the board of ordnance and pay-master of the said board of war and ordnance, to a sum not exceeding 100 dollars per month ; and that the committee of commerce, the marine-committee, the committee of treasury, board of war and ordnance and secretary of Congress, be authorized to encrease the salary of their clerks respectively, to a sum not exceeding 100 dollars per month ; having due regard to their qualifications and employments.

The committee to whom were referred the letters and papers from the earl of Carlisle, &c. commissioners from the king of Great-Britain, reported the draught of a letter, which was read :

Ordered, That the farther consideration thereof be postponed till to-morrow.

A report from the board of war was read ; whereupon,

Congress came to the following resolution :

Whereas Congress, on the 2d day of May last, resolved that two regiments be raised in Virginia and Pennsylvania, to serve for one year, and it is expedient that as many as possible of the non-commissioned officers and soldiers should provide themselves with arms and other necessaries :

Resolved, That each non-commissioned officer and soldier of the said regiment, who shall so provide himself with arms and other necessaries, shall receive the following compensations, to be paid as soon as he has passed muster, upon his producing the said articles, viz.

For a good serviceable rifle, with a powder-horn, bullet-pouch and mould, eight dollars ; for a good serviceable musket, with a bayonet and a powder-horn and a bullet-pouch, or good cartouch-box, six dollars ; for a like musket and accoutrements, without a bayonet, five dollars ; for a knapsack, two dollars ; for a haversack, one dollar ; for a blanket, eight dollars.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, June 17, 1778.

A letter, of the 2d, from gen. Schuyler, with papers of intelligence enclosed, was read :

Ordered, That it be referred to the board of war.

A letter, of the 4th, from gov. Livingston, was read, with four affidavits enclosed, respecting the enemy's treatment of citizens of N. Jersey at Hancock's bridge :

Ordered, That they be referred to the committee appointed to prepare a manifesto on the conduct of the enemy.

Ordered, That the said committee proceed with all dispatch in the business committed to them, and publish such facts relative to the conduct of the enemy as they may have collected, and have come to them well authenticated.

A letter, of the 8th, from gov. Livingston, and one of May 29th, from gov. Clinton, were read.

The committee on the treasury brought in a report ; whereupon,

Ordered, That to-morrow be assigned for electing a commissioner of accounts for the northern-district.

Ordered, That 4000 dollars be advanced to the committee of commerce, to pay a bill for that sum drawn by John Bradford, continental agent at Boston, on the said committee, in favour of capt. Patrick Brown, dated the 13th of May last ; the said committee to be accountable :

That 600,000 dollars be advanced to the board of war and ordnance, being in part of the 932,743 $\frac{30}{90}$ dollars, voted the 11th inst. for carrying on an expedition against the Indians ; the said board to be accountable.

A letter, of the 16th, from the board of war, was read.

Congress resumed the consideration of the draught of a letter in answer to the letters and papers from the earl of Carlisle, &c. commissioners of the king of Great-Britain :

On the question to agree to the said draught, the yeas and nays were required by Mr. Dana,

| | | | |
|---------------------------|--------------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| | Mr. Wentworth, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | } ay |
| | Mr. Gerry, | ay | |
| | Mr. Dana, | ay | |
| | Mr. Lovell, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| | Mr. Marchant, | ay | |
| <i>Connecticut,</i> | Mr. Sberman, | ay | } ay |
| | Mr. Huntington, | ay | |
| | Mr. Wolcott, | ay | |
| <i>New-York,</i> | Mr. Lewis, | ay | } ay |
| | Mr. Duer, | ay | |
| | Mr. G. Morris, | ay | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } ay |
| | Mr. Elmer, | ay | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } ay |
| | Mr. J. B. Smith, | ay | |
| | Mr. Clingan, | ay | |
| <i>Delaware,</i> | Mr. M ^c Kean, | ay | } ay |
| <i>Maryland,</i> | Mr. Plater, | ay | |
| | Mr. Carroll, | ay | } ay |
| <i>Virginia,</i> | Mr. R. H. Lee, | ay | |
| | Mr. Banister, | ay | } ay |
| | Mr. T. Adams, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Matthews, | ay | |
| | Mr. Hutson, | ay | |
| | Mr. Heyward, | ay | |
| <i>Georgia,</i> | Mr. Langworthy, | ay | } ay |

So it was unanimously agreed to, and is as follows :

“ I have received the letter from your excellencies of the 9th inst. with the enclosures, and laid them before Congress. Nothing but an earnest desire to spare the further effusion of human blood could have induced them to read a paper containing expressions so disrespectful to his most Christian majesty, the good and great ally of these states, or to consider propositions so derogatory to the honour of an independent nation.

The acts of the British parliament, the commission from your sovereign, and your letter, suppose the people of these states to be subjects of the crown of Great-Britain, and are founded on the idea of dependence, which is utterly inadmissible.

I am further directed to inform your excellencies, that Congress are inclined to peace, notwithstanding the unjust claims from which this war originated, and the savage manner in which it hath been conducted. They will, therefore, be ready to enter upon the consideration of a treaty of peace and commerce not inconsistent with treaties already subsisting, when the king of Great-Britain shall demonstrate a sincere disposition for that purpose. The only solid proof of this disposition,

will be, an explicit acknowledgment of the independence of these states, or the withdrawing his fleets and armies.

I have the honour to be,

Your excellencies most obedient and

Humble servant."

Resolved, That a committee of three be appointed to make proper extracts from the journal and files relative to the letters received from the British commissioners, and report to Congress previous to a publication ;

The members chosen, Mr. G. Morris, Mr. R. H. Lee and Mr. Drayton.

Resolved unanimously, That Congress approve the conduct of gen. Washington, in refusing a passport to Dr. Ferguson.

The committee appointed to report upon the means of preventing a correspondence with the enemy, brought in a report ; whereupon, Congress came to the following resolution :

Whereas many letters, addressed to individuals of these United States, have been lately received from England, through the conveyance of the enemy, and some of them, which have been under the inspection of Congress, are found to contain ideas insidiously calculated to divide and delude the good people of these states :

Resolved, That it be, and it is hereby earnestly recommended to the legislative and executive authorities of the several states, to exercise the utmost care and vigilance, and take the most effectual measures to put a stop to so dangerous and criminal a correspondence.

Resolved, That the commander in chief and the commanders in each and every military-department be, and he and they are hereby directed to carry the measures recommended in the above resolution into the most effectual execution.

Ordered, That the foregoing resolutions be forthwith published, and it is recommended to the several printers in the United States to republish the same.

Adjourned to ten o'clock to-morrow.

THURSDAY, June 18, 1778.

A letter, of the 15th, from gen. Washington, was read :

Ordered, That it be referred to the board of war, and that the board be directed to report to Congress the grounds and terms upon which the exchange of prisoners between general Washington and general Clinton has taken place.

A letter, of the 17th, from Mr. William Carmichael, at Yorktown, was read :

Ordered, That it be referred to the committee on foreign affairs.

The committee appointed to make proper extracts from the journals and files, &c. made their report ; whereupon it was moved,

That the letters from the commissioners and their commission, together with the letter of Congress in answer thereto, being part of the said report, and no more, be published :

Question put, passed in the negative.

A motion was then made, that the amended motion, with the motion for postponing the consideration thereof, and the yeas and nays as entered on the 16th, be published :

On which the previous question was moved, and the yeas and nays being required by Mr. Wither Spoon,

| | | | |
|---------------------------|-------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| | Mr. Wentworth, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | } ay |
| | Mr. Dana, | ay | |
| | Mr. Lovell, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| | Mr. Marchant, | ay | |
| <i>New-York,</i> | Mr. Lewis, | ay | } divided. |
| | Mr. G. Morris, | no | |
| <i>New-Jersey,</i> | Mr. Wither Spoon, | no | } divided. |
| | Mr. Elmer, | ay | |
| <i>Pennsylvania,</i> | Mr. J. B. Smith, | no | } divided. |
| | Mr. Clingan, | ay | |
| <i>Delaware,</i> | Mr. M. Kean, | ay | } ay |
| <i>Maryland,</i> | Mr. Plater, | no | |
| | Mr. Carroll, | ay | |
| <i>Virginia,</i> | Mr. R. H. Lee, | ay | } ay |
| | Mr. Banister, | ay | |
| | Mr. T. Adams, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| | Mr. Drayton, | no | |
| | Mr. Matthews, | ay | |
| | Mr. Hutson, | ay | |
| | Mr. Heyward, | ay | } no |
| <i>Georgia,</i> | Mr. Langworthy, | no | |

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

Ordered, That the extracts made by the committee be published.

Three o'clock, P. M.

A letter, of the 16th, from Mr. Holker, at York-town, with sundry papers enclosed, was read :

A motion was made, that the same be committed, and, on the question put, the yeas and nays being required by Mr. R. H. Lee,

| | | | |
|---------------------------|-------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | ay | } ay |
| | Mr. Dana, | no | |
| | Mr. Lovell, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } no |
| | Mr. Marchant, | no | |
| <i>Connecticut,</i> | Mr. Sberman, | ay | } ay |
| | Mr. Huntington, | ay | |
| <i>New-York,</i> | Mr. Lewis, | ay | } ay |
| | Mr. G. Morris, | ay | |
| <i>New-Jersey,</i> | Mr. Wither Spoon, | ay | } ay |
| | Mr. Elmer, | ay | |
| <i>Pennsylvania,</i> | Mr. J. B. Smith, | ay | } ay |
| | Mr. Clingan, | ay | |

| | | | |
|------------------------|-------------------------------|----|------|
| <i>Delaware,</i> | Mr. <i>M^cKean,</i> | ay | } ay |
| <i>Maryland,</i> | Mr. <i>Plater,</i> | ay | |
| | Mr. <i>Carroll,</i> | ay | } ay |
| <i>Virginia,</i> | Mr. <i>R. H. Lee,</i> | no | |
| | Mr. <i>Banister,</i> | ay | } ay |
| | Mr. <i>T. Adams,</i> | ay | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | ay | } ay |
| | Mr. <i>Drayton,</i> | ay | |
| | Mr. <i>Matthews,</i> | ay | |
| | Mr. <i>Hutsan,</i> | ay | |
| | Mr. <i>Heyward,</i> | ay | |
| <i>Georgia,</i> | Mr. <i>Langworthy,</i> | ay | } ay |

So it was resolved in the affirmative.

Resolved, That the committee consist of three ;

The members chosen, Mr. G. Morris, Mr. Witherpoon and Mr. M^cKean.

A motion was then made, that the committee be limited to confer with Mr. Holker on the subject of the payment of 400,000 livres to persons interested therein, as owners or otherwise concerned in the private vessels of war, Hancock and Boston :

On which the previous question was moved, and the yeas and nays being required by Mr. R. H. Lee,

| | | | |
|---------------------------|-------------------------------|----|------|
| <i>New-Hampshire,</i> | Mr. <i>Bartlett,</i> | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. <i>S. Adams,</i> | no | |
| | Mr. <i>Gerry,</i> | ay | } no |
| | Mr. <i>Dana,</i> | no | |
| | Mr. <i>Lovell,</i> | no | |
| <i>Rhode-Island,</i> | Mr. <i>Ellery,</i> | no | |
| | Mr. <i>Marchant,</i> | no | } no |
| <i>Connecticut,</i> | Mr. <i>Sberman,</i> | ay | |
| <i>New-York,</i> | Mr. <i>Lewis,</i> | ay | } ay |
| | Mr. <i>Duer,</i> | ay | |
| <i>New-Jersey,</i> | Mr. <i>Witherspoon,</i> | no | } no |
| | Mr. <i>Elmer,</i> | no | |
| <i>Pennsylvania,</i> | Mr. <i>J. B. Smith,</i> | no | } no |
| | Mr. <i>Clingan,</i> | no | |
| <i>Delaware,</i> | Mr. <i>M^cKean,</i> | no | } no |
| <i>Maryland,</i> | Mr. <i>Plater,</i> | no | |
| | Mr. <i>Carroll,</i> | no | } no |
| <i>Virginia,</i> | Mr. <i>R. H. Lee,</i> | no | |
| | Mr. <i>Banister,</i> | no | |
| | Mr. <i>T. Adams,</i> | no | } no |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | no | |
| | Mr. <i>Drayton,</i> | no | |
| | Mr. <i>Matthews,</i> | ay | |
| | Mr. <i>Hutson,</i> | no | |
| | Mr. <i>Heyward,</i> | no | } no |
| <i>Georgia,</i> | Mr. <i>Langworthy,</i> | no | |

So it passed in the negative.

The main question was then put ; the yeas and nays being required by Mr. S. Adams,

| | | | |
|---------------------------|--------------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | no | } divided. |
| | Mr. Dana, | ay | |
| | Mr. Lovell, | no | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | |
| | Mr. Marchant, | ay | } ay |
| <i>Connecticut,</i> | Mr. Sherman, | ay | |
| <i>New-York,</i> | Mr. Lewis, | no | } no |
| | Mr. Duer, | no | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | } divided. |
| | Mr. Elmer, | ay | |
| <i>Pennsylvania,</i> | Mr. J. B. Smith, | no | } no |
| | Mr. Clingan, | no | |
| <i>Delaware,</i> | Mr. M ^c Kean, | no | } no |
| <i>Maryland,</i> | Mr. Plater, | no | |
| | Mr. Carroll, | no | } no |
| <i>Virginia,</i> | Mr. R. H. Lee, | ay | |
| | Mr. Banister, | no | } no |
| | Mr. T. Adams, | no | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } no |
| | Mr. Drayton, | no | |
| | Mr. Matthews, | no | |
| | Mr. Hutson, | no | |
| | Mr. Heyward, | no | } no |
| <i>Georgia,</i> | Mr. Langworthy, | no | |

So it passed in the negative.

The marine-committee brought in a report ; whereupon,

Resolved, That the commissioners of the respective continental navy-boards, and the persons by them appointed to constitute marine courts-martial, be authorized to administer oaths when acting on such courts-martial ; and that the said commissioners have also authority to administer oaths in cases they may be necessary upon the settlement of such marine accounts as may come under consideration of the said commissioners.

A letter, of this day, from general Conway, was read.

Adjourned to ten o'clock to-morrow.

FRIDAY, June 19, 1778.

Mr. Hancock, a delegate from Massachusetts-Bay, attended, and took his seat in Congress.

Mr. Scudder, a delegate from New-Jersey, also attended, and took his seat in Congress.

A letter, of the 15th, from gov. Livingston, with a paper enclosed, relative to the conduct of the enemy, was read.

Ordered, That it be referred to the committee appointed to prepare a manifesto, &c.

A letter, of May 30th, from Samuel Freeman, speaker, pro tempore, of the assembly of Massachusetts-Bay, was read :

Ordered, That it be referred to the board of war.

Ordered, That the letter of May 25th, from major-general Heath, which was read the 15th inst. be also referred to the board of war.

A petition from fundry navy-officers and declarations respecting capt. Burke, and a petition from four captains and four lieutenants of marines, were read :

Ordered, That the same be referred to the marine-committee.

A letter, of the 1st, from John Browne, president of the board of war of Massachusetts-Bay, with a manifest of the cargo of the Lady of Mount Carmel and St. Antonio enclosed, was read :

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

The members chosen, Mr. R. H. Lee, Mr. Ellery and Mr. Dana.

A letter, of May 6th, from James Whitefield, speaker of the assembly of Georgia ; two, of April 13th, from major-general R. Howe, at Savannah ; one, of April 16th, from gov. Houston, of Georgia, and the proceedings of the assembly of that state, were laid before Congress :

Ordered, That they be referred to a committee of three ;

The members chosen, Mr. Drayton, Mr. M'Kean and Mr. Duer.

The committee for foreign affairs laid before Congress fundry letters from the commissioners at foreign courts, among which were one of the 6th, one of the 15th and one of the 31st of Jan. signed A. Lee, directed to the hon. the chairman of the committee of correspondence ; one of the 16th of Jan. signed B. Franklin and Silas Deane, directed to the hon. the committee of foreign affairs of the United States of North-America ; Mr. Duer also laid before Congress a letter directed to him from Ralph Izard, dated Paris, Dec. 22d, 1777 :

Ordered, That they be referred to a committee of five ;

The members chosen, Mr. Wither Spoon, Mr. Dana, Mr. G. Morris, Mr. Drayton and Mr. Heyward.

Mr. Lovell also laid before Congress a letter of Dec. 21st, 1777, from B. Franklin, which was read.

Three o'clock, P. M.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer for 1,500,000 dollars ; and another warrant on Thomas Smith, Esq; commissioner of the loan-office in the state of Pennsylvania, for 500,000 dollars, in favour of Charles Pettit, Esq; upon an application of major-general Greene, quarter-master-general, for the use of his department ; gen. Greene to be accountable :

That 1,700,000 dollars be advanced to Jeremiah Wadsworth, Esq; commissary-general of purchases, for the use of his department ; he to be accountable :

That 100,000 dollars be paid to Joseph Nourse, pay-master of the board of war and ordnance, to be by him transmitted to col. Benjamin Flower, commissary-general of military-stores, for the use of his department :

That 300,000 dollars be advanced to Jeremiah Wadsworth, commissary-general of purchases, to be paid to Mr. Frederick Trasy, for the use of the commissary-general's department ; the said Jeremiah Wadsworth to be accountable.

Resolved, That the sum of 8223 livres tournois and four fous, and 200 dollars be allowed to major-general Conway, as a gratuity for his time and expenses previous to his entering into the pay of the United States, and for his return to France; and that bills of exchange be drawn by the president on the commissioners at Paris, in favour of major-general Conway, for 7792 livres tournois; and that a warrant issue on the treasurer for $321\frac{39}{100}$ dollars, in favour of the said gen. Conway; which sums are the balance of his account with the United States.

Resolved, That bills of exchange for 110 livres tournois be drawn by the president in favour of lieutenant-colonel Mullens, on the commissioners at Paris; and that a warrant issue on the treasurer in favour of lieutenant-colonel Mullens, for $442\frac{8}{100}$ dollars, which sums are the balance of his accounts with the United States, and that the same be delivered to gen. Conway.

The marine-committee brought in a report; whereupon,

Resolved, That capt. Peter Landais be appointed to command the new frigate called the Alliance.

Resolved, That col. William Malcolm, deputy adjutant-general in the army, now under the command of major-general Gates, be permitted to hold his rank in the army, and his regiment, if the same shall be kept up in the new arrangement now making.

Resolved, That to-morrow be assigned for taking into consideration the articles of confederation.

Congress proceeded to the election of a commissioner of accounts in the northern-department, and, the ballots being taken,

Edward Chinn, Esq; was elected.

Adjourned to ten o'clock to-morrow.

SATURDAY, June 20, 1778.

Mr. John Collins, a delegate from R. Island, attended, and took his seat in Congress.

A letter, of the 18th, from gen. Washington, was read, informing, that the enemy have evacuated Philadelphia:

Ordered, That it be referred to the committee of intelligence.

A letter, of the 11th, from gov. Livingston, and one of May 28th, from col. Ethan Allen, were read:

Ordered, That the letter from col. Allen be referred to the board of war.

The committee on Indian affairs, to whom was referred the letter of the 10th, from col. G. Morgan, brought in a report; whereupon,

Resolved, That the committee of commerce be directed to procure goods, and such other articles as are proper for presents to the western Indian nations, to the amount of 10,000 dollars, and transmit the same to Fort-Pitt to the commissioners, who are to treat with the Indians there on the 23d day of July next: and that the said commissioners be directed to dispose of the goods among the said Indians in such manner as they shall judge will best conduce to conciliate their affections and secure them in the interest of these states:

That the said commissioners be empowered to draw on the military-chest, at Fort-Pitt, for such sums as shall be necessary to defray the contingent expenses of the said treaty.

Ordered, That the several boards of Congress put themselves in readiness to remove from this place.

A motion being made for an advance of 100,000 dollars to the state of New-York,

Ordered, That it be referred to the board of treasury.

The committee on the treasury brought in a report; whereupon,

Resolved, That 5,000,000 of dollars be emitted under the directions of the board of treasury, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 11th day of April last, and be numbered from the last number of each respective denomination progressively, and consist of the following denominations, viz.

| | |
|---|-------------|
| 41,667 of the denomination of 40 dollars, | 1,666,680 |
| 41,667 do. of 30 do. | - 1,250,010 |
| 41,666 do. of 20 do. | - - 833,320 |
| 41,666 do. of 8 do. | - - 333,328 |
| 41,666 do. of 7 do. | - - 291,662 |
| 41,667 do. of 6 do. | - - 250,002 |
| 41,666 do. of 5 do. | - - 208,330 |
| 41,667 do. of 4 do. | - - 166,668 |

5,000,000

That all powers and duties of Michael Hillegas, Esq; and of the inspectors of the press, signers and printers of the emission directed on the 20th day of May, 1777, shall extend to the said 5,000,000 of dollars now to be emitted, subject, however, to such directions and instructions as the board of treasury may judge expedient.

The committee on the treasury report,

"That the commissioners of claims have communicated to the board, sundry errors in the accounts of B. Flower, commissary-general of military-stores, referred to them for their examination, and that it appears to the board that some of the accounts and receipts strongly indicate intentions of fraud in Cornelius Sweers, deputy commissary-general of military-stores:" whereupon,

Resolved, That the board of war be directed, forthwith, to cause the said Cornelius Sweers to be arrested and secured until farther enquiry can be made into his conduct in the premises.

Congress proceeded to take into consideration the articles of confederation: and, on motion,

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 to them; and that no amendments be proposed but such as come from a state.

Resolved, That the proceeding on the articles of confederation be postponed to Monday next, and that it be taken up immediately after the reading of the public letters and reports of the treasury, if any there are.

Ordered, That a copy of the report of the committee appointed to examine the evidence collected, and to state the charges against the general-officers who were in the northern-department when Ticonderoga and Mount-Independence were evacuated, and which is on the

files, be sent to gen. Washington, and that he be directed to appoint a court-martial to proceed to trial.

Six o'clock, P. M.

A letter, of the 18th, from gen. Washington, accompanied with the proceedings of the court of enquiry, respecting the losses of the forts in the Highlands, was read :

Ordered, That the proceedings of the court of enquiry be referred to the board of war.

Adjourned to ten o'clock on Monday.

MONDAY, June 22, 1778.

Mr. Samuel Holten, a delegate from Massachusetts-Bay, attended, and took his seat in Congress.

A letter, of the 15th, from col. Forman, directed to N. Scudder, Esq; a delegate from N. Jersey, was laid before Congress, and read :

Ordered, That it referred to the boards of war and of treasury.

A letter, of the 6th, and one of the 9th, from major-general Heath, were read :

Ordered, That the letter of the 9th, be referred to the board of war, and that they confer with the committee lately sent to camp, and give the necessary orders.

A letter, of the 13th, from major-general Sullivan, was read, enclosing one of the 5th, from governor Trumbull, and one of the 13th, from governor Greene :

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

The members chosen, Mr. S. Adams, Mr. Wentworth, Mr. Ellery, Mr. Sherman and Mr. Hancock.

A letter, of the 25th of May, from governor Caswell, was read.

A letter, of the 10th, from W. Aylett, Esq; deputy commissary-general of purchases, was read, with sundry papers enclosed :

Ordered, That the same be referred to the board of war.

A letter, of the 19th, from gov. Johnson, was read, with sundry papers enclosed, relative to instructions given to major Lee :

Ordered to lie on the table till the afternoon.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 100,000 dollars be advanced to the delegates of N. York, for the use of that state, which is to be accountable :

That 500 dollars be advanced to Mr. E. Langworthy, one of the delegates of Georgia, to enable him to pay a bill drawn by James Whitefield, Esq; speaker of the house of assembly, expressed to be for paying an express from Georgia ; the said state to be accountable :

That 2000 dollars be paid to Robert Cochran, in discharge of three bills of exchange drawn by John Ashe, treasurer of the state of N. Carolina, two of which are dated the 18th of March, 1777, in favour of Peter Mallet, 375 dollars each ; the other dated May 20th, 1777, in favour of Peter and Daniel Mallet, for 1250 dollars ; all expressed to be for the purpose of provisions ; the said state of N. Carolina to be accountable.

Congress proceeded to consider the objections of the states to the articles of confederation ; whereupon, the delegates of Maryland read

to Congress instructions they had just received from their constituents ; and moved,

That the objections from the state of Maryland to the confederation be immediately taken up and considered by Congress, that the delegates from Maryland may transmit to that state, with all possible dispatch, the determination of Congress on those objections :

Question put, resolved in the affirmative.

A motion was then made in behalf of Maryland,

"In article 4, strike out the word "paupers," and after the words "or either of them," insert "that one state shall not be burthened with the maintenance of the poor who may remove into it from any of the others in the union :"

Question put, passed in the negative, one state only answering ay.

Another amendment was moved in behalf of Maryland,

Article 8, after the words "granted to or surveyed for," "insert or which shall hereafter be granted to or surveyed for any person :"

Question put, passed in the negative, 4 ayes, 8 noes.

A third amendment was moved in behalf of Maryland,

Article 9, after the words "shall be deprived of territory for the benefit of the United States," insert "the United States in Congress assembled, shall have the power to appoint commissioners, who shall be fully authorized and empowered to ascertain and restrict the boundaries of such of the confederated states which claim to extend to the river Mississippi or South-Sea :"

Resolved, That the consideration thereof be postponed till to-morrow.

Adjourned to ten o'clock to-morrow.

TUESDAY, June 23, 1778.

Mr. Titus Hosmer, a delegate from Connecticut, attended, and took his seat in Congress.

A letter, of the 16th, from B. Elliot, directed to Mr. Roberdeau, was laid before Congress, and read :

Ordered, That it be referred to the board of war.

A letter, of the 20th, from gen. Washington, and one of the 17th, from gen. Gates, with papers enclosed, were read :

Ordered, That the letter from gen. Gates be referred to the board of war.

The commissioners of claims at the board of treasury report,

That there is due, to Francis Lewis, Esq; for his expenses to, in and from N. Carolina, when sent to purchase goods for the army, 925⁶⁰/₁₀₀ dols.

To Robert Patton, for his pay as messenger to Congress, and for extra services, &c. from Jan. 21st to June 15th, 1778, both days inclusive, 293 dollars :

To Mrs. E. Swoope, for lodging and boarding baron Steuben, his two aids and two servants 13 days, 104 dollars :

Ordered, That the said accounts be paid.

A letter of the 22d, from the board of war, was read :

Ordered, That it be referred to the board of treasury.

Ordered, That the board of war estimate the expense of the fort lately built by Mr. Roberdeau in Bedford county, in Pennsylvania, and report the same to Congress, with their opinion by whom the same ought to be defrayed.

Resolved, That gen. Gates be, and he is hereby authorized to dismiss all the supernumerary staff-officers in the district under his command.

Resolved, That so much of gen. Gates's letter of the 17th, and the papers enclosed, as relates to the supernumerary officers of the staff, be referred to the committee of arrangement; and that they be directed to report a plan for preventing the extraordinary expense arising from the appointment of such officers.

Resolved, That the board of war be directed to collect the standards and colours taken from the enemy, by the army of the United States, since the commencement of the war.

The board of war report, "that the two independent companies raised in the town of Westmoreland, lately commanded by the captains Durkee and Ransom, are reduced by various causes to about 86 non-commissioned officers and privates; and that there is no chance of their being completed to the establishment; that the said companies are now detached from the main army for the defence of the frontiers:" whereupon,

Resolved, That the two independent companies, lately commanded by the captains Durkee and Ransom, which were raised in the town of Westmoreland, be united and form one company:

That lieutenant Simon Spaulding be appointed captain, and lieutenants Timothy Pierce and Phineas Pierce, lieutenants of the said company; the said lieutenants to rank, Timothy Pierce from the 16th of Jan. last, and Phineas Pierce from the 1st of April last, the times they were respectively appointed to act as lieutenants in the said companies.

A motion was made, "that the committee lately at camp, be directed to prepare an amendment to the resolution for apportioning the number of battalions to the several states, and to report on the propriety of further reducing them, and also the sixteen battalions, so called:"

On motion made, and the question put, that the consideration thereof be postponed; the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. Hancock, | ay | |
| | Mr. S. Adams, | ay | } ay |
| | Mr. Gerry, | ay | |
| | Mr. Dana, | no | |
| | Mr. Lovell, | no | |
| | Mr. Holten, | ay | } ay |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | |
| | Mr. Marchant, | ay | |
| | Mr. Collins, | ay | } ay |
| <i>Connecticut,</i> | Mr. Sherman, | ay | |
| | Mr. Wolcott, | ay | |
| | Mr. Hosmer, | ay | } no |
| <i>New-York,</i> | Mr. Lewis, | no | |
| | Mr. Duer, | no | |
| | Mr. G. Morris, | no | } ay |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | |
| | Mr. Elmer, | ay | |
| | Mr. Scudder, | ay | |

| | | | |
|------------------------|-------------------------|-----------|-------------|
| <i>Pennsylvania,</i> | Mr. <i>Roberdeau,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>James Smith,</i> | <i>ay</i> | |
| | Mr. <i>Clingan,</i> | <i>ay</i> | |
| <i>Delaware,</i> | Mr. <i>M-Kean,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Plater,</i> | <i>ay</i> | |
| <i>Maryland,</i> | Mr. <i>Carroll,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>R. H. Lee,</i> | <i>ay</i> | |
| <i>Virginia,</i> | Mr. <i>Banister,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>T. Adams,</i> | <i>ay</i> | |
| | Mr. <i>Laurens,</i> | <i>no</i> | |
| <i>South-Carolina,</i> | Mr. <i>Drayton,</i> | <i>ay</i> | } <i>no</i> |
| | Mr. <i>Matthews,</i> | <i>no</i> | |
| | Mr. <i>Hutson,</i> | <i>no</i> | |
| | Mr. <i>Heyward,</i> | <i>ay</i> | |
| <i>Georgia,</i> | Mr. <i>Langworthy,</i> | <i>no</i> | } <i>no</i> |

So it was resolved in the affirmative.

A report from the board of war was read ; whereupon,

Resolved, That each non-commissioned officer and soldier who hath enlisted or shall enlist into the company of foot ordered to be raised in the town of Westmoreland, on the east-branch of the Susquehannah, by the resolution of the 16th of March last, shall receive the sums for finding his own arms, accoutrements and blanket, as were allowed by a resolve of the 16th inst. to the non-commissioned officers and soldiers of the two regiments raising in Virginia and Pennsylvania, to serve for one year ; the said sums to be paid them immediately upon their passing muster before the colonel, or in his absence, the next commanding-officer of the militia in the said town, and producing the necessary articles of equip mentioned in the said resolve of the 16th inst.

That the sum of 1440 dollars be granted to the board of war, to be issued to col. Dennison, of Westmoreland aforesaid, to enable him to pay the allowances above-mentioned ; he to be accountable for the same.

Congress proceeded to consider the amendment of the articles of confederation moved in behalf of Maryland :

On the question to agree, the yeas and nays being required by Mr. Marchant,

| | | | |
|---------------------------|------------------------|-----------|-------------------|
| <i>New-Hampshire,</i> | Mr. <i>Bartlett,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Hancock,</i> | <i>no</i> | |
| | Mr. <i>S. Adams,</i> | <i>no</i> | |
| <i>Massachusetts-Bay,</i> | Mr. <i>Gerry,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Dana,</i> | <i>no</i> | |
| | Mr. <i>Lovell,</i> | <i>no</i> | |
| | Mr. <i>Holten,</i> | <i>no</i> | |
| <i>Rhode-Island,</i> | Mr. <i>Ellery,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Marchant,</i> | <i>ay</i> | |
| | Mr. <i>Collins,</i> | <i>ay</i> | |
| <i>Connecticut,</i> | Mr. <i>Sberman,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Huntington,</i> | <i>no</i> | |
| | Mr. <i>Wolcott,</i> | <i>no</i> | |
| <i>New-York,</i> | Mr. <i>Hosmer,</i> | <i>no</i> | } <i>divided.</i> |
| | Mr. <i>Lewis,</i> | <i>ay</i> | |
| | Mr. <i>G. Morris,</i> | <i>no</i> | |

| | | | |
|------------------------|--------------------------|----|------|
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } ay |
| | Mr. Elmer, | ay | |
| | Mr. Scudder, | ay | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } ay |
| | Mr. James Smith, | ay | |
| | Mr. Clingan, | no | |
| <i>Delaware,</i> | Mr. M ^c Kean, | ay | } ay |
| <i>Maryland,</i> | Mr. Plater, | ay | |
| | Mr. Carroll, | ay | } ay |
| <i>Virginia,</i> | Mr. R. H. Lee, | no | } no |
| | Mr. Banister, | no | |
| | Mr. T. Adams, | no | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } no |
| | Mr. Drayton, | no | |
| | Mr. Matthews, | no | |
| | Mr. Hutson, | no | |
| <i>Georgia,</i> | Mr. Heyward, | no | } no |
| | Mr. Langworthy, | no | |

So it passed in the negative.

The delegates from N. Hampshire being called on, informed Congress,

That the state of N. Hampshire have, in their general assembly, agreed to the articles of confederation as they now stand, and have empowered their delegates to ratify the same in behalf of their state.

The delegates of Massachusetts-Bay being called on, read sundry objections transmitted to them by their constituents to the articles of confederation, and thereupon moved in behalf of their state,

1st. That the 8th article be re-considered, so far as relates to the criterion fixed on for settling the proportion of taxes to be paid by each state, that an amendment may be made, so that the rule of apportionment may be varied, from time to time, by Congress, until experience shall have shewed what rule of apportionment will be most equal and consequently most just :

Question put, passed in the negative, 2 ayes, 8 noes.

2d. That the 5th section of the 9th article be re-considered so far as relates to the rule of apportioning the number of forces to be raised by each state on the requisition of Congress :

Question put, passed in the negative, 3 ayes, 7 noes.

3d. That the 6th section of the 9th article be re-considered so far as it makes the assent of nine states necessary to exercise the powers with which Congress are thereby invested :

Question put, passed in the negative.

The delegates from R. Island, being called on, produced instructions from their constituents, and thereupon moved the following amendments :

1st. In the 5th article, after the word "two," insert "members, unless by sickness, death or any other unavoidable accident, but one of the members of a state can attend Congress, in which case such state may be represented in Congress by one member for the space of months :"

Question put, passed in the negative, 1 aye, 9 noes.

2d. In the 8th article, after the word "appoint," add "such estimate to be taken and made once in every five years:"

Question put, passed in the negative, 4 ayes, 6 noes.

3d. In the 9th article, at the end of the second paragraph, after the words "for the benefit of the United States," add "provided nevertheless, that all lands within these states, the property of which, before the present war, was vested in the crown of Great-Britain, or out of which revenues from quit-rents arise, payable to the said crown, shall be deemed, taken and considered as the property of these United States, and be disposed of and appropriated by Congress for the benefit of the whole confederacy, reserving, however, to the states, within whose limits such crown lands may be, the entire and complete jurisdiction thereof."

Question put, passed in the negative, 1 aye, 9 noes.

The delegates from Connecticut being called on, produced instructions, and thereupon moved the following amendments:

1st. In the 8th article, after the words "in proportion to," strike out what follows to the end of the sentence, and in lieu thereof insert "the number of inhabitants in each state:"

Question put, passed in the negative, 3 ayes, 9 noes.

2d. In the 9th article, at the end of the 5th paragraph, add the words following, "provided that no land-army shall be kept up by the United States in time of peace, nor any officers or pensioners kept in pay by them, who are not in actual service, except such as are or may be rendered unable to support themselves by wounds received in battle, in the service of the said states, agreeably to the provisions already made by a resolution of Congress:"

Question put, passed in the negative, 1 ay, 11 noes.

The delegates of N. York being called on, produced, under the great seal of their state, an exemplification of an act of the legislature thereof, ratifying the articles of confederation 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.

The delegates from N. Jersey being called on, laid before Congress a representation of the legislative council and general assembly of their state, respecting the articles of confederation.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, June 24, 1778.

A letter, of Jan. 24th, from col. William Lee, to major-general Heath, was read, requesting leave to resign:

Resolved, That his resignation be accepted.

A letter, of March 17th, from major Swasey, was read, requesting leave to resign his commission:

Resolved, That his resignation be accepted.

A letter, from the board of war, was read, informing, that capt. Smith having declined the appointment of secretary to the board of war, the business of the board suffers daily for want of proper assistance, and therefore calling the attention of Congress to the appointment of a secretary:

Resolved, That to-morrow be assigned for appointing a secretary to the board of war and ordnance.

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

Resolved, That a committee of three be appointed to take proper measures for a public celebration of the anniversary of independence, at Philadelphia, on the 4th day of July next, and that they be authorized and directed to invite the president and council and speaker of the assembly of the commonwealth of Pennsylvania, and such other gentlemen and strangers of distinction, as they shall deem proper :

The members chosen, Mr. Duer, Mr. Hancock and Mr. Matthews.

Resolved, That Congress will, in a body, attend divine worship on Sunday, the 5th day of July next, to return thanks for the divine mercy in supporting the independence of these states, and that the chaplains be notified to officiate and preach sermons suited to the occasion.

A letter, of the 21st, from the council of Pennsylvania, was read, enclosing a paper of intelligence respecting Indian incursions :

Ordered, That the same be referred to the board of war.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 50,000 dollars be advanced to Mr. Joseph Nourse, pay-master to the board of war and ordnance, to be applied by the said board to the purpose of purchasing linens, hose, shoes, &c. for the use of the army ; the said pay-master to be accountable.

Adjourned to ten o'clock to-morrow.

THURSDAY, June 25, 1778.

A letter, of the 22d, from gen. Washington, in N. Jersey, near Coryell's-ferry, was read.

A letter, of the 11th, from the council of war of the state of R. Island, &c. directed to the delegates of that state, was laid before Congress, and read :

Ordered, That it be referred to the committee of arrangement.

Congress resumed the consideration of a report of the 24th, from the board of treasury ; whereupon,

Ordered, That 100,000 dollars of the 300,000, for which a warrant issued the 12th of Feb. last, in favour of the delegates of Pennsylvania, to be by them transmitted to the president of that state for the purchase of flour, &c. be applied to the purpose of paying for the clothing mentioned in the letter of the 5th, from the president of the council of Pennsylvania.

A report from the board of war was read ; whereupon,

Resolved, That the independent corps raised by col. Armand, in consequence of gen. Washington's permission, be taken into continental pay ; the pay to commence from the time of the respective enlistments of the non-commissioned officers and privates engaged in the same :

That gen. Washington be authorized to officer this corps with such foreign and other officers of merit as at present hold commissions, and who are not already and cannot be annexed to other corps on the proposed arrangement of the army :

That if any of the states shall think proper to allow the non-commissioned officers and privates, who have or shall enlist in col. armand's

corps, the bounty allowed by them respectively, in addition to the continental bounty, the men so engaged shall be credited as part of the quota of the state who shall allow the additional bounty :

That the sum of 5000 dollars be paid to the board of war, to be by them advanced to col. Armand, towards paying the continental bounty and recruiting charges of the said corps ; for which sum, col. Armand is to be accountable.

The committee to whom were referred the letters of gov. Greene, major-general Sullivan, &c. brought in a report ; whereupon,

Resolved, That it be, and it is hereby most earnestly recommended to the state of Massachusetts-Bay, over and above the quota assigned to them for the defence of R. Island by the convention of Springfield, to complete and send forward with all possible dispatch, the number of men assigned by the said convention to the state of Connecticut, in lieu of the additional number of militia sent to Hudson's-river by Connecticut, in behalf of Massachusetts-Bay.

Resolved, That gen. Washington be, and he is hereby directed to order the continental battalion raised by the state of R. Island and Providence Plantations, now in the main army, to the said state for the defence thereof, if in his opinion the same may be done without any injury to the general interest of these United States.

Resolved, That the board of war be, and they are hereby directed to furnish major-general Sullivan with 2000 stand of arms, including the number already ordered by the said board, to be put into the hands of the state troops and militia under his command, from the arms lately imported into Portsmouth, in the state of N. Hampshire, if any there be, or from some convenient magazine ; and that they order major-general Sullivan to take particular care that the arms be delivered up by the militia before they leave the service.

Resolved, That the navy-board in the eastern-department be, and they are hereby empowered to cause to be built, equipped and manned, three large galleys for the defence of Providence, Warren and Taunton-rivers, or procure three suitable vessels for that purpose, if, upon advising with the council of war in the state of R. Island and Providence Plantations and gen. Sullivan, they shall judge the measures to be expedient.

Ordered, That the part of the report relative to advancing a sum of money to the state of R. Island, be referred to the board of treasury.

Three o'clock, P. M.

The committee on the treasury brought in a report ; whereupon,

Ordered, That 20.000 dollars be advanced to Joseph Nourse, paymaster to the board of war and ordnance, for the contingent expenses of the said board ; for which sum he is to be accountable :

That 2000 dollars be advanced to the delegates of the state of Connecticut, 1000 on the application of Mr. S. Huntington, and 1000 on the application of Mr. O. Wolcott, two of the said delegates ; the state to be accountable.

The commissioners of claims report,

That there is due to major James Armstrong Wilfon, a balance in full for the pay of his own and capt. Samuel Postlethwait's company, and of 13 men belonging to different regiments in brigadier Wayne's

division doing duty with major Wilfon's company, from the 1st of April to the 5th of June inst. when the two companies were discharged, and for expenses and charges in raising the said companies, the sum of 1005 $\frac{50}{100}$ dollars :

Ordered, That the said account be paid.

Congress took into consideration the representation from N. Jersey, on the articles of confederation, which was read, as follows :

" To the United States in Congress assembled. The representation of the Legislative Council and General Assembly of the State of New-Jersey, sheweth,

" That 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, proposed by the hon. the Congress, of the said states, severally for their consideration, have been by us fully and attentively considered ; on which we beg leave to remark as follows :

1st. In the 5th article, where, among other things, the qualifications of the delegates from the several states are described, there is no mention of any oath, test or declaration, to be taken or made by them previous to their admission to seats in Congress. It is indeed, to be presumed, the respective states will be careful that the delegates they send to assist in managing the general interests of the union, take the oaths to the government from which they derive their authority ; but as the United States, collectively considered, have interests as well as each particular state, we are of opinion, that some test or obligation, binding upon each delegate while he continues in the trust, to consult and pursue the former as well as the latter, and particularly to assent to no vote or proceeding which may violate the general confederation, is necessary. The laws and usages of all civilised nations evince the propriety of an oath on such occasions, and the more solemn and important the deposit, the more strong and explicit ought the obligation to be.

2d. By the 6th and 9th articles, the regulation of trade seems to be committed to the several states within their separate jurisdictions, in such a degree as may involve many difficulties and embarrassments, and be attended with injustice to some states in the union : we are of opinion, that the sole and exclusive power of regulating the trade of the United States with foreign nations, ought to be clearly vested in the Congress, and that the revenue arising from all duties and customs imposed thereon, ought to be appropriated to the building, equipping and manning a navy for the protection of the trade and defence of the coasts, and to such other public and general purposes as to the Congress shall seem proper, and for the common benefit of the states. This principle appears to us to be just, and it may be added, that a great security will by this means be derived to the union from the establishment of a common and mutual interest.

3d. It is wisely provided in the 6th article, that no body of forces shall be kept up by any state in time of peace, except such number only as in the judgement of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such states : we think it ought also to be provided and clearly expressed

fed, that no body of troops be kept up by the United States in time of peace, except such number only as shall be allowed by the assent of nine states. A standing army, a military establishment, and every appendage thereof, in time of peace, is totally abhorrent from the ideas and principles of this state. In the memorable act of Congress, declaring the United Colonies free and independent states, it is emphatically mentioned, as one of the causes of separation from Great-Britain, that the sovereign thereof had kept up among us, in time of peace, standing armies without the consent of the legislatures. It is to be wished the liberties and happiness of the people may by the confederation be carefully and explicitly guarded in this respect.

4th. On the 8th article we observe, that as frequent settlements of the quotas for supplies and aids to be furnished by the several states, in support of the general treasury, will be requisite, so they ought to be secured. It cannot be thought improper or unnecessary to have them struck once at least in every five years, and oftener if circumstances will allow. The quantity or value of real property in some states may encrease much more rapidly than in others, and therefore the quota, which is at one time just, will at another be disproportionate.

5th. The boundaries and limits of each state ought to be fully and finally fixed and made known : this we apprehend would be attended with very salutary effects, by preventing jealousies as well as controversies, and promoting harmony and confidence among the states. If the circumstances of the times would not admit of this, previous to the proposal of the confederation to the several states, the establishment of the principles upon which, and the rule and mode by which the determination might be conducted, at a time more convenient and favourable for dispatching the same at an early period, not exceeding five years from the final ratification of the confederation, would be satisfactory.

6th. The 9th article provides, that no state shall be deprived of territory for the benefit of the United States ; whether we are to understand, that by territory is intended any land, the property of which was heretofore vested in the crown of Great-Britain ; or that no mention of such land is made in the confederation, we are constrained to observe, that the present war, as we always apprehended, was undertaken for the general defence and interest of the confederating colonies, now the United States. It was ever the confident expectation of this state, that the benefits derived from a successful contest, were to be general and proportionate ; and that the property of the common enemy, falling in consequence of a prosperous issue of the war, would belong to the United states, and be appropriated to their use. We are therefore greatly disappointed in finding no provision made in the confederation for empowering the Congress to dispose of such property, but especially the vacant and im patented lands, commonly called the crown lands, for defraying the expenses of the war, and for such other public and general purposes. The jurisdiction ought in every instance to belong to the respective states within the charter or determined limits of which such lands may be seated ; but reason and justice must decide, that the property which existed in the crown of Great-Britain, previous to the present revolution, ought now to belong to the Congress,

in trust for the use and benefit of the United States. They have fought and bled for it, in proportion to their respective abilities, and therefore the reward ought not to be predilectionally distributed. Shall such states as are shut out by situation from availing themselves of the least advantage from this quarter, be left to sink under an enormous debt, whilst others are enabled, in a short period, to replace all their expenditures from the hard earnings of the whole confederacy?

7th. The 9th article also provides, that the requisition for the land forces to be furnished by the several states shall be proportioned to the number of *white* inhabitants in each. In the act of independence we find the following declaration: "We hold these truths to be self-evident, that all men are created equal; that they are endued by their Creator with certain unalienable rights, among which are life, liberty and the pursuit of happiness:" of this doctrine it is not a very remote consequence, that all the inhabitants of every society, be the colour of their complexion what it may, are bound to promote the interest thereof, according to their respective abilities. They ought, therefore, to be brought into the account on this occasion. But admitting necessity or expediency to justify the refusal of liberty in certain circumstances to persons of a particular colour, we think it unequal to reckon upon such in this case. Should it be improper, for special local reasons, to admit them in arms for the defence of the nation, yet we conceive the proportion of forces to be embodied ought to be fixed according to the whole number of inhabitants in the state, from whatever class they may be raised. If the whole number of inhabitants in a state, whose inhabitants are all whites, both those who are called into the field and those who remain to till the ground and labour in mechanical arts and otherwise, are reckoned in the estimate for striking the proportion of forces to be furnished by that state, ought even a part of the latter description to be left out in another? As it is of indispensable necessity in every war, that a part of the inhabitants be employed for the uses of husbandry and otherwise at home, while others are called into the field, there must be the same propriety that owners of a different colour, who are employed for this purpose in one state, while *whites* are employed for the same purpose in another, be reckoned in the account of the inhabitants in the present instance.

8th. In order that the quota of troops to be furnished in each state, on occasion of a war, may be equitably ascertained, we are of opinion, that the inhabitants of the several states ought to be numbered as frequently as the nature of the case will admit, and once at least every five years. The disproportioned encrease in the population of different states may render such provision absolutely necessary.

9th. It is provided in the 9th article, that the assent of nine states out of the thirteen, shall be necessary to determine in fundry cases of the highest concern. If this proportion be proper and just, it ought to be kept up, should the states encrease in number, and a declaration thereof be made for the satisfaction of the union.

That we think it our indispensable duty to solicit the attention of Congress to these considerations and remarks, and to request that the purport and meaning of them be adopted as part of the general consideration; by which means we apprehend the mutual interests of all the

states will be better secured and promoted, and that the legislature of this state will then be justified in ratifying the same."

Whereupon it was moved, that the several articles in the confederation, referred to in the foregoing representation, be so far re-considered as to admit the purport and meaning of the additions, alterations and amendments proposed in the said representation :

Question put, passed in the negative, 3 ayes, 6 noes, 1 divided.

The delegates of Pennsylvania being called on, moved the following amendments, in behalf of their state :

1st. In the first paragraph of the 5th article, delete the words "for the remainder of the year :"

Question put, passed in the negative, 2 ayes, 8 noes, 1 divided.

2d. That such part of the 9th article as respects the post-office, be altered or amended, so as that Congress be obliged to lay the accounts annually before the legislatures of the several states :

Question put, passed in the negative, 2 ayes, 9 noes.

3d. In the 5th paragraph of the 9th article, expunge the word "white :"

Question put, passed in the negative, 3 ayes, 7 noes, 1 divided.

4th. In the last section of the 9th article, after the word "delegates," add "respectively :"

Question put, passed in the negative, 1 aye, 10 noes.

The delegates from Virginia being called on, informed Congress that they are empowered to ratify, in behalf of their state, the articles of confederation, as they now stand.

The delegates from S. Carolina being called on, moved the following amendments, in behalf of their state :

1st. In article 4, between the words "free inhabitants," insert "white :"

Passed in the negative, 2 ayes, 8 noes, 1 divided.

2d. In the next line, after the words "these states," insert "those who refuse to take up arms in defence of the confederacy :",

Passed in the negative, 3 ayes, 8 noes.

3d. After the words "the several states," insert "according to the law of such states respectively, for the government of their own free white inhabitants ;"

Passed in the negative, 2 ayes, 8 noes, 1 divided.

4th. After the words "of which the owner is an inhabitant," insert "except in cases of embargo :"

Passed in the negative, 2 ayes, 9 noes.

5th. In the first paragraph of the 5th article, strike out "1st Monday in November," and insert "19th day of April :"

Passed in the negative, 1 aye, 9 noes, 1 divided.

6th. In the 2d paragraph of the 5th article, substitute "three," in the place of "two," and "two" in the place of "three," and "four" in the place of "six :"

Passed in the negative, 2 ayes, 9 noes.

7th. In the 3d paragraph, for "committee," read "grand council :"

Passed in the negative, 1 aye, 9 noes, 1 divided.

8th. In the 1st paragraph of the 6th article, for "prince or state," read "prince or foreign state, except the same be upon the subject of

commerce, nor then so as to interfere with any treaty or alliance of the United States made or treaty proposed by Congress :”

Passed in the negative, 2 ayes, 9 noes.

9th. In the 2d paragraph of the 6th article, strike out “by some nation of Indians,” and after the words “to invade such state,” insert “or upon requisition to assist a sister-state actually invaded or threatened with an invasion :”

Passed in the negative, 3 ayes, 8 noes.

10th. In the 1st paragraph of the 7th article, strike out “of or under the rank of colonel,” and after “shall be appointed” insert “and commissioned :”

Passed in the negative, 2 ayes, 8 noes, 1 divided.

11th. At the end of the 7th article add,

“The troops to be raised shall be deemed the troops of that state by which they are raised. The Congress or grand council of the states may, when they think proper, make requisition to any state for two-thirds of the troops to be raised; which requisition shall be binding upon the said states respectively; but the remaining third shall not be liable to be drawn out of the state in which they are raised, without the consent of the executive authority of the same. When any forces are raised, they shall be under the command of the executive authority of the state in which they are so raised, unless they be joined by troops from any other state, in which the Congress or grand council of the states may appoint a general-officer to take the command of the whole: and until the same can be done, the command shall be in the senior officer present, who shall be amenable for his conduct to the executive authority of the state in which the troops are, and shall be liable to be suspended thereby. The expenses of the troops so to be raised, shall be defrayed by the state to which they belong; but when called into service by the United States, they shall be fed and paid at the expense of the United States.

Passed in the negative, 2 ayes, 9 noes.

12th. In the first line of the 8th article, strike out “charges of war and all other :”

Passed in the negative, 2 ayes, 8 noes, 1 divided.

13th. In the same article strike out “according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint;” and instead of “and improvements thereon shall be estimated,” read “and improvements thereon shall by periods of years not exceeding ten, as often as may be required by Congress, be generally estimated by persons to be appointed by the legislatures of the respective states to value the same upon oath :”

Passed in the negative, 2 ayes, 9 noes.

14th. In the first paragraph of article the 9th, strike out “appointing courts for the trial of piracies and felonies committed on the high-seas,” and in lieu thereof, insert “declaring what acts committed on the high-seas shall be deemed piracies or felonies :”

Passed in the negative, 2 ayes, 9 noes.

15th. In the second paragraph of the 9th article, for “be the last resort on appeal,” read “decide and determine,” and strike out “all that relates to the mode of settling differences between states and controversies concerning private right of soil :”

Passed in the negative, 2 ayes, 9 noes.

16th. In the fifth paragraph of the 9th article, after the words "in any term of," strike out "three," and insert "two:"

Passed in the negative, 3 ayes, 7 noes, 1 divided.

17th. In the sixth paragraph of the 9th article, for "unless nine states," read unless "eleven states:"

Passed in the negative, 2 ayes, 9 noes.

18th. At the end of the same paragraph strike out the words "in Congress assembled:"

Passed in the negative, 1 ay, 10 noes.

19th. In the last paragraph of the 9th article, after the words "and the yeas and nays of the delegates of each state on" for "any" read "every," and strike out the words "when it is desired by any delegate:"

Passed in the negative, 2 ayes, 9 noes.

20th. In the same sentence, strike out "a state or," and also "at his or their request," and after the words "and the" insert "respective states or the" and after "shall" insert "upon requisition:"

Passed in the negative, 1 ay, 10 noes.

21st. Amend the last clause of the 13th article, so as to read "unless such alteration be agreed to by eleven of the United States in Congress assembled, and be afterwards confirmed by the legislatures of eleven of the United States:"

Passed in the negative, 3 ayes, 6 noes, 2 divided.

The delegate from Georgia being called on, informed Congress that he has not yet received any instructions or orders from his constituents, respecting the articles of confederation; but that his state having shewn so much readiness to ratify them, even in an imperfect state, and it being so much for their interest, that the confederation should be ratified, he had no doubt of their agreeing to the articles as they now stand.

Delaware and N. Carolina not having delegates present in Congress, no report was received from them, saving what is contained in gov. Caswell's letter, informing, that the legislature of N. Carolina have agreed to the articles of confederation.

Ordered, That a committee of three be appointed to prepare the form of a ratification of the articles of confederation.

The members chosen, Mr. R. H. Lee, Mr. G. Morris and Mr. Dana,
Adjourned to ten o'clock to-morrow.

FRIDAY, June 26, 1778.

A letter, of the 24th, from major-general Arnold, in Philadelphia, with a proclamation enclosed, was read; also, two letters of the 8th, from gov. Henry, of Virginia; one, of the 25th, from col. G. Morgan, and one of the 25th, from the board of war, with sundry papers enclosed, respecting Cornelius Sweers, whom they have arrested in consequence of the orders of Congress.

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

To all to whom these presents shall come:

We, the delegates of the states affixed to our names send greeting.

Whereas, the delegates of the United States of America in Con-

gress assembled, did, on the 15th day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the independence of America, agree to certain 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, in the words following, viz.

(Here insert the articles printed.)

Which articles were by Congress proposed to the legislatures of all the United States, to be considered, and if approved of by them, they were advised to authorize their delegates to ratify the same in the Congress of the United States. And, whereas, it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress to approve of, and to authorize us to ratify the said articles of confederation and perpetual union; KNOW YE, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained; and we do further solemnly plight and engage the faith of our respective constituents that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the union shall be perpetual.

In witness whereof we have hereunto set our hands, this day of in the year of our Lord one thousand seven hundred and seventy-eight, and in the year of the independence of the United States of America.

Ordered, That a copy of the articles of confederation; with the above ratifications, be engrossed on parchment, in order that the same may be signed before Congress adjourn from this place.

A petition from Henry Klein, was read:

Ordered, That it be referred to the board of treasury.

Four o'clock, P. M.

The commissioners of claims, with the approbation of the auditor-general, report,

That there is due, to John Brown, for his services as clerk of the committee of commerce; from July 21st, 1777, to June 21st, 1778, 825 dollars:

To Jacob Funk, for two boxes with locks, and a large chest for the secretary's-office, 32 dollars:

To John Thaxter, for his services as clerk in the secretary's-office, from the 6th of May, to the 15th of June, inclusive, 100 dollars, and for contingent expenses for the use of the office, $4\frac{7}{9}$ dollars:

To Martin Brenicise, for attending Congress, from the 1st to the 27th of June, inclusive, 36 dollars, and for ringing the bell, the same time, $9\frac{1}{2}$ dollars:

To John Fisher, for renewing two copperplates for loan-office certificates, and making two letters in the device of the 30 dollar bills, 20 dollars :

Ordered, That the said accounts be paid.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. James Smith, a delegate of the state of Pennsylvania, for 1000 dollars, advanced upon his application ; for which the said state is to be accountable :

That a warrant issue in favour of the state of R. Island and Providence Plantations, for 100,000 dollars, on Joseph Clark, commissioner of the continental loan-office in the said state ; one other warrant, for 50,000 dollars, on the treasurer of the said state ; and one other warrant, for 100,000 dollars, on the treasurer of Connecticut ; the last mentioned sums being part of a continental tax assessed in pursuance of a resolution of Congress of the 22d day of November last, on the said states respectively ; the whole amounting to 250,000 dollars ; for which the said state of Rhode-Island is to be accountable :

That a warrant issue in favour of John Gibson, Esq; auditor-general, for one million of dollars, on the treasurer, who is to transmit the same to J. Gibson, at Philadelphia, to answer the draughts of Congress ; he to be accountable :

That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the board of war and ordnance, for 300,000 dollars, to be by him transmitted to Benjamin Stelle, deputy pay-master in the state of R. Island and Providence Plantations ; and that Ebenezer Hancock, Esq; deputy pay-master-general in the eastern-department, who is to be accountable, be furnished with a copy of this order :

That a warrant issue on the treasurer in favour of the hon. Henry Laurens, president of Congress, for 3000 dollars, for the purpose of paying exprests ; he to be accountable :

That a warrant issue on the treasurer in favour of Mr. R. Sherman, a delegate of the state of Connecticut, for 1000 dollars, it being advanced upon his application ; for which the said state is to be accountable.

The committee to whom were referred the proceedings of the house of assembly of the state of Georgia, relative to an application for one million of dollars on loan, report,

That the continental demands upon the treasury are so great and pressing, that so large a loan as is requested by the state of Georgia, cannot be granted ; but as of the loan of one million of dollars, granted to Georgia in August last, the sum of 198,400 dollars remains unissued by the treasury, it is recommended that the sum of 198,400 dollars be forthwith issued and transmitted to Georgia, to complete the loan of one million already granted :

Resolved, That Congress agree to the said report.

Ordered, That the letter of the 25th, from the board of war, be referred to a committee of three :

The members chosen, Mr. J. Smith, Mr. Dana and Mr. G. Morris.
Adjourned to ten o'clock to-morrow.

SATURDAY, June 27, 1778.

A memorial from colonel M. Swoope, was read :

Ordered, That it be referred to the board of treasury.

A report from the board of war was read :

Ordered, That it be referred to the committee of arrangement.

The committee to whom was referred the letter of the 25th, from the board of war, relative to Cornelius Sweers, brought in a report ; whereupon,

Ordered, That Cornelius Sweers be sent to Philadelphia under guard, and that the commanding-officer in Philadelphia be directed to order the said Cornelius Sweers to be there kept under guard until he shall be duly discharged.

The committee to whom was referred the letter from Mr. Holker, brought in a report :

The question put to agree to the said report, passed in the negative.

The engrossed copy of the articles of confederation, with the ratification agreed to, was laid before Congress, and the same, upon examination, being found incorrect,

Ordered, That another copy be made and laid before Congress on or before the 4th of July next, and that the delegates of the respective states lodge with the secretary, their powers for ratifying the same.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Henry Klein, for 500 dollars, advanced him ; for which he is to be accountable.

Adjourned to Thursday next, to meet at the state-house in Philadelphia.

POWERS of the States to their Delegates, to ratify the Articles of Confederation.

“ State of New-Hampshire :

In the House of Representatives, March 4, 1778.

The house took into consideration the 13th articles of confederation and perpetual union between the thirteen United States of America, as agreed to by the honourable Congress of the said states, and came to the following resolution thereon, viz.

Resolved, That we do agree to said articles of confederation, perpetual union, &c. and do, for ourselves and constituents, engage that the same shall be inviolably observed by this state : and the delegates of this state for the time being, at the Congress aforesaid, are hereby empowered and instructed to ratify the same in behalf of this state.

Sent up for concurrence,

JOHN DUDLEY, *Speaker pro tem.*

In Council, the same day, read and concurred,

E. THOMPSON, *Secretary.*

Copy. Attest.

MESHECH WEARE, *President.”*

Massachusetts-Bay :

Council Chamber, Boston, March 10, 1778.

Gentlemen,

The general court of the state of Massachusetts-Bay, having attentively considered the articles of confederation and perpetual union be-

tween the United States of America, recommended to our attention by the honourable Congress, do approve of them, in general, as well calculated to secure the freedom, sovereignty and independence of the United States. Perhaps no plan could have been proposed better adapted to the circumstances of all. We, therefore, the council and house of representatives of this state, in general court assembled, do, in the name and behalf of the good people of this state, instruct you, their delegates, to subscribe said articles of confederation and perpetual union as they were recommended by Congress, unless the following alterations, or such as may be proposed by the other states, can be received and adopted without endangering the union proposed.

In the name and behalf of the general assembly,

JEREMIAH POWELL, *President.*

To the delegates of the state of Massachusetts-Bay, in Congress.

—*—*—*—
“Rhode-Island and Providence Plantations :

By his excellency Nicholas Cooke, Esq; Governor, Captain-General and Commander in Chief, of, and over the State of Rhode-Island and Providence Plantations.

Be it known that Henry Ward, Esq; who hath under his hand certified that the annexed copy, purporting an act of the general assembly of the state aforesaid, empowering the delegates of the said state in Congress to accede to and sign the articles of confederation and perpetual union between the thirteen United States, is a true copy, is secretary of the said state, duly elected and engaged according to law. Wherefore, unto his certificate, of that matter, full faith and absolute credit is, and ought to be universally rendered.

(L. S.) Given under my hand and seal of the said state, at Providence, this 18th day of Feb. in the year of our Lord one thousand seven hundred and seventy-eight. NICHOLAS COOKE.

By his excellency's command,

HENRY WARD, *Secretary.*

At the general assembly of the governor and company of the state of R. Island and Providence Plantations, begun and holden by adjournment at East-Greenwich, within and for the state aforesaid, on the 2d Monday in Feb. in the year of our Lord one thousand seven hundred and seventy-eight : This assembly having taken into consideration the articles of confederation and perpetual union between the states of N. Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, N. York, N. Jersey, Pennsylvania, Delaware, Maryland, Virginia, N. Carolina, S. Carolina and Georgia, transmitted by Congress to this state, and having had them repeatedly read, and having maturely weighed and most seriously deliberated upon them as their importance to this and the other states and to posterity deserves ; and considering also the pressing necessity of completing the union as a measure essential to the preservation of the independence and safety of the said states, do vote and resolve, and it is voted and resolved, that the hon. Stephen Hopkins, Esq; William Ellery, Esq; and Henry Marchant, Esq; the delegates to represent this state in Congress, or any one of them be, and they are hereby, fully authorized and empow-

ered, on the part and behalf of this state, to accede to and sign the said articles of confederation and perpetual union, in such solemn form and manner as Congress shall think best adapted to a transaction so important to the present and future generations; provided, that the same be acceded to by eight of the other states: and in case any alterations in, or additions to the said articles of confederation and perpetual union, shall be made by nine of the said states in Congress assembled, that the said delegates or any one of them be, and they are hereby authorized and empowered, in like manner, to accede to and sign the said articles of confederation and perpetual union, with the alterations and additions that shall be so made. It is further voted and resolved, that this assembly will and do hereby, in behalf of the said state of Rhode-Island and Providence Plantations, in the most solemn manner, pledge the faith of the said state to hold and consider the acts of the said delegates or any one of them, in so acceding to and signing the said articles of confederation and perpetual union, as valid and binding upon the said state in all future time. And it is further voted and resolved, that a fair copy of this act be made and authenticated under the public seal of this state, with the signature of his excellency the governor, and be transmitted to the delegates; and that the same shall be sufficient warrant and authority to the said delegates or any one of them for the purposes aforesaid.

A true copy duly examined,
 Witnefs, HENRY WARD, *Secretary.*

—*—*—*—
 “ *Connecticut:*

At a General Assembly of the Governor and Company of the State of Connecticut, holden at Hartford, by adjournment, on the 12th day of February, 1778.

The articles of confederation and perpetual union, proposed by Congress to be entered into by the thirteen United States of America, being laid before this assembly by his excellency the governor, were read, and maturely considered; whereupon,

Resolved, That the delegates of this state, who shall be present in Congress, be, and they are hereby fully authorized and empowered, in behalf of this state, to agree to, and ratify the said articles of confederation, with such amendments, if any be, as by them, in conjunction with the delegates of the other states in Congress, shall be thought proper.

A true copy of record,
 Examined by GEORGE WYLLYS, *Secretary.*

—*—*—*—
 “ *New-York:*

The people of the State of New-York, one of the United States of America, by the grace of God, free and independent, to their brethren of the other of the said United States in Congress assembled, and to all others who shall see these our letters patent, send greeting.

Know ye, That among the acts of our senate and assembly of our said state, we have inspected a certain act of the said senate and assembly, the tenor whereof is as follows, to wit: “An act of accession to and approbation of certain proposed articles of confederation and per-

petual union between the United States of America, and to authorize the delegates of the state of New-York to ratify the same on the part and behalf of this state in the Congress of the said United States. Whereas the freedom, sovereignty and independence of the said states, which, with a magnanimity, fortitude, constancy, and love of liberty, hitherto unparalleled, they have asserted and maintained against their cruel and unrelenting enemies, the king and parliament of the realm of Great-Britain, will, for their lasting and unshaken security, in a great measure depend, under God, on a wise, well-concerted, intimate and equal confederation of the said United States: and, whereas, the hon. the Congress of the said United States have transmitted, for the consideration of the legislature of this state, and for their ratification in case they shall approve of the same, the following articles of confederation, to wit:

(Here the articles are recited verbatim.)

And, whereas, the senate and assembly of this state of N. York, in legislature convened, have separately taken the said several articles of confederation into their respective, most deliberate and mature consideration, and by their several and respective resolutions, deliberately made and entered into for the purpose, have fully and entirely approved of the same. In order, therefore, that such approval may be published and made known to the whole world, with all the solemnities of law, and that all the subjects of this state and others inhabiting and residing therein, from time to time, and at all times thereafter, as long as the said confederation shall subsist and endure, may be bound by and held to the due observance of the said articles of confederation, as a law of this state, if the same shall be duly ratified by all the said United States in Congress assembled, be it enacted and declared by the people of the state of N. York, represented in senate and assembly, and it is hereby enacted by the authority of the same, that the said several above-recited articles of confederation, and all and singular the clauses, matters and things in the same contained, be, and the same are hereby, fully accepted, received and approved of for and in behalf of the people of this state. And to the end, that the same may, with all due form and solemnity, be ratified and confirmed by this state in Congress, be it further enacted by the authority aforesaid, that the delegates of this state in the said Congress of the United States of America, or any two of the said delegates, shall be, and hereby are fully authorized, empowered and required wholly, entirely and absolutely, for and in behalf of the people of this state, and in such manner, and under such formalities as shall be determined in Congress, to ratify and confirm all and every of the said above-recited articles of confederation, and all and singular the clauses, matters and things in the same contained; and that an exemplification of this act, tested by his excellency the governor or the lieutenant-governor, or president of the senate of the state for the time being, administering the government, and authenticated with the great seal of this state, shall be full and conclusive evidence of this act. Provided always, that nothing in this act or the said above-recited articles of confederation contained, nor any act, matter or thing to be done and transacted by the delegates of this state in Congress, in and concerning the premises, or any part

thereof, shall bind or oblige or be deemed, construed or esteemed to bind or oblige the government, legislature, people, subjects, inhabitants or residents of this state, until the said above-recited articles shall have been duly ratified and confirmed by or in behalf of all the said United States in Congress assembled; any thing herein or in the said above-recited articles of confederation contained to the contrary thereof in any wise notwithstanding." At the bottom of which act we find the following certificates, to wit: "In senate, Thursday, Jan. 29, 1778. This bill, having been read the third time, Resolved, that the bill do pass. By order of the senate, Pierre Van Cortlandt, president. In assembly, Tuesday, Feb. 3, 1778. This bill having been read three times, Resolved, that the bill do pass. By order of the assembly, Walter Livingston, speaker." And on the back of said bill we find the following endorsement in writing, to wit: "In the council for revising all bills about to be passed into laws by the legislature of the state of N. York, on Friday, 6th day of Feb. 1778. Resolved, that it does not appear improper to this council that the bill entitled "an act of accession to and approbation of certain proposed articles of confederation and perpetual union between the United States of America, and to authorize the delegates of the state of N. York to ratify the same on the part and behalf of this state, in the Congress of the United States, should become a law of this state. George Clinton." In testimony whereof, we, the said people of the state of N. York, have caused the said act of our said senate and assembly to be exemplified by these presents, and our great seal of our said state to be hereunto appended. 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 our navy of the same, the 16th day of February, in the second year of our independence and sovereignty, and in the year of our Lord one thousand seven hundred and seventy-eight.

GEORGE CLINTON.

By his excellency's command,

RICHARD HATFIELD, *Secretary.*"

—*—*—*—
" *Pennsylvania:*

The representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, to the hon. Benjamin Franklin, Dr. of laws, Robert Morris, Esq; Daniel Roberdeau, Esq; Jonathan B. Smith, Esq; James Smith, Esq; of York-town, William Clingan, Esq; Joseph Reed, Esq; delegates for the said commonwealth in the Congress of the United States of America, send greeting.

Know ye, that we the said representatives having taken into our most serious and weighty consideration and deliberation the articles of confederation between the states of N. Hampshire, Massachusetts-Bay, R. Island and Providence Plantations, Connecticut, N. York, N. Jersey, Pennsylvania, Delaware, Maryland, Virginia, N. Carolina, S. Carolina and Georgia, lately transmitted to us by the hon. Henry Laurens, Esq; president of the said Congress, do by this present instrument, signed by our speaker, and sealed with the seal of the laws of this commonwealth, accede to, ratify, confirm and agree to the said articles; which said articles are as follows, to wit:

(Here the articles are recited verbatim.)

And we the said representatives do hereby authorize, empower, require and enjoin you the said Benjamin Franklin, Robert Morris, Daniel Roberdeau, Jonathan B. Smith, James Smith, William Clingan and Joseph Reed, or any two of you, in the name of the said commonwealth of Pennsylvania, to accede to, ratify, confirm and agree to the said articles of confederation. In testimony whereof, we have caused the seal of the laws of Pennsylvania to be hereunto affixed, in general assembly, at Lancaster, the fifth day of March, in the year of our Lord one thousand seven hundred and seventy-eight.

(Seal appended.)

JOHN BAYARD, *Speaker.*"

"Virginia :

In general assembly, December 15, 1778.

Resolved, nemine contradicente, that a speedy ratification of the articles of confederation between the United States of America will confound the devices of their foreign, and frustrate the machinations of their domestic enemies ; encourage their firm friends, and fix the wavering ; contribute much to the support of their public credit and the restoration of the value of their paper-money ; produce unanimity in their councils at home and add weight to their negotiations abroad ; and completing the independence of their country, establish the best foundation of its prosperity.

Resolved, nemine contradicente, that the articles of confederation and perpetual union, proposed by Congress the 7th day of Nov. last, between the states of N. Hampshire, Massachusetts-Bay, R. Island and Providence Plantations, Connecticut, N. York, N. Jersey, Pennsylvania, Delaware, Maryland, Virginia, N. Carolina, S. Carolina and Georgia, and referred for approbation to the consideration of the several legislatures of the said states, be approved and ratified on the part of this commonwealth, and that our delegates in Congress be accordingly authorized and instructed to ratify the same, in the name and on the behalf of this commonwealth, and that they attend, for that purpose, on or before the tenth day of March next.

ARCHIBALD GARY, *Speaker of the Senate.*

G. WYTHE, *Speaker of the House of Delegates."*

"North-Carolina :

State of North-Carolina. In Senate, 25th of April, 1778. To his Excellency Richard Caswell, Esquire, Captain-General, Governor and Commander in Chief, &c. &c.

SIR,

The two houses of the general assembly have taken into consideration the confederacy proposed to the United States by the continental Congress, and have unanimously acceded thereto, and request your excellency will be pleased to inform the president of the continental Congress thereof by the earliest opportunity.

WHITMILL HILL, S. S.

JOHN WILLIAMS, S. C.

By order, J. SITGREAVES, C. S."

South-Carolina :

In the General Assembly, the 4th day of February, 1778.

Resolved, nemine contradicente, that the delegates of this state in the continental Congress, or any three of them, be, and they are hereby authorized, on the part of this state, to agree to and ratify articles of confederation between the United States of America.

Ordered, That the foregoing resolution be sent to the hon. the legislative council for their concurrence, and to his excellency the president for his assent.

By order of the house,

THOMAS BEE, *Speaker*.

In the Legislative Council, the 5th day of February, 1778.

Read the foregoing resolution of the general assembly.

Resolved, That this house do concur with the general assembly in the said resolution.

Ordered, That it be sent to his excellency the president for his assent.

Assented to, February 5th, 1778.

J. RUTLEDGE.

By order of the house,

HUGH RUTLEDGE, *Speaker*."

Georgia :

House of Assembly, Thursday, February 26, 1778.

The house resolved itself into a committee of the whole house, to take into consideration the articles of confederation and perpetual union, and after some time spent therein, Mr. speaker resumed the chair, and Mr. Whitefield, from the committee of the whole, reported, they had taken the said articles into consideration and gone through the same, and made several amendments thereto, which were read and agreed to.

Extract from the minutes,

GEORGE CUTHBERT, *Clerk*.

Report of the amendments to the articles of confederation and perpetual union :

4th article, 4th page, 4th line, add the words "white inhabitants :"
6th line, between the words "vagabonds and" add "all persons who refuse to bear arms in defence of the state to which they belong, and all persons who have been or shall be attainted and adjudged guilty of high treason in any of the United States."

9th article, 20th page, 20th line, between the words "emitted to" add "and the expenditure of the same :"

11th article, 25th page, between the words "Canada acceding" add "and the colonies of East and West-Florida."

A true copy from the original, taken the 24th of May, and examined by

GEORGE CUTHBERT, C. H. A.

House of Assembly, Thursday February 26, 1778.

Resolved, That the delegates from this state be authorized and required to lay before the general Congress of the United States, the several alterations proposed and agreed upon by this house this day in the articles of confederation, and that they do use their exertions to have such alterations agreed to and confirmed in Congress.

Resolved, That in case all or none of such alterations shall be agreed to and confirmed in Congress, that then and notwithstanding they be empowered and required, in behalf of this state, to sign, ratify and confirm the several articles of the confederation recommended to the respective legislatures of the United States by Congress, or any other plan of a general confederation which shall be agreed upon by nine of the United States.

Extract from the minutes,

GEORGE CUTHBERT, *Clerk*.

Philadelphia:

According to adjournment, the president and a number of the members met at the state-house, on Thursday the 2d of July, and adjourned from day to day, to

—————
TUESDAY, July 7, 1778.

Ten states attending.

Mr. E. Boudinot, a delegate from N. Jersey, attended, and took his seat.

A letter, of the 21st, one of the 28th, and one of the 29th of June, and one of July 1st, from gen. Washington, were read.

A letter, of June 19th, from gen. Heath, was read, enclosing sundry letters that passed between him and major-general Philips, consequent to the death of lieut. Richard Brown, of the troops of the convention of Saratoga, who was shot by a centinel "for not stopping when repeatedly challenged, as he was riding out of the lines with two women:" whereupon,

Resolved, That Congress approve of major-general Heath's conduct respecting major-general Philips, consequent upon the death of lieut. Richard Brown, of the troops of the convention.

Ordered, That an extract of major-general Heath's letter, with the letters that passed between him and major-general Philips, together with the inquest held on the body of lieut. R. Brown, be published.

Ordered, That so much of gen. Heath's letter as relates to money, with the account of provisions issued to the troops of the convention of Saratoga, from Nov. 6th, 1777, to March 7th, 1778, and those received in lieu thereof, be referred to the board of treasury.

Congress took into consideration the letter of June 29th, and that of July 1st, from gen. Washington, giving an account of his movements from Valley-Forge to Monmouth court-house, in the state of New-Jersey, in pursuit of the enemy, and of a victory obtained over the British army commanded by gen. sir H. Clinton, in a battle near Monmouth court-house, on the 28th of June: whereupon,

Resolved unanimously, That the thanks of Congress be given to gen. Washington for the activity with which he marched from the camp at Valley-Forge, in pursuit of the enemy; for his distinguished exertions in forming the line of battle; and for his great good conduct in leading on the attack and gaining the important victory of Monmouth over the British grand army, under the command of gen. sir H. Clinton, in their march from Philadelphia to New-York.

Resolved, That gen. Washington be directed to signify the thanks

of Congress to the gallant officers and men under his command, who distinguished themselves by the conduct and valour at the battle of Monmouth.

Ordered, That Mr. Huntington, Mr. Wolcott and Mr. Scudder, have leave of absence.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, July 8, 1778.

A letter, of June 30th, from major-general Putnam, was read :

Ordered That it be referred to the board of war.

A letter, of April 4th, and one of the 26th of the same month, from major-general R. Howe, at Savannah, and one of April 4th, from gov. Houston, of Georgia, were read :

Ordered, That they be referred to the board of treasury.

A letter, of June 29th, from gov. Trumbull, enclosing a letter to him from Duncan Stewart, of London ; also one of May 27th, from Mr. president Weare, of New-Hampshire ; were read.

A letter, of June 25th, from gov. Livingston, was read, enclosing a copy of Ephraim Marsh's affidavit :

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

The members chosen, Mr. Duer, Mr. R. H. Lee and Mr. Boudinot.

A letter, of the 3d, from gov. Livingston, was read, representing the distressed condition of the N. Jersey brigade for want of clothing :

Ordered, That it be referred to the board of war, and that the said board be directed to take speedy and effectual measures for supplying the New-Jersey brigade with necessary clothing.

A letter, of June 16th, from Mr. John Carter, continental agent in Virginia, was read :

Ordered, That it be referred to the committee of commerce.

A letter, of the 23d, and one of the 28th of June, and one of July 2d, from general Gates, were read, enclosing a number of papers :

Ordered, That they be referred to the board of war.

The board of war transmitted to Congress a letter of June 27th, from major-general Schuyler, at Albany, with a copy of a letter from Mr. Deane, Indian interpreter, and a letter of July 3d, from colonel Butler, of Westmoreland, which were read ; whereupon,

Resolved, That the board of war be directed to send for and confer with the Seneca chiefs who have lately quitted the city of Philadelphia, to enquire in what character and with what views they have come among us, whether as representatives or ambassadors of the Seneca nation ; and whether the Seneca nation, as such, have committed hostilities against us, and report specially and immediately to Congress.

A letter, of June 30th, from major-general Heath, was read, enclosing a copy of a letter of May 18th, from B. Franklin and John Adams, Esqrs; commissioners of the United States at Paris :

Ordered, That the letter from B. Franklin and John Adams, Esqrs; be published.

Ordered That the clothier-general, or, in his absence, his deputy in Philadelphia, be directed immediately to make out and lay before Congress an exact and particular invoice of all and every kind of goods, wares and merchandize which have been purchased or taken up by the

clothier-general or any of his deputies within this city, together with a list of the names of the persons of whom they have been purchased, and from whom taken, and the prices at which they were purchased.

Resolved, That the governors of Maryland and Virginia be severally requested to take proper measures for giving the earliest intelligence to any French fleet or ships of war that may appear off the Bay of Chesapeake, of a fleet of British ships of war being ready to sail for N. America, as by the information transmitted from the American commissioners at Paris; and that they be respectively desired to accommodate any such French fleet or ships of war with good pilots for bringing them safely into the Bay, should they incline to come there:

That a similar request and proper advice be transmitted to each of the governors of N. Carolina, S. Carolina and Georgia.

An application being made for an advance of 200,000 dollars to the state of N. Jersey,

Ordered, That it be referred to the board of treasury.

Adjourned to nine o'clock to-morrow.

THURSDAY, July 9, 1778.

Mr. Andrew Adams, a delegate from Connecticut, attended, and took his seat in Congress.

A letter, of the 7th, from gen. Washington, at Brunswick, was read; whereupon,

Ordered, That the committee appointed to arrange the army, repair, without delay, to gen. Washington's head-quarters, and proceed on the business committed to them.

A letter from major Romand de Lisle, was read.

Ordered, That it be referred to the board of war.

A memorial from officers belonging to different regiments of the state of Pennsylvania, was read:

Ordered, That it be referred to the committee of arrangement.

A memorial from the lieutenants and masters in the navy and captains of marines, was read:

Ordered, That it be referred to the marine-committee.

A memorial from the chevalier Faillie, was read:

Ordered, That it be referred to the board of war.

Ordered, That Mr. Hancock and Mr. Ellery have leave of absence.

Resolved, That in the ratification of the articles of confederation, to be signed by the delegates, the following words be omitted, to wit: "which articles were by Congress proposed to the legislatures of all the United States, to be considered, and, if approved of by them, they are advised to authorize their delegates to ratify the same in the Congress of the United States."

The ratification of the articles of confederation, engrossed on a roll of parchment, being laid before Congress, was examined, and the blanks in the third line from the bottom being filled up at the table with the words "ninth," and "July," and the blank in the last line with the word "third," the same was signed, on the part and in behalf of their respective states, by the delegates of N. Hampshire, Massachusetts-Bay, R. Island and Providence Plantations, Connecticut, N. York, Pennsylvania, Virginia and S. Carolina, agreeably to the powers vested in them.

The delegates of the states of N. Jersey, Delaware and Maryland, informed Congress that they have not yet received powers to ratify and sign.

North-Carolina, whose legislature has ratified the articles of confederation, and the state of Georgia, were not at this time represented in Congress.

Resolved, That a committee of three be appointed to prepare a circular letter to the states in this union, that have not hitherto authorized their delegates in Congress to ratify the confederation, informing such states how many, and what states have already ratified the same and desiring that such states will, with all convenient dispatch, authorize their delegates to ratify the confederation in the Congress of the United States;

The members chosen, Mr. Lee, Mr. Dana and Mr. G. Morris.

Several members of Congress having intimated that they have received letters from some of the British commissioners;

Ordered, That all letters received by members of Congress from any of the British commissioners or their agents, or from any subject of the king of Great-Britain, of a public nature, be laid before Congress.

Mr. R. Morris laid before Congress a letter directed to him, dated Philadelphia, June 16, 1778, and signed George Johnstone, which was read.

Ordered, That the committee of commerce consult with the board of war, and jointly agree with the governor of Virginia for such part of the Roderique's cargo, purchased by the state of Virginia, as they shall think wanting for continental use.

A letter, of this day, from general Arnold, was read.

The board of war, to whom was referred an invoice of sundry merchandize, consigned to Mr. Holker and lately arrived at York-town, brought in a report; whereupon,

Resolved, That the committee of commerce be directed and authorized to contract with Mr. Holker for all the hats, blankets and shoes, specified in the said invoice, on such terms as they shall deem expedient.

Resolved, That Mr. Boudinot be added to the committee on the petition from the prisoners in N. York.

The president laid before Congress a bill drawn on him by John Baynton, deputy pay-master-general, in favour of col. John Piper, for £. 2074 : 14 : 4, Pennsylvania currency, being the amount of pay due to the militia of Bedford county, in the continental service:

Ordered, That it be referred to the board of treasury.

Adjourned to nine o'clock to-morrow.

FRIDAY, July 10, 1778.

Two letters, of the 6th, from the marquis de la Fayette, were read;

Ordered, That they be referred to the board of war.

A letter, of June 25th, from major-general Heath, enclosing a copy of a letter from him to major-general Philips; also a letter of the 1st inst. from major-general Schuyler; were read.

The delegates from Pennsylvania laid before Congress the following letters, which were read, viz. one of the 2d, from Samuel Hunter to John Hambright, Esq; one of the 8th, from Robert Levers to George Bryan,

Esq; vice-president of Pennsylvania; and one of the 7th, from Jacob Stroud to Robert L. Hooper, Esq;

Ordered, That they be referred to the board of war.

A petition from August Wille was read :

Ordered to lie on the table.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on John Gibson, Esq; auditor-general, in favour of col. John Piper, for $5532\frac{5}{8}$ dollars, to answer a draught in his favour from John Baynton, deputy pay-master of the western-district, dated Fort-Pitt, April 27, 1778, for £. 2074 : 14 : 4, Pennsylvania currency; the said John Baynton to be accountable :

That, upon application of major-general R. Howe, by his letter, dated Savannah, April 26, 1778, a warrant issue on John Gibson, Esq; for 2029 dollars, in favour of col. Marbury, to reimburse part of a sum which he advanced for the payment and subsistence of the troops under the command of major-general Howe, who is to be accountable :

That a warrant issue on John Gibson, Esq; for 100,000 dollars, and another warrant on Joseph Borden, Esq; commissioner of the continental loan-office in the state of N. Jersey, for 100,000 dollars, in favour of the delegates of that state, it being agreeably to an application of the general assembly thereof, for the purpose of discharging the arrears due to their militia; the said state to be accountable:

The committee appointed to prepare a circular letter to the states in this union, who have not hitherto authorized their delegates to ratify the confederation, brought in a draft, which being read and amended, was agreed to as follows :

SIR,

Congress, intent upon the present and future security of these United States, has never ceased to consider a confederacy as the great principle of union, which can alone establish the liberty of America and exclude for ever the hopes of its enemies. Influenced by considerations so powerful, and duly weighing the difficulties, which oppose the expectation of any plan being formed, that can exactly meet the wishes and obtain the approbation of so many states, differing essentially in various points; Congress have, after mature deliberation, agreed to adopt without amendments the confederation transmitted to the several states for their approbation. The states of N. Hampshire, Massachusetts-Bay, R. Island and Providence Plantations, Connecticut, N. York, Pennsylvania, Virginia, N. Carolina and S. Carolina have ratified the same, and it remains only for your state with those of ——— to conclude the glorious compact, which, by uniting the wealth, strength and councils, of the whole, may bid defiance to external violence and internal dissensions, whilst it secures the public credit both at home and abroad. Congress is willing to hope that the patriotism and good sense of your state will be influenced by motives so important, and they request, sir, that you will be pleased to lay this letter before the legislature of ——— in order that, if they judge it proper, their delegates may be instructed to ratify the confederation with all-convenient dispatch; trusting to future deliberations to make such alterations and amendments as experience may shew to be expedient and just. I have the honor to be, &c,

Adjourned to nine o'clock to-morrow.

SATURDAY, July 11, 1778.

The president informed Congress, that a private letter, which he has received from president Lowndes, of the state of South-Carolina, contains information of a public nature ; a motion was made,

That the president be requested to communicate to Congress so much of the letter as relates to the public :

A previous question was moved and put, that that question be not now put ; passed in the negative.

The main question being put, passed in the affirmative :

Whereupon, an extract of a letter of June 17th, from president Lowndes, of S. Carolina, was laid before Congress, and read, respecting the clothier's-department in that state, and some practices relative to loan-office certificates :

Ordered, That so much of the extract as relates to the clothier's-department lie on the table, to be taken into consideration with the report of the committee on the clothier-general's department :

That so much thereof as relates to loan-office certificates, be referred to the board of treasury.

A letter, of the 7th, from Robert Martin, lieutenant in the continental navy, at Snow-Hill, was read, that being there on furlough till called to duty, and hearing of a French fleet on the coast, he has presumed to go on board the said fleet without orders, apprehending that he may be serviceable there.

A letter, of this day, from William Crofs, was read :

Ordered That it be referred to the board of war.

A letter, of this day, from Ebenezer Hazard, was read, upon which a motion was made :

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

The members chosen, Mr. R. H. Lee, Mr. Duer and Mr. S. Adams.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on John Gibson, Esq; auditor-general, for 1500 dollars, in favour of John Hancock, Esq; it being for the sum of 1300 dollars advanced baron Steuben, at Boston ; to enable him to prosecute his journey to confer with Congress at York-town ; and for 200 dollars, the price of a horse delivered to the said baron, who is to be accountable for the sum of 1500 dollars :

That a warrant issue on John Gibson, Esq; auditor-general, for 3000 dollars, in favour of H. Laurens, Esq; president of Congress, to pay expence of expresses.

Resolved, That the resolution of Congress of the 19th of May last, relative to bills of exchange, be so far re-considered, that the word "North" preceding the word "America," be omitted in the form of the bills ; and that, in lieu of the words "To ———, of the United States of North America," be inserted "To the commissioner or commissioners of the United States of America at Paris."

A letter, of the 10th, from Silas Deane, Esq; dated "Delaware-Bay," was read, informing Congress of his arrival on board the *Languedoc*, commanded by his excellency count d'Estaing, who has under his command a fleet of 12 sail of the line of battle ships and four frigates, which sailed from Toulon the 10th of April :

Ordered, That it be referred to a committee of three, and that they

be directed to take the speediest measures for furnishing count d'Estaing with a sufficient number of skillful pilots ;

The members chosen, Mr. Duer, Mr. J. B. Smith and Mr. Boudinot.

A letter, of the 8th, from count d'Estaing, commander of the French fleet, was read ; whereupon,

Resolved, That gen. Washington be informed, that it is the desire of Congress that he co-operate with his excellency count d'Estaing, commander of a French squadron now on the coast of N. America, and proceeding to N. York, in the execution of such offensive operations against the enemy as they shall mutually approve.

His most Christian majesty, the king of France, having thought proper to send on the coasts a powerful fleet, in order to co-operate with the forces of these states, in the reduction of the British army and navy ;

Resolved, That gen. Washington be empowered to call on the states of N. Hampshire, Massachusetts-Bay, Connecticut, R. Island, N. York, N. Jersey, or such of them as he shall judge proper, for such aids of their militia as he shall think requisite for carrying on his operations in concert with count d'Estaing, commander of the French fleet ; and that it be earnestly recommended to the states above-mentioned, to exert themselves in forwarding the force which way be required from them with the utmost dispatch.

Ordered, That the board of treasury supply Monf. de Chain, who is on his way from count d'Estaing to gen. Washington, with any sum he may stand in need of, not exceeding 20,000 French livres, to be charged to account of his excellency Monf. Gerard, minister plenipotentiary from his most Christian majesty the king of France.

Ordered, That the quarter-master supply Monf. Chain with horses or carriages to convey him to gen. Washington's head-quarters.

Resolved, That the marine-committee be directed to order the commissions of the navy to the eastward, to fit out as many continental frigates and armed vessels as possible, with the utmost dispatch, to join the French squadron in their operations against the enemy.

Ordered, That the board of war take measures for providing a suitable house for the accommodation of the sieur Gerard, minister plenipotentiary, who is arrived in the Languedoc ; and that they give the necessary orders for receiving him with proper honours on his arrival in this city.

Resolved, That a committee of five be appointed to wait on Monf. Gerard, on his arrival, and conduct him to his lodgings ;

The members chosen, Mr. Hancock, Mr. R. H. Lee, Mr. Drayton, Mr. Roberdeau and Mr. Duer.

Adjourned to nine o'clock on Monday.

MONDAY, July 13, 1778.

Mr. Telfair, a delegate from Georgia, attended, and produced the credentials of the delegates of that state, which were read as follows ;

“ *House of Assembly, Thursday, February 26, 1778.*

“ The house proceeded to ballot for delegates to represent this state in Congress for the ensuing year, when the following gentlemen were chosen, to wit : Lyman Hall, George Walton, Joseph Clay, John Wal-

ton, Edward Telfair, Joseph Wood and Edward Langworthy, Esqrs;
 Extract from the minutes,

GEORGE CUTHBERT, Clerk."

Mr. Harvie, a delegate from Virginia, and Mr. Forbes, a delegate from Maryland, attended, and took their seats in Congress.

A letter, of the 11th, from the council of Pennsylvania, was read :
Ordered, That it be referred to the board of war.

A letter, of the 4th, from gov. Henry, of Virginia, was read ;
 whereupon,

Ordered, That the president write by express to gov. Henry, and request him to spare, for the use of the army of the United States, all the vinegar composing part of the cargo of the ship Roderique, which was purchased by the state of Virginia.

The committee for foreign affairs laid before Congress a letter of the 31st of March last, from Dr. Edward Bancroft, which was read, and returned to the committee.

The committee on the treasury brought in a report, which was read ;
Ordered, That the consideration thereof be postponed till to-morrow.

A letter, of this day, from E. Blaine, deputy commissary-general of purchases, was read ; whereupon,

Ordered, That a warrant issue on John Gibson, Esq; auditor-general, in favour of Ephraim Blaine, on his application, for 300,000 dollars, for the use of his department ; col. Wadsworth to be accountable, and that col. Wadsworth be informed of this application and order.

A letter, of this day, from Timothy Matlack, was read, enclosing a copy of a letter from Samuel Hunter, county-lieutenant, to colonels Henry Shoemaker, Michael Lindawood, and others, commanders of militia in Berks county :

Ordered, That the letter from Samuel Hunter be referred to the board of war, and the letters from T. Matlack to a committee of four ;

The members chosen, Mr. Banister, Mr. G. Morris, Mr. Chase and Mr. Dana.

Resolved, That the commissary-general be directed to furnish the French Squadron, under Mons. the count d'Estaing, vice-admiral of France, with such provisions, from time to time, as shall be directed by the marine-committee, and to make return of his proceedings and expenditures on this occasion to that committee.

Ordered, That the committee of commerce render an account to Congress of the quantities of tobacco which they have purchased, how they have been disposed of, and what quantities still remain in the states of Virginia and Maryland.

A letter, of the 1st, from James Jay, at Boston, was read.

The committee to whom the petition from the officers, prisoners of war on L. Island, was referred, brought in a report, which was read ; and after being debated, the determination thereof was postponed at the request of a state.

An application being made by John Nicholson, late captain of the Hornet, and also an application being received from Henry Johnson, late captain of the brig Lexington, in the service of the United States, which vessels they have respectively lost, desiring to know which way they are to proceed, in order to have their conduct enquired into :

Ordered, That the said applications be referred to the marine-committee, and that they take order thereon.

A motion being made, respecting Carpenter Wharton,

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

The members chosen, Mr. Drayton, Mr. Chafe and Mr. Sherman.
Adjourned to nine o'clock to-morrow.

*
TUESDAY, July 14, 1778.

A letter, of the 12th, from John Harris, at Paxton, directed to the secretary of Congress, on public service, was laid before Congress, and read:

Resolved, That it be referred to the board of war, and that the board of war be directed, in conjunction with the supreme executive council of Pennsylvania, to take the most speedy and practicable measures for repelling the present irruption of the Indians, and for protecting the continental magazine at Carlisle.

The sieur Gerard being arrived in town, and having delivered to the president a copy of a letter from his most Christian majesty, signed Louis, and underneath Gravier de Vergennes, the same was read; whereupon,

Resolved, That his excellency the sieur Gerard be received as minister plenipotentiary from his most Christian majesty to the Congress of the United States of America.

Adjourned to nine o'clock to-morrow.

*
WEDNESDAY, July 15, 1778.

Mr. J. Reed, a delegate for Pennsylvania, attended, and took his seat in Congress.

A letter, of the 12th, from gen. Washington, at his camp, at Pyramus, and one of the 12th, from col. R. Wescot, at the Forks of Little-Egg-Harbour; also sundry papers from his excellency the sieur Gerard, were read.

A letter, of March 25th, from his excellency the count de Vergennes to Silas Deane, Esq; was read.

A letter, of March 23d, from the hon. William Lee, at Paris, was read, and referred to the committee for foreign affairs.

A letter, of the 10th, from major-general Gates, at White-Plains, was read.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on John Gibson, Esq; auditor-general, for 5500 dollars, in favour of Mr. S. Adams, Mr. Gerry, Mr. Dana, Mr. Lovell and Mr. Holten, delegates of the state of Massachusetts-Bay, advanced on their application; the said state to be accountable:

That a warrant issue on John Gibson, Esq; auditor-general, for 80,000 dollars, in favour of the marine-committee, to enable them to pay a bill drawn on them by the navy-board of the eastern-department, dated May 11th, in favour of Nathaniel Shaw, Esq; the said committee to be accountable:

That a warrant issue on John Gibson, Esq; auditor-general, in favour of the committee of commerce, for 417 $\frac{33}{90}$ dollars, to enable them to pay James and Adam Hunter, of Virginia, the balance of their account, dated the 29th of May last; the said committee to be accountable:

That a warrant issue on John Gibson, Esq; auditor-general, for 924 dollars, in favour of John Knight, in discharge of two bills of exchange, drawn by John Ashe, treasurer of the state of N. Carolina, one dated January 29th, 1777, for 799 dollars, in favour of Thomas Craike, the other dated May 10th, 1777, for 125 dollars, in favour of Benjamin Williams; the said state to be accountable:

That a warrant issue on John Gibson, Esq; auditor-general, in favour of Mr. Joseph Nourse, pay-master to the board of war and ordnance, for 30,494 $\frac{1}{2}$ dollars, upon an application of the said board, to answer a draught of Nathaniel Shaw, jun. of New-London, in favour of capt. John Mitchel, dated May 4th, 1778, for duck and lead; the said J. Nourse to be accountable.

A letter, of June 30th, from Hewes, Smith and Allen, at Edenton, was read:

Ordered, That it be referred to the committee of commerce.

Resolved, That three members be added to the committee of commerce;

The members chosen, Mr. Telfair, Mr. Harvie and Mr. A. Adams, A petition from John Brown, ensign in col. Greaton's regiment, was read.

Ordered, That the said petition be dismissed.

Congress took into consideration a memorial from the sieur Gerard, respecting prisoners taken by the squadron of his most Christian majesty, commanded by the count d'Estaing, being one of the papers received and read this morning; whereupon,

Resolved, That all prisoners taken, or which may be taken by the squadron of his most Christian majesty, under the command of the count d'Estaing, vice-admiral of France, be received by the commissary-general of prisoners, and that he provide for their safe custody and subsistence in like manner as hath been usual for the prisoners of these states:

That he make monthly returns of all prisoners, which shall be by him so received, to the board of war:

That he make monthly returns to the treasury of the accounts of all monies expended for the purposes aforesaid; and that the prisoners be held at the disposal of his most Christian majesty, and subject to the orders of his excellency Mons. count d'Estaing.

Resolved, That all officers in the service of these states be directed to pay proper attention to the above resolution.

Ordered, That the paper relative to signals, received from his excellency the sieur Gerard, and read this morning, be referred to the marine-committee.

Ordered, That an extract of another paper from the sieur Gerard, relative to the encouragement given by count d'Estaing to American armed vessels, whether public or private, be published.

Ordered, That the note from the sieur Gerard, setting forth, "that among the prisoners of war, for the guard and subsistence of which he has desired Congress to provide, there is one of the name of Towson, a native of Maryland; that the birth of this captain in one of the United States, and the sentiments he has expressed for his country, have determined the sieur Gerard to refer the decision of his fate to Con-

gress, who may grant him his full liberty if they judge him worthy of this favour," be referred to the delegates of Maryland.

A letter, of the 11th, from J. Wadsworth, commissary-general of purchases, was read :

Ordered, That it be referred to the board of treasury.

Congress resumed the consideration of the report from the committee of the treasury of the 13th ; whereupon,

Resolved, That a treasurer of loans be appointed, whose duty it shall be to sign loan-office certificates and bills of exchange for the payment of interest arising on such certificates, which shall be struck by order of Congress ; to deliver such certificates and bills of exchange agreeably to the orders of the board of treasury ; to receive such bills of credit as Congress shall, from time to time, order to be sunk and destroyed ; and to perform such other services, incident to his office, as may hereafter be ordered by Congress or the board of treasury :

That the treasurer of loans be allowed a salary at the rate of 2000 dollars a-year.

Ordered, That Friday next be assigned for electing a treasurer of loans.

A petition from the marquis de Vienne, was read ; whereupon, a resolution was moved in the words following :

The marquis de Vienne, a major in the service of the king of France, having served with reputation as a volunteer in the American army during the present campaign, and having requested Congress to honour him with the brevet commission of a colonel, without any pay annexed to the said rank ;

Resolved, That the request of the marquis de Vienne be complied with, and that a brevet commission of colonel in the service of the United States be conferred on him.

A motion was made, to amend the resolution by inserting the word " lieutenant " before the word " colonel : " and the yeas and nays being required by Mr. Marchant,

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | |
| | Mr. Dana, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Holten, | ay | } ay |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | |
| <i>Connecticut,</i> | Mr. Sherman, | no | } no |
| | Mr. Hosmer, | no | |
| | Mr. A. Adams, | no | } * |
| <i>New-York,</i> | Mr. Duer, | no | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | } no |
| | Mr. Elmer, | ay | |
| | Mr. Boudinot, | no | } divided. |
| <i>Pennsylvania,</i> | Mr. R. Morris, | no | |
| | Mr. Reed, | ay | } no |
| <i>Maryland,</i> | Mr. Chase, | no | |
| | Mr. Forbes, | no | } no |
| | | | |

| | | | |
|------------------------|-----------------------|-----------|-------------|
| <i>Virginia,</i> | Mr. <i>R. H. Lee,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Banister,</i> | <i>no</i> | |
| | Mr. <i>T. Adams,</i> | <i>no</i> | |
| | Mr. <i>Harvie,</i> | <i>ay</i> | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Matthews,</i> | <i>ay</i> | |
| | Mr. <i>Heyward,</i> | <i>no</i> | |
| <i>Georgia,</i> | Mr. <i>Telfair,</i> | <i>ay</i> | } <i>ay</i> |

So it passed in the negative.

The main question was then put ; and the yeas and nays being required by Mr. Marchant,

| | | | |
|---------------------------|-------------------------|-----------|-------------------|
| <i>New-Hampshire,</i> | Mr. <i>Bartlett,</i> | <i>no</i> | } <i>no</i> |
| <i>Massachusetts-Bay,</i> | Mr. <i>Gerry,</i> | <i>ay</i> | |
| | Mr. <i>Dana,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Lovell,</i> | <i>ay</i> | |
| | Mr. <i>Holten,</i> | <i>no</i> | |
| <i>Rhode-Island,</i> | Mr. <i>Marchant,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Sberman,</i> | <i>no</i> | |
| | Mr. <i>Hosmer,</i> | <i>ay</i> | } <i>ay</i> |
| <i>Connecticut,</i> | Mr. <i>A. Adams,</i> | <i>ay</i> | |
| | Mr. <i>Duer,</i> | <i>ay</i> | } * |
| <i>New-York,</i> | Mr. <i>Witberspoon,</i> | <i>ay</i> | |
| <i>New-Jersey,</i> | Mr. <i>Elmer,</i> | <i>no</i> | } <i>ay</i> |
| | Mr. <i>Boudinot,</i> | <i>ay</i> | |
| | Mr. <i>R. Morris,</i> | <i>ay</i> | } <i>divided.</i> |
| <i>Pennsylvania,</i> | Mr. <i>Reed,</i> | <i>no</i> | |
| | Mr. <i>Chase,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Forbes,</i> | <i>ay</i> | |
| <i>Maryland,</i> | Mr. <i>R. H. Lee,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Banister,</i> | <i>ay</i> | |
| | Mr. <i>T. Adams,</i> | <i>ay</i> | |
| | Mr. <i>Harvie,</i> | <i>ay</i> | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Matthews,</i> | <i>no</i> | |
| | Mr. <i>Heyward,</i> | <i>ay</i> | |
| <i>Georgia,</i> | Mr. <i>Telfair,</i> | <i>no</i> | } <i>no</i> |

So it was resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

THURSDAY, July 16, 1778.

A proposal from capt. John Mitchel, commander of the French ship *Lion*, in York-river, Virginia, to enter into a treaty or agreement with Congress for importing goods, was read :

Ordered, That it be referred to the committee of commerce.

Mr. Dana laid before Congress a letter which he received from gov. G. Johnstone, one of the commissioners from the king of Great-Britain, together with an extract of the same, as far as it relates to public matters, which extract was compared with the original and lodged with the secretary, and the original was returned.

Dr. Witherspoon also laid before Congress sundry letters he received from his friends in Scotland, and the same containing nothing important of a public nature, were returned.

The delegates of Maryland, to whom was referred the note from the sieur Gerard, respecting capt. Towson, brought in a report; whereupon,

Resolved, That full liberty be granted to captain Towson.

Mr. Penn, a delegate from N. Carolina, attended, and produced his credentials, which were read as follows:

“(L. S.) *State of North-Carolina:*

To John Penn, Cornelius Harnett, and John Williams, Esqrs; greeting.

Whereas, the general assembly have elected you delegates to attend the Congress of the United States: these are therefore to commissionate, authorize and empower you, the said John Penn, Cornelius Harnett and John Williams, to attend the said Congress of the United States of America, in behalf of this state, for one year, from the 28th day of April last, unless sooner re-called by the general assembly; and you are hereby invested with such powers as may make any act done by you, or consent given in the said Congress in behalf of this state, obligatory upon every inhabitant thereof. Witness, Richard Caswell, Esq; governor, captain-general, and commander in chief of the said state, under his hand and seal at arms, at Newbern, the 2d day of May, anno domini 1778, and in the second year of our independence.

R. CASWELL.

By his excellency's command,

“J. GLASGOW *Secretary.*”

Mr. Gerard having transmitted to Congress a paper, thanking Congress for the quick dispatch with which they have provided for the first wants of the French squadron, and accompanied with a memorandum of the provisions which will hereafter be necessary; also notifying that Mr. Holker is commissioned “agent of the marine of France,” and desiring that Congress would make him known as such, where it may be necessary:

Ordered, That the same be referred to the marine-committee.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer for 524,000 dollars, in favour of the marine-committee, advanced upon their application, for the use of the navy-board in the eastern-department; the said committee to be accountable:

That a warrant issue on John Gibbon, Esq; auditor-general, for 50,000 dollars; and another warrant on John Lawrence, Esq; commissioner of the continental loan-office in the state of Connecticut, for 100,000 dollars; in favour of William Buchanan, Esq; late commissary-general of purchases, to be by him transmitted to Peter Colt, Esq; deputy commissary-general of purchases for the eastern-district; the said William Buchanan, Esq; to be accountable:

That a warrant issue on John Gibbon, Esq; auditor-general, for 37,570 $\frac{30}{100}$ dollars, in favour of James Mease, Esq; clothier-general, to enable him to answer two draughts of Messrs. Otis and Andrews, one in favour of capt. John Mitchel, for 27,574 $\frac{30}{100}$ dollars, the other in fa-

vour of Mr. P. Gourge, for 10,000 dollars; the said J. Mease, Esq; to be accountable.

Adjourned to nine o'clock to-morrow.

FRIDAY, July 17, 1778.

A letter, of the 14th, from gen. Washington, at Pyramus, Bergen county, in the state of N. Jersey, and one of the 16th, from J. Nourse, pay-master of the board of war and ordnance, were read :

Ordered, That the letter from J. Nourse, be referred to the board of treasury.

A letter, of the 16th, from the board of war, was read, informing, that the express sent to bring back the Seneca chiefs, is returned; that the chiefs would not consent to return, and that the board did not think themselves authorized to use force in the case: whereupon,

A motion was made, "that a letter be written to gen. Schuyler and the commissioners of Indian affairs, acquainting them that Congress have received probable information that the Seneca nation or some of them have very lately committed hostilities against these states, and directing the said commissioners to take prudent but effectual measures for detaining the Seneca chiefs now among us, and on their way to Albany, till full information be obtained upon the subject, unless they should have cogent reasons to the contrary:"

Question put, passed in the negative.

A letter, of this day, from Cornelius Sweers, was read :

Ordered, That it be referred to the board of war, and that they issue such orders relative to the place of Mr. Sweers's confinement, until his conduct can be examined, as they shall judge sufficient for the security of his person.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on John Gibson, Esq; auditor-general, for 200 dollars, in favour of Mr. Mosley, copper-plate printer, advanced him on account.

Ordered, That the remainder of the report be re-committed.

In consequence of a recommendation,

Resolved, That the Rev. James Francis Armstrong be appointed chaplain to the second brigade of Maryland forces.

Resolved, That Mr. Penn be appointed a member of the marine-committee, for the state of N. Carolina.

Adjourned to nine o'clock to-morrow.

SATURDAY, July 18, 1778.

According to order, Mr. J. Reed laid before Congress a letter from George Johnstone, dated London, April 11, 1778, and directed to gen. Joseph Reed; and also an extract of a letter from Dennis d'Bert, intended as a letter of introduction for gov. Johnstone :

Ordered, That the letter from gov. G. Johnstone be published.

A letter signed Carlisle, William Eden, George Johnstone, dated N. York, the 11th of July, 1778, and directed "to his excellency Henry Laurens, the president, and others the members of Congress," was received and read; whereupon,

Congress came to the following resolutions:

Whereas Congress, in a letter to the British commissioners, of the 17th of June last, did declare that they would be ready to enter upon the consideration of a treaty of peace and commerce, not inconsistent with treaties already subsisting, when the king of Great-Britain should demonstrate a sincere disposition for that purpose; and that the only solid proof of this disposition, would be an explicit acknowledgment of the independence of these states, or the withdrawing his fleets and armies; and, whereas, neither of these alternatives have been complied with; therefore,

Resolved, That no answer be given to the letter of the 11th inst. from the British commissioners.

Ordered, That the said letter and the foregoing resolutions be published.

Ordered, That the letter signed George Johnstone, dated Philadelphia, June 16th, 1778, and directed to Robert Morris, Esq; be published.

Ordered, That the extract of the letter from gov. George Johnstone to Mr. Dana, be published.

A letter, of the 17th, from gov. Livingston, of N. Jersey, was read.

A particular invoice of goods, taken and purchased for the use of the army upon the evacuation of the city of Philadelphia, being transmitted to Congress by the clothier-general,

Ordered, That it lie on the table.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on John Gibson, Esq; auditor-general, for 13,000 dollars, in favour of the committee of commerce, to enable them to pay a bill drawn on them by Messrs. Hewes, Smith and Allen, continental agents in the state of N. Carolina, for that sum, dated the 30th of June last, in favour of Mr. Benjamin Joy; the said committee to be accountable.

Congress being informed that Ludwic Kercher, butcher, who was in the continental employ in the commissary's department, entered into the service of the enemy, and now remains in the city of Philadelphia;

Ordered, That the board of war issue immediate orders to have the said Ludwic Kercher arrested and secured.

Adjourned to nine o'clock on Monday.

MONDAY, July 20, 1778.

A letter, of the 18th, from lieutenant-colonel Laurens, one of general Washington's aids, was read.

A letter, of the 8th, from governor Henry, of Virginia, was read:

Ordered, That it be referred to the board of war and ordnance, and that they be directed to take the same under their immediate consideration. and report thereon as soon as possible.

A letter, of the 6th, from general Heath, was read:

Ordered, That it be referred to the board of treasury.

A letter, of the 8th, from general Heath, was read, enclosing sundry papers relative to ensign John Brown, under sentence of death:

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

The members chosen, Mr. Sherman, Mr. Marchant and Mr. Drayton.

A letter, of the 9th, from general Heath, was read :

Ordered, That it be referred to the board of war.

A letter, of the 15th, from James Smith, directed to the hon. the vice-president and council of the state of Pennsylvania, with a deposition of John Bosley, enclosed, was laid before Congress, and read :

Ordered, That the same be referred to the board of war.

A letter, of the 9th, from the council of Massachusetts-Bay, was read.

An account for funeral expenses of the late Monsi. du Condray, was laid before Congress :

Ordered, That it be referred to the board of treasury.

The committee to whom was referred the letter of the 11th, from Ebenezer Hazard, Esq; and the papers relating thereto, report,

That they have had the same under consideration, and having conversed with Mr. Hazard upon the subject, are of opinion, that Mr. Hazard's undertaking is laudable, and deserves the public patronage and encouragement, as being productive of public utility : whereupon,

Resolved, That it be recommended to the several governors, presidents, and executive powers of the several states in this union, to assist Mr. Hazard, and give facility to his labours in making a collection of the various state-papers relative to the origin and progress of the several European settlements in North-America, and such as relate to the rise and progress of the present war with Great-Britain : That, for this purpose, he be admitted to an inspection of public records, and be furnished, without expense, copies of such papers as he may judge will conduce to the valuable end he hath in view :

That it be also recommended to such private gentlemen as may have collected any materials of the kinds above-mentioned, to assist Mr. Hazard in his laudable undertaking.

The committee farther report, that, in their opinion, the making this collection will not interfere with Mr. Hazard's employment in the post-office, nor interrupt the discharge of his duty as a surveyor of the post in the eastern-department ; but that Mr. Hazard must necessarily be put to expense of various kinds in procuring the extensive collection of materials he proposes to make. Whereupon,

Resolved, That to enable Mr. Hazard to sustain such expense, 1000 dollars be advanced to him upon account, returns being made to Congress of his expenses in this business.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on John Gibson, Esq; auditor-general, for 6000 dols. in favour of Joseph Nourse, pay-master of the board of war and ordnance, to enable the board of war to pay colonel Broadhead three months pay of his regiment, who are now on their march to the western-country ; the said Joseph Nourse to be accountable.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due, to Mr. Gouverneur, Morris, for his expenses on the road to and from camp, on public service last spring, 51 dollars :

To John Young, who was a private in the 3d Virginia regiment, in capt. Rueben Briscoe's company, as per certificates, for his pay, from the 14th of Feb. 1778, to the 16th of June last, inclusive, four months and two days, during which time he was a prisoner with the enemy in Philadelphia, $27\frac{10}{100}$ dollars :

To the Rev. Mr. Lotbinier, a balance of $87\frac{6}{10}$ dollars, as per account stated herewith, for rations agreeable to a resolve of Congress of June last, and for his pay and subsistence from the 11th of June to the 10th of July, 1778, the sum of 60 dollars, making in the whole, $147\frac{6}{10}$ dollars :

To the chevalier de Failley, his pay as lieutenant-colonel, from the 1st of April to the 30th of June, 1778, three months, at 60 dollars per month, 180 dollars ; and for his rations from the 1st of April to the 31st of May, 61 days, at five rations per day, is 305 rations, at $\frac{3}{10}$ ths per ration, $101\frac{6}{10}$ dollars ; and for his subsistence allowed in lieu of rations, from the 1st to the 30th of June, 1778, inclusive, 40 dollars ; making in the whole, $321\frac{6}{10}$ dollars :

Ordered, That the said accounts be paid.

Adjourned to nine o'clock to-morrow.

TUESDAY, July 21, 1778.

A letter, of April 3d ; one, of May 5th, and one of May 6th, from gov. de Galves, of New-Orleans, directed to Messrs. R. Morris and W. Smith ; and a letter of July 4th, from J. Morain, late captain of the sloop Bernardo, from the Mississippi, at Edenton, N. Carolina, with an invoice of her cargo ; and sundry letters and papers from M. Pollock, at New-Orleans ; were laid before Congress, and read :

Ordered, That they be referred to the committee of commerce.

A letter, of June 23d, from the council of Massachusetts-Bay, was read :

Ordered, That so much as relates to money, be referred to the board of treasury ; and the remainder to a committee of three ;

The members chosen, Mr. Dana, Mr. Reed and Mr. Sherman.

Pursuant to the powers in them vested, the delegates of N. Carolina signed the ratification of the articles of confederation, in behalf of that state.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on John Gibson, Esq; auditor-general, in favour of John Penn, for 1071 dollars, in discharge of three bills of exchange drawn on the continental treasurer, by John Ashe, treasurer of the state of N. Carolina, one dated January 29th, 1777, in favour of Thomas Craike, for 250 dollars ; one other dated May 9th, 1777, in favour of Cosmo Medici, Esq; for 321 dollars ; each of which is expressed to be for clothing the continental troops in that state ; the other dated May 9th, 1777, in favour of Thomas Donalho, for 500 dollars, and endorsed by him to Robert Williams, and expressed to be for the service of the United States ; which several bills are to be charged to the state of N. Carolina, in part of the grant in favour of the said state, for 500,000 dollars.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, July 22, 1778.

A letter, of the 17th, from Mr. W. Smith, at Baltimore, was read, informing, that his private business puts it out of his power to give any farther attendance at the navy-board, now removed to Philadelphia, and therefore requesting Congress will accept his resignation ; whereupon,

Resolved, That the resignation of William Smith, as commissioner of the navy-board in the middle-district, be accepted.

The board of war, to whom were referred the letters from his excellency P. Henry, gov. of Virginia, dated the 8th and 10th of July, brought in a report, which was taken into consideration, and after debate,

Ordered, That it be re-committed.

Resolved, That a member from Pennsylvania and a member from Virginia be appointed to confer with the board of war on the subject of this report ;

The members chosen, Mr. Reed and Mr. Harvie.

Ordered, That the board of war and committee meet on this business forthwith, and report thereon as soon as possible.

A letter, of the 16th, from gov. Henry, of Virginia, was read.

The committee on the treasury brought in a report :

Adjourned to nine o'clock to-morrow.

THURSDAY, July 23, 1778.

Mr. J. Walton, a delegate from Georgia, attended, and took his seat in Congress.

The delegates from Georgia laid before Congress the proceedings of the assembly of that state, respecting the articles of confederation, which were read.

A letter, of the 22d, from Frederick Tracey, with two letters enclosed from Mr. J. Moore, was read :

Ordered, That the same be referred to the board of war.

A letter, of March 11th, 1778, from don Diego Joseph Navarro, at Havannah, was read.

Two commissioners from the sieur Gerard, minister plenipotentiary of his most Christian majesty, to Mons. J. Holker, both dated at Philadelphia, July 15th, 1778 ; the one appointing him, the said J. Holker, inspector-general of trade and manufactures of France, and agent to the royal marine of France ; the other appointing him, the said J. Holker, inspector-general of trade and manufactures of France, consul of France in the port of Philadelphia : whereupon, two resolutions were moved.

On motion, *Resolved*, That the said commissions, with the resolutions moved, be referred to a committee of five ;

The members chosen, Mr. Chase, Mr. R. Morris, Mr. Duer, Mr. Gerry and Mr. Heyward.

A petition from Richard Marven and Samuel Shaw, was read :

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

The members chosen, Mr. Dana, Mr. Drayton and Mr. G. Morris.

A petition from merchants in Philadelphia, and a letter from White and Chaloner, directed to Thomas and Isaac Wharton, were read :

Ordered, That the same be referred to a committee of four ;

The members chosen, Mr. Duer, Mr. Harvie, Mr. Holten and Mr. Drayton.

Ordered, That the letter of the 9th inst. from major-general Arnold, be referred to the said committee.

Resolved, That the said committee, in conjunction with the commit-

tee appointed or to be appointed by the supreme executive-council of the state of Pennsylvania, be authorized to ascertain the property of the goods, wares and merchandize in possession of the inhabitants of the city of Philadelphia, at the time it was evacuated by the enemy, viz. so far as to determine whether any, or what part thereof may belong to the king of Great-Britain or any of his subjects, agreeably to the resolution of the 4th of June last.

Ordered, That the invoice of goods, taken and purchased for the use of the army upon the evacuation of the city of Philadelphia by the enemy, which was, according to order, transmitted to Congress by the clothier-general, be referred to the foregoing committee.

The determination of the question postponed at the request of a state on the 13th was called for ; a debate arising thereon, and a doubt arising respecting the power of the two delegates from Georgia to give the vote of that state,

Ordered, That the credentials heretofore given the delegates from Georgia, together with the credentials of the attending members from that state, be laid before Congress.

Adjourned to nine o'clock to-morrow.

FRIDAY. July 24, 1778.

According to order, the credentials heretofore given to delegates from Georgia, together with the credentials of the attending members from that state, were laid before Congress, and read ; whereupon,

Resolved, That any one of the delegates from Georgia, or a majority of those present, is fully authorized to represent and give the vote of that state.

A question was then moved, whether one delegate from N. Carolina is empowered, under the credentials last given, to represent and give the vote of that state ? whereupon,

Resolved, That any one of the delegates of N. Carolina is empowered, when only one is present, to give the vote of that state :

The yeas and nays being on this question required by Mr. Chase,

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | |
| | Mr. Dana, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| | Mr. Collins, | no | |
| <i>Connecticut,</i> | Mr. Sberman, | ay | } ay |
| | Mr. A. Adams, | ay | |
| <i>New-York,</i> | Mr. Duer, | ay | } ay |
| | Mr. G. Morris, | ay | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } ay |
| | Mr. Elmer, | ay | |
| | Mr. Scudder, | no | |
| <i>Pennsylvania,</i> | Mr. R. Morris, | ay | } ay |
| | Mr. Reed, | ay | |
| <i>Maryland,</i> | Mr. Chase, | no | } no |
| | Mr. Forbes, | no | |

| | | | |
|-----------------|----------------|----|------|
| Virginia, | Mr. R. H. Lee, | no | } ay |
| | Mr. Banister, | ay | |
| | Mr. T. Adams, | ay | |
| South-Carolina, | Mr. Laurens, | ay | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Heyward, | ay | |
| Georgia, | Mr. Walton, | ay | } ay |
| | Mr. Telfair, | ay | |

So it was resolved in the affirmative.

A memorial from Francis Hopkinson and John Wharton, commissioners of the navy-board in the middle-district, was read, enclosing an account of their expenses at Baltimore, in Maryland, on public business, by order of the marine-committee :

Ordered, That it be referred to the marine-committee.

The determination of the question postponed by a state, was called for :

Whereupon it was moved, and

Resolved, That the determination of that question be postponed.

Pursuant to the powers in them vested, the delegates of Georgia signed the ratification of the confederation.

Congress took into consideration the report from the board of treasury ; and some time being spent thereon,

Ordered, That the farther consideration thereof be postponed till to-morrow.

Adjourned to nine o'clock to-morrow.

SATURDAY, July 25, 1778.

A letter, of the 6th, from Mr. president Lowndes, of South-Carolina, was read :

Ordered, That it be referred to the medical-committee.

A letter, of the 15th, from Mons. de Francey, at Williamsburgh, was read :

Ordered, That it be referred to the committee of commerce, and that they report thereon with all expedition.

The committee of foreign affairs laid before Congress a copy of the proceedings at a maritime court against the snow " Our Lady of Mount Carmel :"

Ordered, That it be referred to the committee on the letter of the 1st of June, from the board of war for the state of Massachusetts-Bay.

Congress resumed the consideration of the report of the board of treasury of the 22d ; whereupon,

Ordered, That, upon application of the board of war and ordnance, a warrant issue on John Gibson, Esq; auditor-general, for 17,849 $\frac{4}{5}$ dollars, in favour of Joseph Nourse, pay-master of the said board, to be issued by them for the purchase of clothing ; the said Joseph Nourse to be accountable :

That a warrant issue on John Gibson, Esq; auditor-general, for 79,980 $\frac{3}{4}$ dollars, in favour of James Meafe, Esq; clothier-general, to enable him to pay the following draughts of Otis & Andrews, of Boston, viz.

| | |
|-------------------------------|-------------------------------|
| In favour of Lee & Jones, for | 8000 |
| Codman & Smith, | 1035 |
| Thomas Ruffel, | 18,333 $\frac{30}{100}$ |
| Monf. A. Cabott, | 30,000 |
| Mr. E. Gerry, | 3475 |
| S. P. Savage, | 10,000 |
| | <hr/> 70,843 $\frac{30}{100}$ |

And a draught of Joseph Pennell, of Virginia, for }
 fundries furnished major Lee's corps, } 9137 dollars.

Making in the whole, - - - 79,980 $\frac{30}{100}$ dols.

The board of treasury having recommended fundry persons, and among them one of an ecclesiastical character, as inspectors of the presses for striking bills of credit, bills of exchange, and loan-office certificates.

A motion was made, that the sense of the house be taken, whether it is proper that Congress should appoint any person of an ecclesiastical character to any civil-office under the United States?

Whereupon, the previous question was moved, and the yeas and nays being required by Mr. Duer,

| | | | | |
|---------------------------|------------------|----|---|----|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } | ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | | |
| | Mr. Gerry, | ay | } | ay |
| | Mr. Dana, | ay | | |
| | Mr. Lovell, | ay | | |
| | Mr. Holten, | ay | | |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } | ay |
| | Mr. Collins, | ay | | |
| <i>Connecticut,</i> | Mr. Sherman, | ay | } | ay |
| | Mr. A. Adams, | ay | | |
| <i>New-York,</i> | Mr. Duer, | no | } | no |
| | Mr. G. Morris, | no | | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } | ay |
| | Mr. Elmer, | ay | | |
| | Mr. Scudder, | ay | | |
| <i>Pennsylvania,</i> | Mr. Reed, | ay | } | ay |
| <i>Maryland,</i> | Mr. Chase, | no | | |
| | Mr. Plater, | no | } | no |
| | Mr. Forbes, | no | | |
| <i>Virginia,</i> | Mr. Banister, | ay | } | * |
| | Mr. Harvie, | no | | |
| <i>North-Carolina,</i> | Mr. Penn, | no | } | no |
| <i>South-Carolina,</i> | Mr. Laurens, | no | | |
| | Mr. Drayton, | ay | } | ay |
| | Mr. Matthews, | ay | | |
| | Mr. Heyward, | ay | | |
| <i>Georgia,</i> | Mr. Wolton, | no | } | no |
| | Mr. Telfair, | no | | |

So it was resolved that the main question be not now put.

Resolved, That the remainder of the report, respecting a grant to the state of Massachusetts-Bay, be postponed.

The committee on the treasury brought in another report; whereupon,

Ordered, That a warrant issue on the treasurer of the state of Connecticut, for 100,000 dollars, to be paid out of the money assessed by that state, agreeably to the resolution of Congress of the 22d of Nov. last, and another warrant on John Lawrence, Esq; commissioner of the continental loan-office in the said state, for 100,000 dollars, in favour of Ebenezer Hancock, Esq; deputy pay-master-general of the eastern-district, for the use of his department, he to be accountable.

In consequence of an adjustment by the commissioners of claims at the treasury, the auditor-general reports,

That there is due, to Mr. Francis Dana, for his expenses from camp to York-town, and his servant's expenses going and returning, 61 $\frac{6}{9}$ dollars :

To William Widdifield, for six Windsor chairs for the use of the treasury-office, 42 dollars :

To John Pinkerton, for six Windsor chairs for the use of the treasury-office, 42 dollars :

Ordered, That the said accounts be paid.

Resolved, That the remainder of the report, respecting the account of lieutenant Andrew M^cFarlain, be postponed.

The board of war, to whom were referred the letters from his excellency Patrick Henry, Esq; governor of Virginia, dated the 8th and 10th of July, report,

“ That from various enquiries made by the board, it appears that success in an expedition against Detroit cannot be reasonably expected, unless the force destined for that service be ready to march from Fort-Pitt by the first of September :

That from the letters received from gov. Henry and Mr. Patrick Lockart, appointed to act as commissary, &c. on the above expedition, it appears that the capital articles necessary for carrying on the expedition, viz. men, horses, flour and beeves cannot be procured by any means within the time limited, and probably not even during the course of the present year :

That from the extraordinary rise of articles, especially of horses, since the expedition was first determined on, the expense of it, if practicable, would exceed in an enormous degree, the estimate formed by the late commissioners at Fort-Pitt, and submitted by the board to the consideration of Congress :” whereupon,

Resolved, That the expedition against the fortress of Detroit, be, for the present, deferred :

That brigadier M^cIntosh be directed to assemble at Fort-Pitt, as many continental troops and militia as will amount to 1500, and proceed, without delay, to destroy such towns of the hostile tribes of Indians, as he, in his discretion, shall think will most effectually tend to chastise and terrify the savages, and to check their ravages on the frontiers of these states :

That such of the articles as have been already procured for the expedition against Detroit, and which are necessary for the incursion against the Indian towns, be appropriated for that purpose, and that the board of war be directed to give the necessary orders on this point :

That gov. Henry be informed of the determination of Congress with respect to the intended expedition, and that he be desired to fur-

nish brigadier M^cIntosh with such a number of militia as he shall apply for, to make up the complement of men destined for an incursion into the towns of the hostile Indians :

That the president be directed to inform gov. Henry, that Congress have a high sense of the zeal of the assembly of Virginia, in voting at their late session a reinforcement of infantry and cavalry for the main army, but, that a change in circumstances renders the march and services of those troops at present inexpedient :

That gov. Henry be therefore requested to cease raising the troops voted, and to order such of the infantry as are already raised and are in the vicinity of the frontiers, together with a troop of cavalry, not exceeding fifty men, under the command of an intelligent and active officer, forthwith to join brigadier M^cIntosh at Fort-Pitt :

That it appearing most evidently that the late incursion at Wyoming and the adjacent parts, has been made by the Senecas and some other tribes of the Six-Nations, aided by Tories and other banditti from the frontiers of N. York, N. Jersey and Pennsylvania, the expedition meditated against them from the northward be forwarded with all possible dispatch, and that the board of war take the necessary steps for that purpose :

That in respect to the harvest and the deplorable situation of the frontiers, in consequence of the late irruption of the enemy, colonel Hartley's regiment be continued there till the retreat of the enemy be fully ascertained, the harvest secured, and the apprehensions of the inhabitants quieted.

The committee to whom was referred the *ſieur* Gerard's intended speech at the public audience, brought in a draught of an answer, which was taken into consideration ; and, after debate,

Resolved, That the farther consideration thereof be postponed to Monday.

Adjourned to ten o'clock on Monday.

MONDAY, July 27, 1778.

A letter, of the 22d, from gen. Washington, at his camp near White-Plains, was read, enclosing copies of letters from him to the count d'Estaing, and sundry papers relating to eight persons ordered from Bennington into the enemy's lines, and a letter of the 14th of June, from capt. Caleb Gibbes :

Ordered, That the papers relating to the eight persons sent from Bennington, lie on the table for consideration :

That the letter from capt. Gibbes, together with so much of gen. Washington's letter as relates thereto, be referred to the board of war.

A letter, of the 22d, from major-general Gates, at White-Plains, was read ; also a letter of the 21st, from brigadier S. H. Parsons, directed to J. Lovell and T. Hosmer, Esqrs; referred to in gen. Gates's letter, was laid before Congress, and read :

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

The members chosen, Mr. Drayton, Mr. Harvie, Mr. Reed and Mr. Duer.

A letter, of the 19th, from major-general Schuyler, was read, enclosing minutes of the commissioners of Indian affairs for the northern-department, in the month of June last :

Ordered, That the same be referred to the board of war.

A letter, of the 19th, from Mr. J. Smith, at York-town, to Mr. R. Morris, respecting the situation of our prisoners in the power of the enemy, was laid before Congress, and read :

Ordered, That it be referred to the marine-committee.

Resolved, That the board of war and marine-committee be, and they are hereby, respectively directed to cause the land and sea-prisoners in the power of these states to be forthwith treated, in all respects, as near as may be, in such manner as the American land and sea-prisoners in the power of the enemy are, or shall, from time to time, be treated ; provided, that nothing contained in this resolution shall be construed to extend so far as to prevent an exchange of prisoners upon fair and equitable principles.

A letter, of the 18th of April last, from J. Diam, at St. Pierre, Martinique, was read :

Ordered, That it be referred to the committee of commerce.

The committee on the treasury laid before Congress a deposition of Thomas Clifton, respecting col. B. Flower's accounts, which was read ; and, thereupon, fundry motions being made,

Ordered, That the depositions, with the motions, be referred to a committee of three ;

The members chosen, Mr. Dana, Mr. Drayton and Mr. Reed.

Congress proceeded to the election of inspectors of the presses for striking bills of credit, bills of exchange and loan-office certificates, and, the ballots being taken, the following gentlemen were elected :

Mr. Isaac Snowden, Mr. Isaac Howell, Mr. Peter Thomson and Mr. John Biddle.

Congress proceeded to the election of a treasurer of loans, and, the ballots being taken,

Mr. Francis Hopkinson was elected.

Congress being informed that there are only two members of the committee on appeals now present, and that fundry causes are now ready for trial,

Resolved, That three members be added to the committee for hearing and determining appeals, and that any three of the said committee be empowered to hear, and finally determine, appeals to Congress from the judgment of courts of admiralty ;

The members chosen, Mr. Reed, Mr. Drayton and Mr. Boudinot.

Adjourned to nine o'clock to-morrow.

TUESDAY, July 28, 1778.

A letter, of the 27th, from captain Manly, was read :

Ordered, That it be referred to the marine-committee.

A memorial from capt. Josiah Stoddard, and a petition from the said capt. Stoddard and other officers of the cavalry ; a letter, of the 24th, from major-general Gates ; one, of June 28th, from brigadier S. H. Parsons, in favour of the chevalier de Laneuville and major Noirmont de Laneuville ; also a letter from the chevalier de Laneuville, were read :

Ordered, That the same be referred to the board of war.

The committee of commerce laid before Congress a letter of March

5th, from Stephen Sayre, at Copenhagen, and one of March 20th, from C. A. Fabritius, with a paper of intelligence, which were read :

Ordered, That the paper of intelligence be referred to the committee of intelligence ; and that the letters be returned to the committee of commerce, and that they report thereon.

A letter, of the 27th, from col. Knoblauch, a Prussian nobleman, was read, with sundry papers enclosed :

Ordered, That the same be referred to a committee of three ; and that they confer with col. Knoblauch ;

The members chosen, Mr. R. H. Lee, Mr. G. Morris and Mr. Lovell.

A representation from John Beatty, Esq; commissary-general of prisoners, was read, respecting the distressed state of the officers, prisoners in the hands of the enemy :

Ordered to lie on the table.

Papers relative to the monument for the late gen. Montgomery were laid before Congress :

Ordered, That they be referred to the delegates of New-York.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of John Gibson, Esq; auditor-general, for the sum of 20,000 dollars, to enable him to discharge the residue of a warrant of the president of Congress on him, dated the 13th of Sept. last, in favour of the continental navy-board, for 50,000 dollars ; the said auditor-general to be accountable.

Ordered, That the quarter-master general furnish the hon. the sieur Gerard, minister plenipotentiary of his most Christian majesty, with such and so many horses and such forage as he shall direct ; and that he deliver, from time to time, special accounts of the prices of the said horses and forage to the board of treasury.

A memorial from Bryan Lefferty, was read :

Ordered, That it be referred to the board of war.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, July 29, 1778.

A letter, from Silas Deane, Esq; late commissioner at the court of France, was read :

Ordered to lie on the table.

A letter, of the 8th, from B. Harrison, Esq; deputy pay-master-general in Virginia, was read, enclosing an abstract of his monthly account :

Ordered, That the same be referred to the board of treasury.

A letter, of the 25th, from Jonathan Trumbull, jun. Esq; pay-master in the northern-department, was read, requesting, as the northern and southern-armies are joined, and for sundry reasons set forth, that Congress will be pleased to suffer him to resign his employment ; whereupon,

Resolved, That Jonathan Trumbull, jun. Esq; pay-master in the northern-department, have leave to resign his employment.

Ordered, That Jonathan Trumbull, jun. Esq; pay over the public monies in his hands, to William Palfrey, pay-master-general, taking duplicate receipts, and that he transmit one of them to the treasury-board ; and that Mr. Trumbull settle his accounts as soon as may be.

Two memorials from the hon. sieur Gerard were read, one respecting a deserter from the frigate Chimere, and the other respecting the sailing of the said frigate :

Ordered, That they be referred to the marine-committee:

The marine-committee laid before Congress two letters, one dated May 18th, the other June 1st, from John Wereat, continental agent in Georgia, complaining of the conduct of colonels White and Elbert, in the sale of three vessels captured from the enemy, and other papers relating thereto ; whereupon,

Ordered, That the marine-committee take proper measures for referring to the governor and council of Georgia an enquiry into the conduct of colonels White and Elbert, in the complaint against them by Mr. John Wereat, to give the said colonels an opportunity of being heard in their defence ; and that the result of the said enquiry be reported to Congress as soon as may be.

A petition from Hector M. Neil was read :

Ordered, That it be referred to the marine-committee:

The board of war, to whom were referred the memorial of the chevalier de la Neuville, inspector to the northern-army, and sundry letters from general Gates and brigadier Parsons, brought in a report, which was taken into consideration, and, after debate,

Resolved, That the farther consideration thereof be postponed.

The board of war farther reported,

That Mons. Noirmon de la Neuville, since the month of December, has acted as aid-de-camp to major-general Conway, and since the appointment of his brother, as inspector to the northern-army, has discharged the duties of deputy-inspector with uncommon assiduity and much satisfaction to the officers and men of the northern-army : whereupon,

Resolved, That Mons. Noirmon de la Neuville have the rank of a major by brevet in the American army.

The board farther report, that the reasons for which Mr. Bryan Lefferty was made a prisoner of war to the United States, appear to them no longer to subsist : whereupon,

Resolved, That Mr. Bryan Lefferty be discharged from his parole, and that the sum allowed him by Congress heretofore for his support, be paid up to this time.

The board of war brought in another report, which was taken into consideration ; and thereupon,

Resolved, That if any of the states, in which capt. Bartholomew Van Herr shall recruit, for his troops of marchasseurs, shall give to persons enlisting in the same, for three years, or during the war, the bounty allowed by the state, in addition to the continental bounty, the men so furnished, not being inhabitants of any other of the United States, shall be credited to the quota of the state in which they shall be enlisted.

Resolved, That Caleb Gibbes, Esq; now commanding the corps of guards with the grand army, be promoted to the rank of a major in the service of the United States.

Whereas Mons. Francis Joseph Smith has requested a commission,
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to be made use of in case of his being made a prisoner while serving as a volunteer in the American army :

Resolved, That Monf. Francis Joseph Smith have a commission of an ensign by brevet, in the army of the United States.

Ordered, That Mr. Collins have leave of absence.

Adjourned to nine o'clock to-morrow.

— — — — —
THURSDAY, July 30, 1778.

A memorial from the hon. sieur Gerard was read, respecting Mr. William Straker, taken on board the English ship "The Lord Howe," and sent to Philadelphia by his excellency Monf. the count d'Estaing :

Ordered, That it be referred to the board of war.

Resolved, That the commissary-general of prisoners, be directed to engage in the continental service all, or as many as he can, of the seamen sent from N. York by admiral Gambier, who shall appear to be effective or likely to be soon fit for service ; and that he furnish such as will so engage, with the means of travelling to Boston, where they are to be delivered to the commissioners of the navy for the eastern-district, to be shipped on board the continental vessels of war sitting out at that port :

That the said commissioners be authorized to make such advances to these seamen as is usual in the port of Boston, making reasonable deductions for the expenses to that place ; provided always, that this resolution shall not extend so as to prevent any particular state from applying in N. Jersey for such of the seamen as belong to such state.

Congress took into consideration a report from the board of treasury of the 15th of April last, for the establishment of a new board ; and, after debate,

Resolved, That it be referred to a committee of five :

The members chosen, Mr. G. Morris, Mr. Gerry, Mr. Wither Spoon, Mr. Telfair and Mr. R. H. Lee.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of col. E. Boudinot, late commissary-general of prisoners, for 15,000 dollars, to enable him to discharge some arrears of that department ; the said col. Boudinot to be accountable.

Resolved, That 5,000,000 of dollars be emitted under the direction of the board of treasury, and on the faith of the United States :

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 11th day of April last, and be numbered from the last number of each denomination progressively, and consist of the following denominations, viz.

| | | | | |
|--------|------------------------|----|----------|-----------|
| 41,667 | of the denomination of | 40 | dollars, | 1,666,680 |
| 41,667 | - | - | 30 do. | 1,250,010 |
| 41,666 | - | - | 20 do. | 833,320 |
| 41,666 | - | - | 8 do. | 333,328 |
| 41,666 | - | - | 7 do. | 291,662 |
| 41,667 | - | - | 6 do. | 250,002 |
| 41,666 | - | - | 5 do. | 208,330 |
| 41,667 | - | - | 4 do. | 166,668 |

5,000,000

The committee to whom was referred the petition of Richard Marven and Samuel Shaw, brought in a report, which was taken into consideration; whereupon,

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.

Where as a suit has been commenced by Essek Hopkins, Esq; against Richard Marven and Samuel Shaw, for information and complaint by them and others made to Congress against the said Essek Hopkins, while in the service of the United States:

Resolved, That the reasonable expenses of defending the said suit be defrayed by the United States.

Ordered, That the secretary of Congress furnish the petitioners with attested copies of the records of Congress, so far as they relate to the appointment of Essek Hopkins, Esq; to any command in the continental navy, and his dismissal from the same, and also to the proceedings of Congress upon the complaint of the petitioners against the said Essek Hopkins, preferred to Congress through the marine-committee, as mentioned in their petition.

Resolved, That Thursday next be assigned for giving audience to the hon. sieur Gerard, minister plenipotentiary from his most Christian majesty.

Congress proceeded to the election of two members to wait upon the hon. sieur Gerard, and conduct him to the audience:

The members chosen, Mr. R. H. Lee and Mr. S. Adams.

Adjourned to nine o'clock to-morrow.

FRIDAY, July 31, 1778.

Resolved, That a committee of three be appointed to direct and superintend an entertainment to be given by Congress to the hon. sieur Gerard, minister plenipotentiary from his most Christian majesty, on Thursday next, the day assigned for his public audience:

The members chosen, Mr. Reed, Mr. Dana and Mr. G. Morris.

A letter, of the 23d, from J. Wadsworth, commissary-general of purchases, directed to E. Blaine, Esq; one of his deputies, was laid before Congress, and read:

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

The members chosen, Mr. G. Morris, Mr. R. Morris and Mr. Holten.

A letter, of the 30th, from the board of war, with one enclosed from J. Beatty, Esq; commissary of prisoners, dated July 24th, was read:

Ordered, That the same be referred to the board of treasury.

Resolved, That Mr. Duer, agreeably to his request, be excused from attending the committee appointed on the 23d inst. to ascertain the property of the goods, wares and merchandize in possession of the inhabitants of the city of Philadelphia at the time it was evacuated by the enemy, to wit, so far as to determine whether any, or what part thereof may belong to the king of Great-Britain or to any of his subjects, agreeably to the resolution of the 4th of June last, and for other purposes; and that another be appointed in his room:

The member chosen, Mr. Marchant.

An extract from the minutes of the supreme executive council of Pennsylvania, was laid before Congress, appointing the hon. vice-president, Mr. Hart, Mr. Reed and Mr. Hoge, a committee to meet with the committee of Congress of the 23d of July, mentioned in the foregoing resolution :

Ordered, That it be referred to the said committee.

A memorial from J. Mitchell, Esq; deputy quarter-master-general, was read :

Ordered, That it be referred to the foregoing committee.

A memorial and account of colonel M. Swoope,

A petition from Monsi. Pierree Saverit,

A petition from William Cooper, and a petition from Charles Berge, printer, were read :

Ordered, That they be referred to the board of war.

A memorial from William Storey, clerk of the navy-board in the eastern-department, was read :

Ordered, That it be referred to the marine-committee :

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer for 3200 dollars, in favour of Paul Feager, it being an advance made him on account of making money-paper.

Resolved, That Mr. Benjamin Randolph, of the city of Philadelphia, be, and he is hereby appointed, to superintend the making of paper for loan-office certificates and bills of exchange.

Congress resumed the consideration of the report of the committee to whom the petition from the prisoners of war on L. Island was referred ; whereupon,

Resolved, That the commissioners of claims be directed to examine the estimate of the accounts due for clothing and board for our prisoners of war in the hands of the enemy.

Resolved, That a sum of money in specie, not exceeding 26,666 $\frac{2}{3}$ dollars, be issued to Elias Boudinot, Esq; late commissary-general of prisoners, for the discharge of such accounts, for which he is to be accountable.

The yeas and nays being required by Mr. Chase, on the question for passing this part of the report,

| | | | |
|---------------------------|-----------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | |
| | Mr. Dana, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| <i>Connecticut,</i> | Mr. Sherman, | no | |
| | Mr. Hosmer, | no | } no |
| | Mr. A. Adams, | no | |
| <i>New-York,</i> | Mr. Lewis, | no | } divided. |
| | Mr. Duer, | ay | |
| <i>New-Jersey,</i> | Mr. Scudder, | ay | } ay |
| | Mr. Boudinot, excused | | |
| <i>Pennsylvania,</i> | Mr. Reed, | ay | } ay |

| | | | |
|------------------------|---------------|----|------|
| <i>Maryland,</i> | Mr. Chase, | ay | } ay |
| | Mr. Plater, | ay | |
| | Mr. Forbes, | ay | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| | Mr. Laurens, | ay | |
| <i>South-Carolina,</i> | Mr. Drayton, | ay | } ay |
| | Mr. Matthews, | ay | |
| | Mr. Heyward, | ay | |
| <i>Georgia,</i> | Mr. Walton, | ay | } ay |
| | Mr. Telfair, | ay | |

So it was resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

SATURDAY, August 1, 1778.

A letter, of July 22d, from general Armstrong, was read :

Ordered, That it be referred to the board of war.

Two letters from general Washington, one dated June 18th, and the other July 25th, with a copy of general orders respecting the office of inspector-general, were read :

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

The members chosen, Mr. Reed, Mr. Boudinot and Mr. Chase.

A letter, of July 31st, from the board of war, was read, representing that, pursuant to the orders of Congress, Cornelius Sweers has been secured in such manner as the board of war deemed sufficient, while it remained in a degree doubtful, whether or not he had been guilty of frauds against the states ; that the matter being now reduced to a certainty, and the sums deficient amounting to many thousand pounds, the board are uneasy at his remaining guarded only by centries, and those of raw troops ; whereupon,

Ordered, That Cornelius Sweers, deputy commissary-general of military-stores, now in custody by order of this house, be immediately closely confined in the public gaol within this city, and that he be charged with mal-conduct in his office, generally and particularly with the crime of forgery.

Resolved, That the executive council of the state of Pennsylvania be requested to direct the keepers of their gaol to receive into custody and safely keep the said Cornelius Sweers.

Ordered, That the letter from the board of war be referred to the committee on the deposition of Thomas Clifton, and that the committee be directed to report on the mode of trying Cornelius Sweers and bringing him to justice.

Resolved, That a committee of three be appointed to consider of and report to Congress such recommendations to the legislatures of the several states for the enacting of laws, calculated to enable Congress, as the superintending executive of the United States, to proceed in civil and criminal cases as the nature of such government may require :

The members chosen, Mr. Reed, Mr. Dana and Mr. Drayton.

A letter, of July 28th, from the board of war, was laid before Congress, together with an invoice of goods bought of Peter Whitesides & Co.

Ordered, That the same be referred to the board of treasury.

The marine-committee brought in a report, which was read, and after debate,

Resolved, That it be re-committed.

The committee of commerce, to whom was referred a letter of July 15th, from Monf. de Francey, brought in a report, which was taken into consideration ; whereupon,

Ordered, That the cargoes of the snow Speedwell and of the brigantines Braxton, governor Johnston and Morris, now ready to sail from America for France, be consigned to the commissioners of Congress at Paris, who are directed to settle the accounts of Mr. John Ross with Congress, and to pay him the balance thereof out of the proceeds of the said cargoes ; and the residue, if any, to the house of Hortales & Co. as they judge proper.

Ordered, That the ship Virginia, now laying laden with a cargo of tobacco on public account in Virginia, be consigned to Roderique Hortales & Co.

Adjourned to nine o'clock on Monday.

MONDAY, August 3, 1778.

A letter, of the 2d, and one of the 3d, from Cornelius Sweers, were read ; whereupon, a motion was made,

That col. Benjamin Flower, commissary-general of military-stores, be immediately arrested and closely confined in the gaol of this town ;

To which an amendment was moved,

That a member of this house be appointed forthwith to repair to the place where Cornelius Sweers, late deputy commissary of military-stores, is confined, and to take the deposition of the said Cornelius Sweers, relative to the charge made by him against colonel Benjamin Flower, for frauds in his office ; and in case it should appear, on the deposition of the said Cornelius Sweers, that colonel Flower is charged with frauds and mal-practices in the discharge of his office, in such case notice be given to the board of war, who are hereby ordered to arrest the said B. Flower without delay, and to confine him in gaol, taking care to secure his money and effects, and all his papers of a public nature.

On which amendment the yeas and nays being required by Mr. Duer,

| | | | |
|-----------------------------|----------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| * <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | |
| | Mr. Dana, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| <i>Connecticut,</i> | Mr. Sberman, | no | |
| | Mr. Hosmer, | no | } no |
| | Mr. A. Adams, | no | |
| <i>New-York,</i> | Mr. Duer, | ay | } ay |
| | Mr. G. Morris, | ay | |
| <i>New-Jersey,</i> | Mr. Scudder, | no | } divided. |
| | Mr. Boudinot, | ay | |
| <i>Pennsylvania,</i> | Mr. R. Morris, | ay | } ay |

| | | | |
|------------------------|----------------|----|------------|
| <i>Maryland,</i> | Mr. Chase, | no | } no |
| | Mr. Forbes, | no | |
| | Mr. Plater, | ay | |
| <i>Virginia,</i> | Mr. R. H. Lee, | ay | } ay |
| | Mr. Banister, | ay | |
| | Mr. T. Adams, | ay | |
| | Mr. Harvie, | ay | |
| <i>North-Carolina,</i> | Mr. Penn, | no | } no |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | |
| | Mr. Drayton, | no | } divided. |
| | Mr. Matthews, | no | |
| | Mr. Heyward, | ay | |
| <i>Georgia,</i> | Mr. Telfair, | ay | } ay |

So it passed in the negative.

Another amendment was moved in the words following :

Colonel Benjamin Flower, commissary-general of military-stores, being charged with mal-conduct in the execution of his office, Ordered, That he be arrested and safely kept until the further order of Congress :

On this, the yeas and nays being required by Mr. Chase,

| | | | |
|---------------------------|----------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Dana, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| <i>Connecticut,</i> | Mr. Sberman, | ay | |
| | Mr. Hosmer, | no | } ay |
| | Mr. A. Adams, | ay | |
| <i>New-York,</i> | Mr. Duer, | ay | } ay |
| | Mr. G. Morris, | ay | |
| <i>Pennsylvania,</i> | Mr. R. Morris, | ay | } ay |
| <i>Maryland,</i> | Mr. Chase, | no | |
| | Mr. Plater, | ay | } ay |
| | Mr. Forbes, | ay | |
| <i>Virginia,</i> | Mr. R. H. Lee, | ay | |
| | Mr. Banister, | no | } divided. |
| | Mr. T. Adams, | ay | |
| | Mr. Harvie, | no | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | |
| | Mr. Drayton, | no | } divided. |
| | Mr. Matthews, | ay | |
| | Mr. Heyward, | no | |
| <i>Georgia,</i> | Mr. Telfair, | ay | } ay |

So it was resolved in the affirmative.

Ordered, That the board of war carry into execution the foregoing order.

Ordered, That the continental treasurer make no farther payments of money to col. Benjamin Flower, or his order, upon any warrant heretofore granted, until farther order of Congress.

A letter, of the 2d, from capt. Hawker and other officers of the *Mermaid*, was read.

Adjourned to nine o'clock to-morrow:

—•—
TUESDAY, August 4, 1778.

Mr. John Williams, a delegate from N. Carolina, attended, took his seat in Congress.

A letter, of the 28th of July, from gen. Washington, by major-general Putnam, was read :

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

The members chosen, Mr. Hofmer, Mr. R. H. Lee and Mr. Scudder.

A letter, of the 20th, and one of the 22d of July, from the council of Massachusetts-Bay, were read :

Ordered, That the letter of the 22d, be referred to the committee on the letter of the 23d of July, from J. Wadsworth, commissary-general.

A letter, of July 24th, from W. Finnie, deputy quarter-master-general, was read :

Ordered, That it be referred to the board of treasury.

A letter, of the 21st of July, from col. D. Mason, was read :

Ordered, That it be referred to the board of war.

A letter, of the 3d, from major-general Arnold, accompanied with the proceedings of a general court-martial against Jacob Rhoads and Jacob Gandy, both sentenced to suffer death, but at the same time recommended by the court as proper objects of mercy, was read, setting forth, that he has ordered the sentence to be suspended until the pleasure of Congress is known, and begging leave, as many circumstances appear in favour of the prisoners, to recommend them to Congress as proper objects of mercy : whereupon,

Resolved, That a pardon be granted to the said prisoners.

A representation from W. de Galathea, proprietor and commander of the ship *Foubonne*, was read :

Ordered, That it be referred to the marine-committee.

A petition and memorial from James O'ellers and H. Horn, was read :

Ordered, That it be referred to a committee of three, and that they report specially thereon :

The members chosen, Mr. Drayton, Mr. Hofmer and Mr. R. H. Lee.

A letter, of July 18th, from col. T. Bland, of the light-dragoons, respecting rank, was read :

Ordered, That it be referred to the board of war.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. Joseph Nourse, pay-master to the board of war and ordnance, for 1,000,000 of dollars, to be by him transmitted to William Palfrey, Esq; pay-master-general at camp, for the use of his department, and for which he is to be accountable.

Ordered, That the following warrants issue in favour of col. John Cox, assistant quarter-master-general, for the use of the quarter-master-general's department, amounting to the sum of 2,000,000 of dollars, to be charged to major-general Greene, quarter-master-general, viz.

One on the treasurer for the sum of 1,500,000 dollars; one on Derick Tenbroek, commissioner of the continental loan-office in the state of N. York, for 100,000 dollars; one on John Lawrence, Esq; commissioner of the continental loan-office in the state of Connecticut, for 150,000 dollars; one on Joseph Clarke, Esq; commissioner of the continental loan-office in the state of R. Island, for 100,000 dollars; and one on Nathaniel Appleton, Esq; commissioner of the continental loan-office in the state of Massachusetts-Bay, for 150,000 dollars.

Ordered, That the committee on the treasury lay before Congress an account of the sums of money granted to the present quarter-master-general for the use of his department, and of the sums granted to the present commissary-general of purchases, to the commissary-general of military-stores, and to the clothier-general, for the use of their respective departments.

The committee on the treasury brought in another report; whereupon, *Ordered*, That a warrant issue on the treasurer for 1759 $\frac{15}{100}$ dollars, in favour of the committee of commerce, to enable them to pay James Warren, Esq; of Boston, his account of freight and charges on sundry merchandize belonging to the United States, agreeably to his account rendered them, dated the 16th of July last; the said committee to be accountable:

That a warrant issue on the treasurer for 100,000 dollars, in favour of Jonathan Potts, Esq; deputy director-general of the middle-district, for the use of his department; he to be accountable.

On motion, *Ordered*, That the commissary-general of prisoners do, from time to time, on the exchange of prisoners in the possession of the enemy, take proper care of those who shall appear to be in such ill-state of health as to be unable to travel, either by sending them to a public hospital, or when that cannot be readily effected, by appointing proper persons to take care of them on the easiest terms practicable; and that those who are able to travel, be furnished with orders on the different commissaries of issues, on their way for such a number of rations as may be necessary for their support to their respective places of abode; also that the commissary of prisoners do keep exact accounts of the expenses attending those that belong to the different states, and are not in the continental service.

The marine-committee, to whom was referred the petition of William Storey, clerk to the navy-board of the eastern-district, report as their opinion, that it is not expedient at this time to raise salaries, when measures are about to be taken by Congress for the appreciation of the currency; but in consideration of the great and constant business in which the above petitioner is engaged, and the expensive living for the past and at the present time, the committee think a compensation of 500 dollars, for his extra-services and expenses since his appointment, should be allowed him.

The committee farther report, that as the commissioners of the navy-board in the eastern-district, are necessarily obliged, for the right discharge of their duty, frequently to visit the different parts of their extensive district, they be allowed 365 dollars each, for their travelling expenses the year past.

Resolved, That Congress agree to the said report.

Congress resumed the consideration of the letter of the 2d, from capt. Hawker, and the other officers of the *Mermaid*, and after debate,

Resolved, That the farther consideration thereof be postponed.

Resolved, That the execution of the resolution of yesterday, relative to the arrest of col. Benjamin Flower, commissary-general of military-stores, be committed to major-general Arnold; and that the secretary transmit to the general a copy of the said resolution.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, August 5, 1778.

A memorial from Samuel H. Sullivan, deputy quarter-master under gen. Mifflin, late quarter-master-general, was read:

Ordered, That it be referred to the board of war.

Brigadier Maxwell having recommended the Rev. Mr. Andrew Hunter to be appointed chaplain to his brigade,

Resolved, That the said Rev. Andrew Hunter be, and he is hereby appointed chaplain to the brigade commanded by brigadier Maxwell.

A motion was made, that the pay of the Rev. Mr. Hunter commence from the date of the resolution for appointing brigade chaplains;

Question put, passed in the negative.

According to order, the committee on the treasury laid before Congress an account of the sums of money granted to the quarter-master-general, to the commissary-general of purchases, to the commissary-general of military-stores, and to the clothier-general, severally, for the use of their respective departments.

The proceedings of a court-martial on the trial of capt. Manly, late of the continental ship *Hancock*, and the proceedings of a court-martial on the trial of Thomas Thompson, late capt. and commander of the ship *Raleigh*, in the service of the United States, were laid before Congress:

Ordered, That the proceedings on the trial of capt. Manly be returned to the marine-committee, to be filed among their papers; and that the proceedings on the trial of capt. Thompson lie on the table.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the board of war and ordnance, for 6000 dollars, to answer the draughts of the board for the use of the baking-department; the said Joseph Nourse to be accountable.

Ordered, That a warrant issue on the treasurer in favour of the said Joseph Nourse, for 300 dollars, to reimburse him a like sum advanced to Cornelius Sweers, deputy commissary of military-stores, who is to be accountable:

That another warrant issue, on the application of the board of war, in favour of the said Joseph Nourse, for 6000 dollars, to be by him paid over to colonel John Beatty, commissary-general of prisoners, for the use of his department, who is to be accountable.

Congress resumed the consideration of the report of the board of treasury, dated July 22d; whereupon,

Ordered, That a warrant issue on the treasurer of the state of Massachusetts-Bay, for 300,000 dollars, in favour of the president and council of the said state, to be paid out of the money assessed by the

State, agreeably to a resolution of Congress of the 22d of November last ; the said state to be accountable.

A letter, of this day, from major-general Arnold, was read, informing, that in pursuance of the resolution of Congress, " he has arrested colonel Benjamin Flower in the usual manner," and desiring an explanation of the resolution with respect to the safe keeping of colonel Flower ; whereupon,

Resolved, That the president inform major-general Arnold, that it is the intention of Congress that colonel Benjamin Flower should be securely kept in a convenient room under a sufficient guard.

One of the delegates from New-Jersey laid before Congress an extract of a letter from James Caldwell :

Ordered, That so much thereof as relates to prisoners, inhabitants of these states taken by the French fleet, be referred to Mr. Duer ; and that so much as relates to vessels captured by the said fleet, be referred to the marine-committee.

Five o'clock, P. M.

Resolved That the door of the Congress chamber be open during the audience to be given to the minister plenipotentiary of his most Christian majesty.

Resolved, That the delegates of Pennsylvania be requested to inform the vice-president, the supreme executive council, and the speaker and assembly of the said state, that the minister plenipotentiary of his most Christian majesty the king of France, will receive his audience of Congress at 12 o'clock to-morrow, when the doors of Congress chamber will be opened.

Resolved, That each member of Congress may give two tickets for the admittance of other persons to the audience, and that no persons, except those specified in the foregoing resolution, be admitted without such a ticket, signed by the members appointed to introduce the minister to Congress.

A letter, of this day, from colonel Benjamin Flower, was read :

Ordered, That it be referred to the committee appointed to report the mode of trying Cornelius Sweers.

Adjourned to nine o'clock to-morrow.

THURSDAY, August 6, 1778.

A letter, of this day, from Cornelius Sweers, was read :

Ordered, That it be referred to the committee appointed to report the mode of trying Cornelius Sweers ; and that the committee take the examination, upon oath, of Cornelius Sweers, deputy commissary of military-stores, touching his accusation of colonel B. Flower, commissary-general of military-stores ; and that the committee be authorized to send for persons and papers, which they may deem proper for the better prosecution of the business, and to seize and keep such papers of the said Flower and Sweers.

According to order, the hon. sieur Gerard was introduced to an audience by the two members for that purpose appointed, and being seated in his chair, his secretary delivered to the president a letter from his most Christian majesty, directed

*" A nos tres chers grands amies et allies les president et members du
Congres general des Etats-Unis ;*

And in the words following :

" Tres chers, grands amies et allies,

Les traitès, que nous avons signès, avec vous, en consequence des propositions, que vos deputes nous ont faites de votre part, vous sont un garant assure de notre affection pour les Etats-Unis en general et pour chacun d'eux en particulier, ainsi que de l'interet que nous prenons et que nous prendrons constamment a leurs bonheurs et a leur prosperite. C'est pour vous en convaincre d'une maniere plus particulier, que nous avons nommè le sieur Gerard, secretaire de notre conseil d'etat pour resider aupres de vous en qualite de notre ministre plenipotentiaire. Il connoit d'autant mieux les sentimens, que nous vous portons, et il est d'autant plus en etat de vous en rendre temoignage qu'il a etè chargè de notre part de negocier, avec vos deputès, et qu'il a signè avec eux les traitès, qui cimentent notre union. Nous vous prions d'ajouter foi entiere atout ce qu'il vous dira de notre part, principalement lorsqu'il vous assurera de notre affection et de notre constante amitiè pour vous. Sur ce nous prions Dieu, quil vous ait, Tres chers, grands amis et allies, en sa sainte et digne gard.

Ecrit a Versailles, le 28 Mars, 1778. Votre bon ami et allie,

LOUIS.

GRAVIER DE VERGENNES."

[TRANSLATION.]

(Superscription.)

*" To our very dear great friends and allies, the president and members
of the general Congress of the United States of North-America.*

Very dear great friends and allies,

The treaties which we have signed with you, in consequence of the proposals your commissioners made to us in your behalf, are a certain assurance of our affection for the United States in general, and for each of them in particular, as well of the interest we take and constantly shall take in their happiness and prosperity. It is to convince you more particularly of this that we have nominated the sieur Gerard, secretary of our council of state, to reside among you in the quality of minister plenipotentiary. He is the better acquainted with our sentiments towards you, and the more capable of testifying the same to you, as he was entrusted on our part to negotiate with your commissioners and signed with them the treaties which cement our union. We pray you to give full credit to all he shall communicate to you from us, more especially when he shall assure you of our affection and constant friendship for you. We pray God, very dear great friends and allies, to have you in his holy keeping.

Verailles, 28th March, 1778.

Your good friend and ally,

(Signed,)

LOUIS.

(Underigned,)

GRAVIER DE VERGENNES."

The minister was then announced to the house : whereupon he arose and addressed Congress in a speech, which when he had finished, his secretary delivered in writing to the president, and is as follows :

“ Messieurs,

Les liaisons, que le roi mon maitre a formées avec les Etats-Unis de l'Amerique lui sont si agreeables ; qu'il n'a pas voulu differer de m'envoyer resider aupres de vous pour les cimenter. Sa Majeste apprendra avec satisfaction que les sentimens, qui se sont manifestés a cette occasion, justifient la confiance que lui avoient inspiré lezele et le caractere des deputes des Etats-Unis en France ; la sagesse et la fermeté qui ont dirigé vos resolutions ainsi que la constance et le courage, que les peuples ont fait eclater. Vous savez, messieurs, que cette confiance a fait la base du plan vraiment amical et desinteressé sur le quel Sa Majeste a traité avec les Etats-Unis.

Il n'a pas dependu d'elle, que ses engagements n'assurassent votre independance et votre repos sans effusion ulterieur de sang et sans aggraver les maux de l'humanitè, dont tout son ambition est d'assurer le bonheur ; mais les dispositions et les resolutions hostiles de l'ennemie commun ayant donné a des engagements purement eventuels une force actuelle, positive, permanente et indissoluble, le Roi mon maitre a pensé que les deux allies ne doivent plus s'occuper que du moyens de les remplir de la maniere la plus utile a la cause commune, et la plus efficace pour parvenir a la paix, qui est l'objet d'alliance. C'est d'apres ce principe, que Sa Majeste s'est hatée de vous envoyer un secours, puisant : vous ne le devez, messieurs, qu'a son amitie, a l'interessé sincere qu'elle prend aux avantages des Etats-Unis, et au desir qu'elle a de concourir efficacement a affirmer votre repos et votre prosperité sur des bases honorables et solids elle espere d'ailleurs, que les principes adoptés par les governemens contribueront a etendre les liaisons, que l'interet mutuel des peuples respectifs avoit deja commencé a etablir entre eux. La principal point de mes instructions est de faire marcher sur la meme ligne les interets de la France et ceux des Etats-Unis. Je me flatte, messieurs, que ma conduite passé dans les affaires, que les interessent, vous aura deja convaincu, que je n'ai point de desir plus cher que celui d'executer mes instructions de maniere a meriter la confiance du Congress, l'amitie de ses membres et l'estime de tous les citoyens.

GERARD.”

[TRANSLATION.]

“ Gentlemen,

The connection formed by the king my master, with the United States of America, is so agreeable to him, that he could no longer delay sending me to reside among you for the purpose of cementing it. It will give his majesty great satisfaction to learn, that the sentiments which have shone forth on this occasion, justify that confidence with which he hath been inspired by the zeal and character of the commissioners of the United States in France, the wisdom and fortitude which have directed the resolutions of Congress, and the courage and perseverance of the people they represent ; a confidence which you know, gentlemen, has been the basis of that truly amicable and disinterested system, on which he hath treated with the United States.

It is not his majesty's fault that the engagements he hath entered into did not establish your independence and repose, without the fur-

ther effusion of blood, and without aggravating the calamities of mankind, whose happiness it is his highest ambition to promote and secure. But, since the hostile measures and designs of the common enemy have given to engagements, purely eventual, an immediate, positive, permanent and indissoluble force, it is the opinion of the king my master, that the allies should turn their whole attention to fulfil those engagements in the manner most useful to the common cause and best calculated to obtain that peace which is the object of the alliance.

It is upon this principle, gentlemen, his majesty hath hastened to send you a powerful assistance, which you owe only to his friendship, to the sincere regard he has for every thing which relates to the advantage of the United States, and the desire of contributing with efficacy to establish your repose and prosperity upon an honorable and solid foundation. And further, it is his expectation that the principles which may be adopted by the respective governments will tend to strengthen those bonds of union, which have originated in the mutual interest of the two nations.

The principal object of my instructions is, to connect the interests of France with those of the United States. I flatter myself, gentlemen, that my past conduct, in the affairs which concern them, hath already convinced you of the determination I feel to endeavour to obey my instructions in such manner as to deserve the confidence of Congress, the friendship of its members, and the esteem of the citizens of America.

(Signed,)

GERARD."

To which the president returned the following answer :

SIR,

The treaties between his most Christian majesty and the United States of America so fully demonstrate his wisdom and magnanimity as to command the reverence of all nations. The virtuous citizens of America in particular can never forget his beneficent attention to their violated rights, nor cease to acknowledge the hand of a gracious providence in raising them up so powerful and illustrious a friend. It is the hope and opinion of Congress that the confidence his majesty reposes in the firmness of these states, will receive additional strength from every day's experience.

This assembly are convinced, sir, that had it rested solely with the most Christian king, not only the independence of these states would have been universally acknowledged, but their tranquillity fully established. We lament that lust of domination which gave birth to the present war, and hath prolonged and extended the miseries of mankind. We ardently wish to sheathe the sword and spare the further effusion of blood ; but we are determined, by every means in our power, to fulfil those eventual engagements which have acquired positive and permanent force from the hostile designs and measures of the common enemy.

Congress have reason to believe, that the assistance so wisely and generously sent, will bring Great-Britain to a sense of justice and moderation, promote the interest of France and America, and secure peace and tranquillity on the most firm and honorable foundation. Neither can it be doubted, that those who administer the powers of government,

within the several states of this union, will cement that connection with the subjects of France, the beneficent effects of which have already been so sensibly felt.

SIR,

From the experience we have had of your exertions to promote the true interests of our country as well as your own, it is with the highest satisfaction Congress receive as the first minister from his most Christian majesty, a gentleman whose past conduct affords a happy presage, that he will merit the confidence of this body, the friendship of its members, and the esteem of the citizens of America.

The secretary of Congress delivered to the minister a copy of the foregoing reply, dated "In Congress, August 6, 1778," and signed "Henry Laurens, president."

Whereupon the minister withdrew, and was conducted home in the manner in which he was brought to the house.

Adjourned to nine o'clock to-morrow.

FRIDAY, August 7, 1778.

A letter, of the 1st, from Mr. M. Clarkson, one of the auditors of accounts in the main army, was read, informing, "that when he was appointed to that office he was possessed of the commission of marshal of the court of admiralty for the state of Pennsylvania, which he still holds, and representing, "that his duty in that office now claims his attention, and that therefore he is constrained to tender a resignation of his office as auditor;" and begging "Congress will be pleased to accept it:" whereupon,

Resolved, That his resignation be accepted.

A report from the board of war, to whom the petition of capt. Stoddard, of the 2d regiment of light-dragoons, was referred, being read,

Ordered that it lie on the table.

The committee to whom was referred the letter of the 27th of Nov. 1777, from major-general Heath, to the board of treasury, report,

That they have carefully examined the files and journals of Congress, so far as they respect the defence of the state of R. Island and Providence Plantations, and the rise of the expedition against the island of R. Island, and find: that at a meeting of the committees appointed by the states of N. Hampshire, Massachusetts-Bay, R. Island and Providence Plantations, and Connecticut, convened at Providence, on the 25th day of Dec. 1776, it was among other things resolved, "That it is the opinion of this committee, that while so large a body of the enemy is in possession of R. Island, it is necessary to keep 6000 men in the state of R. Island, to oppose them." That the proceedings of the said committees were laid before Congress, who, upon the 15th day of Feb. 1777, resolved, "That, considering the situation of the N. England states, Congress approve of the measures adopted and recommended by the committees from the four N. England states, for the defence of the state of R. Island." That, on the 16th day of April, 1777, Congress resolved, "That it be recommended to the general assembly of the state of R. Island and Providence Plantations to collect, with the utmost dispatch, the whole force thereof, and therewith, aided by such parts of the militia of Massachusetts-Bay and Connecticut as are contiguous to the said state, to

attack and destroy the enemy on the island of R. Island aforesaid : that it be, and hereby it is recommended to the states of Massachusetts-Bay and Connecticut, to give every assistance in their power, by calling out the militia of their respective towns which lie next to the state of R. Island, and to promote and execute this important service : that gen. Washington be directed to appoint such general-officers as he shall judge proper to carry the foregoing resolution into effect. Ordered, that a copy of the foregoing resolution be sent by express to gen. Washington and the three N. England states."

That at a meeting of committees from the states of N. Hampshire, Massachusetts-Bay, R. Island and N. York, held at Springfield, 30th of July, 1777, it was among other things resolved, " that the state of R. Island be requested to fill up their two battalions as soon as may be, for the defence of that state ; that the state of Massachusetts-Bay be desired to hasten on the two battalions they have ordered for that purpose : that the state of Connecticut be desired to raise and equip one battalion of 728 men, with all speed, and direct them to the above service ; and that the state of N. Hampshire be desired to raise and equip 300 men, with all speed, and direct them to the above purpose." That on the 21st of August, 1777, Congress resolved, " That fire-ships should be prepared to attack and destroy the British ships in the rivers and bays of the state of R. Island : That gen. Spencer be made acquainted with the foregoing resolution, and that he be instructed, as far as possible, to favour the said designs by such attacks and feints as he may judge proper, with the troops and boats under his command." That on the 13th of Jan. 1778, Congress resolved, " That it be earnestly recommended to the states of N. Hampshire, Massachusetts-Bay, R. Island and Connecticut, immediately to furnish and keep up constantly in the state of R. Island and Providence Plantations, for the defence of the said state, their several quotas of troops as adjusted by the resolution of a committee from the said states and the state of N. York, which met at Springfield, the 30th day of July last." That Congress, on the 14th of Jan. 1778, resolved, " That Ebenezer Hancock, Esq; deputy pay-master-general of eastern-district, be directed, forthwith, to appoint an assistant pay-master, constantly to attend and pay the army stationed in or near Providence, for the defence of the state of R. Island and Providence Plantations, applying to Congress, from time to time, for the necessary supplies of money for the same ; and that the commanding-officer in the said state be fully empowered to draw on the said assistant pay-master for the necessary supplies of the army aforesaid." That on the 17th of July, 1777, Congress resolved, " That gen. Spencer be informed, in answer to his letter of the 20th May, that Congress confirm the appointment made by him of William Peck, Esq; deputy adjutant-general to the militia and the state troops of R. Island, kept in continental pay ; that for money to pay the said troops he is to make application to Ebenezer Hancock, Esq; at Boston, deputy pay-master-general of the troops in the eastern-department ; and that as the quarter-master-general has the appointment of all his deputies, application is to be made to them for the appointment of a deputy quarter-master-general." Whereupon,

Resolved, That the expense of the late intended expedition against the island of R. Island be borne by the continent.

A petition from George Spangler, was read :

Ordered to lie on the table.

Ordered, That Mr. Roberdeau have leave of absence.

The committee to whom was referred the memorial of col. Knoblaugh, brought in a report, which was read : Ordered to lie on the table.

Adjourned to nine o'clock to-morrow.

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SATURDAY, August 8, 1778.

A letter, from T. Pickering, and one from major-general Arnold, both of this date, were read.

A letter, from B. Randolph, appointed to superintend the making of paper for loan-office certificates and bills of exchange, was read, informing, that his engagements in N. Jersey will prevent his attendance on the business to which he was appointed, in less than two weeks from this time, and therefore praying, if the business require immediate attendance, that Congress will please to appoint some other person for the present.

The board of treasury having recommended sundry persons for signers of the continental currency, Congress proceeded to the election, and the ballots being taken, the following gentlemen were chosen, viz. Samuel Nichols, col. Patton, col. Joseph Copperthwait, Joseph H. Ellis, Richard Humphreys, James Loughhead, Jedediah Snowden, Joseph Walter, Joseph Bullock, William Thorne, Thomas Leiper, John Lardner, Alexander Nesbit, Frederick Phyle, John Young, jun. William Gray, Robert Caither, col. Lewis Farmer, John Keppele, William Adcock, Joseph Pennel, Joseph Hubley, John Meafe, Peter Stretch, Nathaniel Donald, William Hardy, Joseph Snowden, James Wilson, William Sheaf and Edward Fox.

The board of treasury having also recommended a person to superintend the making of paper for loan-office certificates and bills of exchange, Congress proceeded to the election and the ballots being taken, Mr. George Bright was elected.

Whereas, in pursuance of the recommendation of Congress of March 2d, a volunteer corps of cavalry from the state of Virginia, under the command of the hon. gen. Nelson, are now in this city, on their way to the army, under the command of gen. Washington : and, whereas, the removal of the enemy from this state renders the employment of this corps at present unnecessary :

Resolved, That it be recommended to the said corps to return.

Resolved, That the thanks of Congress be given to the hon. gen. Nelson and the officers and gentlemen under his command, for their brave, generous and patriotic efforts in the cause of their country.

A motion was made, to add as follows, "and that it be warmly recommended to the inhabitants of the several states to imitate, in public emergencies, the virtuous conduct of the volunteers from Virginia :

The previous question being called for, and the yeas and nays required by Mr. Drayton,

| | | | |
|---------------------------|---------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | ay | |
| | Mr. Dana, | ay | |
| | Mr. Holten, | ay | |

| | | | |
|------------------------|------------------|----|------------|
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| <i>Connecticut,</i> | Mr. Hosmer, | ay | |
| | Mr. Sherman, | ay | } ay |
| | Mr. A. Adams, | ay | |
| <i>New-York,</i> | Mr. Lewis, | no | } no |
| | Mr. Duer, | no | |
| | Mr. G. Morris, | no | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } ay |
| <i>Maryland,</i> | Mr. Chase, | ay | |
| | Mr. Forbes, | ay | } ay |
| <i>Virginia,</i> | Mr. R. H. Lee, | ay | |
| | Mr. Banister, | ay | } ay |
| | Mr. T. Adams, | ay | |
| | Mr. Harvie, | ay | } divided. |
| <i>North-Carolina,</i> | Mr. Penn, | no | |
| | Mr. Williams, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } no |
| | Mr. Drayton, | no | |
| | Mr. Matthews, | no | |
| | Mr. Heyward, | no | |
| <i>Georgia,</i> | Mr. Telfair, | ay | } ay |

So it passed in the affirmative, and the main question was set aside.

Ordered, That the letter of the 23d of June last, from the council of Massachusetts-Bay, so far as relates to their state's clothing their troops, be referred to the board of war, and that the board take such measures and give such orders thereon as they judge proper.

Ordered, That the proceedings of Congress on Thursday last, during the audience of sieur Gerard, minister plenipotentiary from his most Christian majesty, be forthwith published, as entered on the journals.

Adjourned to nine o'clock on Monday.

MONDAY, August 10, 1778.

Mr. Harnett, a delegate from N. Carolina, attended, and took his seat in Congress.

A letter, of the 3d and 4th, from gen. Washington, at White-Plains, was read, with sundry papers enclosed :

Ordered, That so much of the said letter as relates to the artillery, with brigadier Knox's letter and observations, be referred to the board of war :

That so much of the said letter as relates to the enlisting the draughts who are willing to enter into the service for three years, or during the war, be also referred to the board of war ; and that they be directed to prepare a resolution for that purpose, and report the same as soon as possible :

That so much of the said letter as relates to the clothier-general's department, be referred to a committee of three :

The members chosen, Mr. S. Adams, Mr. Sherman and Mr. Scudder.

Resolved, That a commander of the horse be appointed to-morrow.

A letter, of this day, from major Lee, was read.

Ordered, That it be referred to the board of treasury.

A letter, of July 27th, from major-general Greene, with sundry papers enclosed, was read.

A memorial from col. R. Lawfon, of the 4th Virginia regiment, was read :

Ordered, That it be referred to the board of war.

A letter, of the 7th, from gen. Washington, enclosing a copy of a letter of the 4th, from col. Laurens, at Providence, was read :

A letter, of the 3d, from gen. Washington to the board of war, with sundry papers enclosed, was laid before Congress, and read :

Ordered, That it be returned to the board of war, and that they be directed to report thereon.

A letter, of July 28th, from J. Warren, Esq; one of the navy-board in the eastern-department, and one of August 5th, from gov. Johnson, of Maryland, with sundry papers enclosed, were read :

Ordered, That they be referred to the marine-committee.

A letter, of the 5th, from R. H. Harrison, and one of the 1st, from major-general Sullivan, at Providence, were read.

A letter, of the 7th, from col. B. Flower, under arrest, was read, informing of his ill state of health, and requesting a relaxation of his confinement, and accompanied with a certificate from Dr. Clarkson, confirming the account of his infirm condition ; whereupon,

Resolved, That major-general Arnold be directed to permit col. B. Flower to go abroad for the benefit of the air, at such hours as he shall think most conducive to his health, under the custody of one or more vigilant and discreet officer or officers.

A letter, of the 7th, from George Partridge, Esq; to Mr. Dana, was laid before Congress, and read :

Ordered, That it be referred to the board of war.

Ordered, That the letters lately received by the committee of commerce from New-Orleans, be referred to the board of war.

A motion was made, to agree to a proposition for exchanging gov. Franklin for gov. M^cKinley :

Ordered, That the consideration thereof be postponed.

Resolved, That two members be added to the committee of arrangement, and that the commander in chief, with the advice and assistance of the said committee or any two or more of them, be, and he is hereby empowered to proceed in arranging the army according to the resolutions of Congress :

The members chosen, Mr. Sherman and Mr. Banister.

The committee on the post-office brought in a report ; whereupon,

Resolved, That 14,041½ dollars be advanced to Richard Bache, Esq; post-master-general, for the use of his department ; the said R. Bache to be accountable.

A letter, of this day, from general Mifflin, was read :

Ordered to lie on the table.

A letter, of the 7th, from general Washington, was read.

The committee of commerce brought in a report ; whereupon,

Ordered, That the bill drawn on the committee of commerce by Abraham Livingston, in favour of Samuel Curfon, for 10,000 dollars, dated Charlestown, South-Carolina, be paid.

Ordered, That the remainder of the report, together with the pa-

pers and accounts from Raymond Demere, deputy clothier in Georgia, be referred to the committee on that part of gen. Washington's letter relative to the clothier-general's department.

The board of war, to whom was referred the memorial of col. Law-son, brought in a report :

Ordered, That it be referred to the board of treasury.

Adjourned to nine o'clock to-morrow.

TUESDAY, August 11, 1778.

A Declaration.

Whereas George Johnstone, Esq; one of the British commissioners for restoring peace in America, on the 11th of April last, did write and send a letter to Joseph Reed, Esq; a member of Congress, containing this paragraph, viz. " The man who can be instrumental in bringing us all to act once more in harmony, and to unite together the various powers which this contest has drawn forth, will deserve more from the king and the people, from patriotism, humanity and all the tender ties that are affected by the quarrel and reconciliation, than ever was yet bestowed on human kind." And, whereas, the said George Johnstone, Esq; on the 16th day of June last, wrote and sent a letter to Robert Morris, Esq; another member of Congress, containing this paragraph, viz. " I believe the men who have conducted the affairs of America incapable of being influenced by improper motives ; but in all such transactions there is risk, and I think that whoever ventures should be secured, at the same time, that honor and emolument should naturally follow the fortune of those who have steered the vessel in the storm and brought her safely to port. I think Washington and the president have a right to every favour that grateful nations can bestow, if they could once more unite our interest and spare the miseries and devastations of war." Which letters were laid before Congress. And, whereas, the said Joseph Reed, Esq; hath in his place in Congress declared, that " on Sunday the 21st of June last, a few days after the evacuation of the city of Philadelphia by the British troops, he received a written message from a married lady of character, having connexion with the British army, expressing a desire to see him on business, which could not be committed to writing : that, attending the lady agreeable to her appointment in the evening ; after some previous conversation respecting her particular connections, the business and characters of the British commissioners, and particularly of gov. Johnstone (meaning the said George Johnstone, Esq;) were the subjects of general conversation, which being more confined, the lady enlarged upon the great talents and amiable qualities of that gentleman, and added, that in several conversations with her, he (gov. Johnstone) had expressed the most favourable sentiments of him (Mr. Reed,) and that it was particularly wished to engage his (Mr. Reed's) interest to promote the objects of their commission, viz. a re-union between the two countries, if consistent with his principles and judgment ; and that, in such case, it could not be deemed unbecoming or improper in government, (meaning the British,) to take a favourable notice of such conduct ; and that, in this instance, he (Mr. Reed) might have £. 10,000 sterling, and any office in the colonies (meaning these United States)

in his majesty's gift (meaning the gift of his Britanic majesty,) to which, finding an answer was expected, he (Mr. Reed) replied, "He was not worth purchasing, but such as he was, the king of Great-Britain was not rich enough to do it." And, whereas, the said paragraphs, written and sent as aforesaid, by George Johnstone, Esq; and the said declaration made by Joseph Reed, Esq; call loudly upon Congress to express their sentiments upon them.

Therefore, *Resolved*, That the contents of the said paragraphs, and the particulars in the said declaration, in the opinion of Congress, cannot but be considered as direct attempts to corrupt and bribe the Congress of the United States of America.

Resolved, That as Congress feel, so they ought to demonstrate, the highest and most pointed indignation against such daring and atrocious attempts to corrupt their integrity.

Resolved, That it is incompatible with the honour of Congress to hold any manner of correspondence or intercourse with the said George Johnstone, Esq; especially to negotiate with him upon affairs in which the cause of liberty is interested.

A motion was made to add, "and, whereas, the conduct of the said George Johnstone, Esq; in the aforesaid particulars, unavoidably effects his colleagues in commission, and unfavourably impresses the mind, so that full confidence cannot be placed in them: therefore,

Resolved, That Congress will not, in any degree, negotiate with the present British commissioners in America, for restoring peace."

On which the yeas and nays being required by Mr. Chase,

| | | | |
|---------------------------|--|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | |
| | Mr. Dana, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| <i>Connecticut,</i> | Mr. Sherman, | no | |
| | Mr. A. Adams, | no | } no |
| <i>New-York,</i> | Mr. G. Morris, | no | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | } * |
| | Mr. Scudder, | ay | |
| | Mr. Boudinot, | no | } no |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | no | |
| | Mr. J. Smith, excused from voting, he not being present at the debate. | | } no |
| <i>Maryland,</i> | Mr. Chase, | no | |
| | Mr. Plater, | no | } no |
| | Mr. Forbes, | no | |
| <i>Virginia,</i> | Mr. R. H. Lee, | no | } no |
| | Mr. T. Adams, | no | |
| | Mr. Harvie, | no | } no |
| <i>North-Carolina,</i> | Mr. Harnett, | no | |
| | Mr. Williams, | ay | } divided. |
| | | | |

| | | | |
|------------------------|---------------|----|------|
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Matthews, | ay | |
| | Mr. Heyward, | no | |
| <i>Georgid,</i> | Mr. Telfair, | ay | } ay |

So it passed in the negative.

It was then moved and agreed to add to the foregoing resolutions, as follows :

And for the propriety of such conduct we make and publish to the world this our declaration.

Done in Congress, at Philadelphia, this 11th day of August, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

A motion was made, to re-consider the resolutions passed ;

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

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | |
| | Mr. Dana, | ay | |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | } ay |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | |
| <i>Connecticut,</i> | Mr. Sherman, | no | |
| | Mr. A. Adams, | no | |
| <i>New-York,</i> | Mr. G. Morris, | ay | } * |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | |
| | Mr. Scudder, | no | |
| | Mr. Boudinot, | no | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } ay |
| | Mr. James Smith, | ay | |
| <i>Maryland,</i> | Mr. Chase, | ay | |
| | Mr. Plater, | ay | |
| | Mr. Forbes, | ay | } ay |
| <i>Virginia,</i> | Mr. R. H. Lee, | no | |
| | Mr. T. Adams, | ay | |
| | Mr. Harvie, | no | |
| <i>North-Carolina,</i> | Mr. Harnett, | ay | } divided. |
| | Mr. Williams, | no | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | |
| | Mr. Drayton, | no | |
| | Mr. Matthews, | no | |
| | Mr. Heyward, | no | |
| <i>Georgia,</i> | Mr. Telfair, | no | } no |

So it passed in the negative.

Ordered, That the declaration, as agreed to, be signed by the president and published.

A motion was made, that a copy of the declaration be signed by the president and sent by a flag to the commissioners of the king of Great-Britain at New-York.

On motion, Resolved, That the consideration of that motion be postponed.

The committee on the treasury brought in a report ; whereupon,
Ordered, That a warrant issue on the treasurer in favour of the delegates of Massachusetts-Bay, for 500 dollars, to be paid to Mr. F. Dana, on his application for the same ; the said state to be accountable :

That a warrant issue on the treasurer in favour of col. Robert Law-son, late commandant of the 4th Virginia regiment, for the sum of 460 dollars, to indemnify him for the loss of a horse killed under him at the battle of Germantown, and for the loss of his bridle and saddle :

That a warrant issue on the treasurer in favour of Dr. Isaac Foster, deputy director-general of the military-hospital in the eastern-department, for 100,000 dollars, for the use of his department, and for which he is to be accountable ; and that the same be paid to John de la Mater, as requested by the doctor.

That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the board of war and ordnance, on the application of the said board, for 30,000 dollars, to enable colonel Henry Hollingsworth, whom they have employed in purchasing provisions, to discharge some contracts he is engaged in ; which is to be charged to the board of war.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, August 12, 1778.

Congress resumed the consideration of the motion respecting the declaration ; whereupon,

Resolved, That a copy of the declaration passed yesterday, be signed by Mr. president, and sent by a flag to the commissioners of the king of Great-Britain, at N. York.

A letter, of the 8th, from brigadier Maxwell, and one of the 7th, from Adam Ferguson, enclosing a remonstrance on the subject of the detention of the troops lately serving under lieutenant-general Burgoyne, with a requisition for their immediate release :

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

The members chosen, Mr. G. Morris, Mr. Chase, Mr. Drayton, Mr. S. Adams and Witherspoon.

A petition from Henry baron Eschich, was read :

Ordered, That it be referred to a committee of three, and that the committee be empowered and directed to enquire into the facts therein set forth, and to grant such relief as they may think expedient ; and farther, that the said committee be directed to enquire into the state of the legion commanded by count Pulaski, and report thereon :

The members chosen, Mr. Penn, Mr. Marchant and Mr. Chase.

A letter, of the 11th, from major-general Mifflin, was read :

Ordered to lie on the table.

Ordered, That Tuesdays and Thursdays in every week, be set apart for regulating the affairs of the treasury and finances ; and that no other business, excepting the reading and disposing of public letters, be taken up on those days without the unanimous consent of the house, until the business aforesaid is gone through and finished.

A motion was made, that Congress meet twice a-day :

Question put, passed in the negative.

A letter, of the 11th, from general Nelson, was read :

Ordered, That the vote of thanks to general Nelson and the officers

and gentlemen of the corps of volunteers under his command, together with the foregoing letter, be published.

The committee on the treasury brought in a report ; whereupon,
Ordered, That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state Pennsylvania, for 40,000 dollars, in favour of major Lee, for the use of the corps of light-dragoons under his command ; for which he is to be accountable :

That, on the application of the board of war and ordnance, a warrant issue on the treasurer in favour of Mr. Joseph Nourse, pay-master to the said board, for 10,000 dollars, to be by him transmitted to col. David Kennedy, of Winchester, in Virginia, to complete the barracks ordered to be built in the said place ; the said David Kennedy to be accountable.

A report from the board of war was read ; whereupon,

Resolved, That every officer in the army of the United States, whose duty requires his being on horse-back in time of action, and whose horse shall be killed in battle, be allowed a sum not exceeding 500 dollars, as a compensation for his horse so killed ; this resolution to have retrospect as far as the first day of May, 1777 ; and that the quarter-master-general be, and is hereby authorized to pay the value of such horses, not exceeding the said sum, to the respective sufferers on the facts being properly authenticated.

Resolved, That the expenses incurred by col. John Green, for keeping two horses during the time his wounds rendered his removal last campaign out of N. Jersey necessary, be allowed him, and that the same be referred to the commissioners of claims for settlement.

Congress proceeded to the election of an additional number of signers of continental bills of credit, and the ballots being taken,

Mr. William Rush, Mr. Robert Roberts, and Mr. Gunning Bedford, were elected.

A petition from Patrick M'Mullen, was read :

Ordered to lie on the table.

The committee to whom was referred the memorial of colonel Knoblauch, brought in a report, wherein they represent, " That having examined his several commissions and recommendations, it appears that colonel de Knoblauch is an experienced officer, and hath served in the several countries mentioned in his memorial ; that the subjects contained in the said memorial being various, ought to be referred to the boards to whom they more particularly belong : " whereupon,

Resolved, That so much of the memorial as relates to contracts for frigates, be referred to the marine-committee :

That so much as relates to arms, linen, cloth, &c. be referred to the board of war :

That the propriety of employing col. Knoblauch be referred to the board of war, to report thereon upon such information as they may now or hereafter receive :

That in the interim, col. Knoblauch be permitted to repair, as a volunteer, to the American camp, and that he be allowed the sum of 125 dollars per month.

Adjourned to nine o'clock to-morrow.

THURSDAY, August 13, 1778.

Resolved, That no passes be granted to any person or persons to go into N. York, but by Congress or the commander in chief; and that major-general Arnold be directed to recall any pass or passes he may have given to any persons going to N. York from the city of Philadelphia, who have not yet gone under such passes.

The committee to whom was referred the report from the board of treasury of the 15th of April last, brought in a report, which was read.

On motion, *Resolved*, That Saturday in every week, be added to the days already set apart for regulating the business of the treasury and finance.

Ordered, That the report lie on the table for the perusal of the members, to be taken into consideration on Tuesday next.

Resolved, That Saturday next, be appointed to take into consideration the state of foreign affairs, and that Mr. S. Deane be requested to attend Congress on that day, to give them information respecting the general state of those affairs and a particular state of their funds and commercial connections in Europe, and especially with Mons. de Beaumarchais.

Ordered, That the committee on foreign affairs lay before Congress, on Friday, all letters and other public papers which they may have received from the commissioners, agents, or other persons who have transacted business for the United States in Europe, from the original appointment of the committee of secret correspondence, to this day.

Adjourned to nine o'clock to-morrow.

FRIDAY, August 14, 1778.

A letter, of the 9th, from gen. Washington, was read, enclosing one of the 6th, from major-general Sullivan.

A letter, of August 11th, from Mr. Huntington, one of the delegates from Connecticut, at Norwich, directed to the delegates of that state in Congress, was laid before Congress, and read, setting forth sundry evils and abuses in the hospitals in the eastern-district; whereupon,

Resolved, That the resolution of Congress of the 9th of June last, authorizing the deputy director-general of the hospital in the eastern-department, in the absence of the director-general, to superintend the medical affairs of that department, be, and it is hereby repealed; and that the said hospital for the future be under the same regulations as the hospitals in the other departments.

Resolved, That the director-general be directed to enquire into the state of the hospital in the eastern-department, and give proper orders for the good government and œconomy thereof, and discharge unqualified and supernumerary officers, if any there be.

Whereas, it is of great consequence to the general weal that the enemy at N. York should not be supplied with provisions, which may relieve the distress at present prevailing in their army and fleet; and for the more effectual execution of the embargo.

Resolved, That the vice-president and supreme executive council of the state of Pennsylvania, be requested to station one of their galleys, under command of a vigilant officer, near the mouth of the Cape-May channel, with orders to search all vessels that may be outward bound,

either through Cape-May channel or the Delaware ; and if any shall be found exporting provisions contrary to the embargo, that they be brought before government, to answer for such their misconduct.

Resolved, That the gov. of N. Jersey be requested to take the most effectual measures to enforce due observance of the embargo, as Congress consider it of the first importance to continue the distress prevailing in the enemy's fleet and army at N. York for provisions ; and because there is reason to apprehend that the coast-trade with provisions may be productive of supply to the enemy, either through the vigilance of the cruisers or by ill-designing avaritious men.

A petition of John Hart, in behalf of himself and others, respecting the capture of the sloop Peggy, was read :

Ordered, That it be referred to the committee on appeals.

A memorial from Thomas Towson, in behalf of himself and others, was read :

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

The members chosen, Mr. Chase, Mr. Marchant and Mr. Penn.

A petition from Patrick Colvin, at Trenton-ferry, was read ; whereupon,

Resolved, That the quarter-master-general be directed, if he has any boats or flats belonging to the public at any of the ferries on the river Delaware unemployed, to lend two of them to Patrick Colvin, to be by him employed at Trenton-ferry for the accommodation of the public.

A petition from William Allison, guardian of John Blakely, in behalf of the said John Blakely, was read ; whereupon,

It was moved that it be committed :

Question put, passed in the negative.

The commissioners of claims, with the approbation of the auditor-general, report,

That there is due, to Thomas Edifon, his pay as clerk in the secretary's office, from the 12th of June to the 12th of August, 1778, inclusive, 160 dollars, and for his expenses from York-town to Philadelphia, 16 dollars, making in the whole, 176 dollars :

That there is due, to the Rev. Mr. Lotbinier, as chaplain, his pay and subsistence from the 11th of July to the 10th of August, 1778, both days inclusive, 60 dollars :

That there is due to col. John Greene, for the expenses of keeping two horses in the fall of 1776, when he was wounded in the state of N. York, and which were necessary to carry him to his place of residence in Virginia, 200 dollars :

Ordered, That the said accounts be paid.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. Penn, one of the delegates of the state of N. Carolina, for 2000 dollars, advanced upon his application ; the said state to be accountable.

Congress proceeded to the election of an additional number of signers of the continental bills of credit, and the ballots being taken, the following gentlemen were chosen, viz.

John Shee, Francis Lewis, jun. William Marshall, Joseph Wilson, James Roylon, James Little, James Rowan and Isaac All.

The board of war, to whom was referred the memorial of the hon.

fieur Gerard, relative to Mr. William Straker, having made report thereon, and the same being read,

Ordered, That the said report and papers referred to, relative to Mr. Straker, be referred to the government of the state of Pennsylvania, to determine whether they will consider Mr. William Straker, lately made prisoner by the count d'Estaing's squadron, as a citizen of the state of Pennsylvania; and if the said government shall determine to consider and receive the said Mr. William Straker as a citizen of their state, that they be desired to transmit a certificate of their determination to the fieur Gerard, minister plenipotentiary of his most Christian majesty.

The committee to whom were referred the papers relative to Cornelius Sweers and colonel B. Flower, brought in a report, which was read: after debate,

Ordered, That it be re-committed.

Ordered, That three members be added to the committee:

The members chosen, Mr. Marchant, Mr. Harvie and Mr. T. Adams.

The committee on foreign affairs laid before Congress sundry letters and papers which they have received from the commissioners, agents and other persons who have transacted public business in Europe.

Adjourned to nine o'clock to-morrow.

—●—
SATURDAY, August 15, 1778.

A motion was made to resolve, that the members of this house keep secret from all but the members of this house, under like obligations of secrecy, such information as may be derived from an inspection of the papers of the committee of secret correspondence, or from hearing the same read:

After debate, the previous question was moved, and the yeas and nays required by Mr. Duer,

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| | Mr. S. Adams, | no | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| <i>Rhode-Island,</i> | Mr. Holten, | ay | } ay |
| | Mr. Marchant, | ay | |
| <i>Connecticut,</i> | Mr. Sherman, | ay | } ay |
| | Mr. Hosmer, | ay | |
| <i>New-York,</i> | Mr. A. Adams, | ay | } ay |
| | Mr. Lewis, | ay | |
| <i>New-Jersey,</i> | Mr. Duer, | ay | } ay |
| | Mr. G. Morris, | ay | |
| <i>Pennsylvania,</i> | Mr. Witherspoon, | no | } no |
| | Mr. Scudder, | no | |
| <i>Maryland,</i> | Mr. R. Morris, | ay | } ay |
| | Mr. Reed, | ay | |
| | Mr. James Smith, | no | } ay |
| | Mr. Chase, | ay | |
| | Mr. Plater, | ay | } ay |
| | Mr. Forbes, | ay | |

| | | | |
|------------------------|-----------------|----|-------------------|
| <i>Virginia,</i> | Mr. R. H. Lee, | no | } <i>divided.</i> |
| | Mr. Banister, | ay | |
| | Mr. T. Adams, | ay | |
| | Mr. Harvie, | no | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } <i>ay</i> |
| | Mr. Harnett, | ay | |
| | Mr. Williams, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } <i>ay</i> |
| | Mr. Drayton, | ay | |
| | Mr. Matthews, | ay | |
| <i>Georgia,</i> | Mr. Telfair, | ay | } <i>ay</i> |
| | Mr. Langworthy, | ay | |

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

It was then moved to resolve, that no matter contained in the letters laid before Congress by the committee for foreign affairs, be communicated to any persons out of Congress, without permission of the house:

After debate, the previous question was moved, and the yeas and nays being required by Mr. Drayton,

| | | | |
|---------------------------|---------------------|----|-------------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } <i>no</i> |
| | Mr. S. Adams, | no | |
| | Mr. Gerry, | no | |
| | Mr. Lovell, | no | |
| <i>Massachusetts-Bay,</i> | Mr. Holten, | no | } <i>no</i> |
| | Mr. Marchant, | no | |
| | Mr. Sherman, | no | |
| | Mr. Hosmer, | no | |
| <i>Rhode-Island,</i> | Mr. A. Adams, | no | } <i>no</i> |
| | Mr. Lewis, | ay | |
| | Mr. Duer, | ay | |
| | Mr. Witber Spoon, | no | |
| <i>Connecticut,</i> | Mr. Scudder, | no | } <i>no</i> |
| | Mr. R. Morris, | ay | |
| | Mr. Reed, | ay | |
| | Mr. J. Smith, | no | |
| <i>New-York,</i> | Mr. Chase, | ay | } <i>ay</i> |
| | Mr. Plater, | ay | |
| | Mr. Forbes, | ay | |
| | Mr. R. H. Lee, | no | |
| <i>New-Jersey,</i> | Mr. Banister, | ay | } <i>divided.</i> |
| | Mr. T. Adams, | ay | |
| | Mr. Harvie, | no | |
| | Mr. Penn, | no | |
| <i>Pennsylvania,</i> | Mr. Harnett, | ay | } <i>ay</i> |
| | Mr. Williams, | ay | |
| | Mr. Laurens, excus. | | |
| | Mr. Drayton, | ay | |
| <i>Maryland,</i> | Mr. Matthews, | ay | } <i>ay</i> |
| | Mr. Heyward, | ay | |
| | Mr. Telfair, | ay | |
| | Mr. Langworthy, | ay | |

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

Mr. M'Kean, a delegate from Delaware, attended, and resumed his seat in Congress.

A motion was then made, that the contents of the letters laid upon the table by the committee of foreign affairs, be kept secret till the enquiry into the state of our foreign affairs and the conduct of our commissioners be finished :

An amendment was moved, to add as follows, excepting such parts thereof, as having been already communicated to the house without an injunction of secrecy, or having been read by private members or others, may have been divulged.

Question being put, and the yeas and nays required by Mr. Drayton,

| | | | | |
|---------------------------|------------------|----|---|----------|
| <i>Mew-Hampshire,</i> | Mr. Bartlett, | no | } | no |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | | |
| | Mr. Gerry, | no | } | no |
| | Mr. Lovell, | no | | |
| | Mr. Holten, | no | | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } | no |
| | Mr. Sherman, | no | | |
| <i>Connecticut,</i> | Mr. Hosmer, | no | } | no |
| | Mr. A. Adams | no | | |
| <i>New-York,</i> | Mr. Lewis, | ay | } | ay |
| | Mr. Duer, | ay | | |
| | Mr. G. Morris, | ay | | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | } | no |
| | Mr. Scudder, | no | | |
| <i>Pennsylvania,</i> | Mr. R. Morris, | no | } | ay |
| | Mr. Reed, | ay | | |
| | Mr. J. Smith, | ay | | |
| <i>Delaware,</i> | Mr. M'Kean, | no | } | no |
| <i>Maryland,</i> | Mr. Chase, | no | | |
| | Mr. Plater, | ay | } | ay |
| | Mr. Forbes, | ay | | |
| <i>Virginia,</i> | Mr. R. H. Lee, | no | | |
| | Mr. Banister, | no | } | no |
| | Mr. T. Adams, | no | | |
| <i>North-Carolina,</i> | Mr. Penn, | no | } | no |
| | Mr. Harnett, | no | | |
| | Mr. Williams, | ay | | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } | no |
| | Mr. Drayton, | ay | | |
| | Mr. Matthews, | no | | |
| <i>Georgia,</i> | Mr. Langworthy, | ay | } | divided. |
| | Mr. Telfair, | no | | |

So it passed in the negative.

The main question was then put, and the yeas and nays required by Mr. Chase,

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| | Mr. S. Adams, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | no | |
| <i>Rhode-Island,</i> | Mr. Holten, | ay | } ay |
| | Mr. Marchant, | ay | |
| <i>Connecticut,</i> | Mr. Sherman, | ay | } ay |
| | Mr. Hosmer, | ay | |
| <i>New-York,</i> | Mr. A. Adams, | ay | } ay |
| | Mr. Lewis, | no | |
| <i>New-Jersey,</i> | Mr. Duer, | no | } no |
| | Mr. G. Morris, | no | |
| <i>Pennsylvania,</i> | Mr. Witherspoon, | ay | } ay |
| | Mr. Scudder, | ay | |
| <i>Delaware,</i> | Mr. R. Morris, | no | } no |
| | Mr. Reed, | no | |
| <i>Maryland,</i> | Mr. J. Smith, | no | } ay |
| | Mr. M'Kean, | ay | |
| <i>Virginia,</i> | Mr. Chase, | no | } no |
| | Mr. Plater, | no | |
| <i>North-Carolina,</i> | Mr. Forbes, | no | } ay |
| | Mr. R. H. Lee, | no | |
| <i>South-Carolina,</i> | Mr. Banister, | ay | } ay |
| | Mr. T. Adams, | ay | |
| <i>Georgia,</i> | Mr. Harvie, | ay | } no |
| | Mr. Penn, | ay | |
| | Mr. Harnett, | no | } no |
| | Mr. Williams, | no | |
| | Mr. Laurens, | ay | } no |
| | Mr. Drayton, | no | |
| | Mr. Matthews, | no | } no |
| | Mr. Heyward, | no | |
| | Mr. Telfair, | no | } no |
| | Mr. Langworthy, | no | |

So it was resolved in the affirmative.

A letter, of this day, from major-general Arnold, was read, which letter was accompanied with the proceedings and sentence of a general court-martial on Frederick Verner, charged with acting as a spy and guide to the British army; and sets forth, "that as the evidences do not appear sufficiently full and clear to touch the life of a citizen, he has suspended the sentence until the pleasure of Congress is known:" the letter also was accompanied with the proceedings and sentences of a general court-martial on adjutant Wallace, Patrick M'Mullen, and Henry Love, together with sundry certificates, &c. relative to the matter; and states, that "as the evidence against the two former is in his opinion, insufficient to touch their lives, and as there are several circumstances in favour of the latter, he begs leave to recommend them to Congress as proper objects of mercy; whereupon,

Ordered, That so much of the said letter as relates to Frederick Verner, together with the proceedings and sentence of the general court-martial, and the papers relative to the matter, be referred to the

supreme executive council of Pennsylvania, and that they be requested to report their opinion thereon to Congress:

That so much of the said letter as relates to adjutant Wallace, Patrick M'Mullen and Henry Love, with the proceedings and sentence of the general court-martial on them, and the certificates, &c. relative to the matter, be referred to a committee of three:

The members chosen, Mr. Marchant, Mr. James Smith and Mr. Harvie.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due, to Bryan Lefferty, for his subsistence as a prisoner (agreeable to the articles of capitulation with major-general Schuyler, Jan. 18, 1776,) from the 2d of August, 1777, to the 29th of July, 1778, both days inclusive, 51 weeks and four days, at 28 shillings per week, the sum allowed by Congress, 192 $\frac{40}{90}$ dollars:

Ordered, That the said account be paid.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, in favour of the committee of commerce, for 10,646 $\frac{60}{90}$ dollars, to enable them to pay Samuel and Isaac Penrose, on account of a balance due to them by the secret-committee for freight of a cargo by the ship Sally, delivered at Cadiz, and for demurrage of the said ship; the committee of commerce to be accountable.

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

Ordered, That Mr. Deane be introduced, and that a seat be prepared for him at the end of the lower table, on the president's right hand.

Mr. Deane was accordingly introduced, and delivered two letters, one from Dr. Franklin, dated Passy, March 31st, 1778, and one from Monf. de Beaumarchais, dated Paris, March 24th, 1778; which were read.

Mr. Deane was then proceeding to give the information required; whereupon a motion was made, that the information be given in writing:

Ordered, That Mr. Deane withdraw.

Accordingly he withdrew; and on motion made, that the narrative Mr. Deane shall give to this house, of his transactions in France, be in writing:

After debate the previous question was moved, and the yeas and nays being required by Mr. S. Adams,

| | | | |
|---------------------------|----------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | |
| | Mr. Gerry, | no | } no |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| <i>Connecticut,</i> | Mr. Sberman, | ay | |
| | Mr. Hosmer, | ay | } no |
| | Mr. A. Adams, | no | |
| <i>New-York,</i> | Mr. Lewis, | no | } no |
| | Mr. Duer, | no | |
| | Mr. G. Morris, | ay | |

| | | | |
|------------------------|--------------------------|----|------|
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } ay |
| | Mr. Scudder, | ay | |
| <i>Pennsylvania,</i> | Mr. R. Morris, | no | } no |
| | Mr. Reed, | ay | |
| | Mr. James Smith, | no | |
| <i>Delaware,</i> | Mr. M ^c Kean, | ay | } ay |
| | Mr. Chase, | ay | |
| <i>Maryland,</i> | Mr. Plater, | no | } no |
| | Mr. Forbes, | no | |
| | Mr. Banister, | no | |
| <i>Virginia,</i> | Mr. T. Adams, | no | } no |
| | Mr. Harvie, | no | |
| | Mr. Penn, | no | |
| <i>North-Carolina,</i> | Mr. Harnett, | ay | } ay |
| | Hr. Williams, | ay | |
| | Mr. Laurens, | no | |
| <i>South-Carolina,</i> | Mr. Drayton, | no | } no |
| | Mr. Heyward, | ay | |
| | Mr. Telfair, | no | |
| <i>Georgia,</i> | Mr. Langworthy, | no | } no |

So it passed in the negative.

The main question was then put, the yeas and nays being required by Mr. Chase,

| | | | |
|---------------------------|--------------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| | Mr. S. Adams, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } ay |
| | Mr. Holten, | ay | |
| | Mr. Lovell, | ay | |
| | Mr. Marchant, | ay | |
| <i>Rhode-Island,</i> | Mr. Sherman, | ay | } ay |
| | Mr. Hosmer, | ay | |
| | Mr. A. Adams, | ay | |
| <i>New-York,</i> | Mr. Lewis, | ay | } no |
| | Mr. Duer, | no | |
| | Mr. G. Morris, | no | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } ay |
| | Mr. Scudder, | ay | |
| <i>Pennsylvania,</i> | Mr. R. Morris, | no | } no |
| | Mr. Reed, | no | |
| | Mr. James Smith, | no | |
| <i>Delaware,</i> | Mr. M ^c Kean, | no | } no |
| | Mr. Chase, | no | |
| <i>Maryland,</i> | Mr. Plater, | no | } no |
| | Mr. Forbes, | no | |
| | Mr. Banister, | no | |
| <i>Virginia,</i> | Mr. T. Adams, | no | } no |
| | Mr. Harvie, | no | |
| | Mr. Penn, | no | |
| <i>North-Carolina,</i> | Mr. Harnett, | no | } no |
| | Mr. Williams, | no | |

| | | | |
|------------------------|-----------------|----|-------------|
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } <i>no</i> |
| | Mr. Drayton, | no | |
| | Mr. Heyward, | no | |
| <i>Georgia,</i> | Mr. Telfair, | no | } <i>no</i> |
| | Mr. Langworthy, | no | |

So it passed in the negative.

Resolved, That Mr. Deane be called in, and informed that Congress desire his attendance again on Monday morning, at ten o'clock to give, from his memory, a general account of his whole transactions in France, from the time of his first arrival, as well as a particular state of the funds of Congress, and the commercial transactions in Europe, especially with Mr. Beaumarchais, and to answer such questions as may be asked.

Mr. Deane being called in, and informed of the desire of Congress, withdrew.

A letter, of the 13th, from gen. Washington, at White-Plains, and one of the 10th, from major-general Sullivan, at Portsmouth, Rhode-Island, and one of the 12th, from W. Palfrey, Esq; were read :

Ordered, That the last be referred to the board of war.

Adjourned to ten o'clock on Monday.

MONDAY, August 17, 1778.

Applications from Mrs. Wilfon, Fanny Radden, and Maria Bar-el, for leave to go to N. York, were laid before Congress, and read :

Ordered to lie on the table.

Mr. Deane attending according to order, was introduced, and proceeded to give the information required, and having made some progress therein, he had leave to withdraw, and accordingly withdrew.

Ordered, That Mr. Deane attend on Wednesday morning, at ten o'clock, to proceed in his information.

A letter, of the 11th, from gen. Washington, enclosing one of the same date to him from W. Palfrey, pay-master-general ; also a letter of the 11th, from the said W. Palfrey to Congress ; were read :

Ordered, That the letters from W. Palfrey be referred to the board of treasury.

A letter, of this day, from major-general Mifflin, was read, enclosing his commission, which, for reasons set forth in the said letter, he begs leave to resign :

Ordered, That the said letter, together with his letters of the 10th and 11th, be referred to a committee of three :

The members chosen, Mr. G. Morris, Mr. Reed and Mr. Witherspoon.

The committee to whom was referred a letter from gen. Washington, of the 28th of July, respecting major-general Putnam, and the report of the court of enquiry on the subject of the posts on the Highlands, on Hudson's-river, taken last year, which was transmitted to Congress, report,

That, upon a careful examination of the facts stated by the court of enquiry, and consideration of the evidence taken and transmitted, it appears that those posts were lost not from any fault, misconduct or

negligence of the commanding-officers, but solely through the want of adequate force under their command to maintain and defend them.

Resolved, That Congress agree to the said report.

In consequence of an adjustment by the commissioners of claims, the assistant auditor-general reports,

That there is due to Charles Cist, for his services in attending the making of paper, by order of the treasury-board, the sum of 418 dollars, including his expenses, while on that service :

That there is due to Timothy Barret, for polishing and planishing two copper-plates for engraving, by order of the board of treasury, the sum of $21\frac{3}{10}$ dollars :

That there is due to the following persons, for boarding and funeral expenses of general du Coudray, deceased, the sum of $695\frac{6}{10}$ dols. viz.

To Mary House, for boarding and lodging him and his family, the sum of 400 dollars, and for sundries furnished for the funeral, the sum of 137 dollars, making together the sum of 537 dollars ;

To Amelia Taylor, for crape for the funeral, the sum of $74\frac{6}{10}$ dols.

To Martin Jacques and James Gillingham, for coffin and furniture, the sum of 80 dollars ; and to the Rev. Ferdinand Farmer, for his attendance, &c. at the chapel, 4 dollars, making in the whole, $695\frac{6}{10}$ dollars :

Ordered, That the said accounts be paid.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, in favour of Isaac Melchior, Esq; barrack-master-general, for 50,000 dollars, for the use of his department ; for which he is to be accountable :

That a warrant issue on the treasurer for 63,000 dollars, in favour of Charles Stewart, Esq; commissary-general of issues, for the use of his department, and for which he is to be accountable.

That a warrant issue on the treasurer in favour of Dr. Wither Spoon, one of the delegates of the state of N. Jersey, for 500 dollars, it being advanced upon his application ; the said state to be accountable :

That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, in favour of the committee of commerce, for $5555\frac{5}{10}$ dollars, to enable them to pay Jonathan Williams the freight of 180 bales of merchandize, imported on public account from France ; the said committee to be accountable :

That upon the application of the board of war and ordnance, a warrant issue in favour of Joseph Nourse, pay-master to the said board, for 100,000 dollars, to enable the board to pay for the transportation of and making up clothing, and to continue the purchase of stockings, shoes, hats and blankets for the army ; the said Joseph Nourse to be accountable.

Resolved, That so much of the report of the board of treasury as respects the grant of money to James Mease, Esq; clothier-general, be re-committed, and that the board report specially thereon.

Resolved, That all the loan-office certificates struck by resolutions of Congress of the 3d day of Oct. 1776, the 14th of Jan. and 22d day of Feb. 1777, and 860 certificates of 1000 dollars each, number-

ed from No. 1 to 860, of the emission ordered by Congress the 17th day of Jan. 1778, which have been signed by Michael Hillegas, Esq; treasurer, or Samuel Hillegas, be good and valid, notwithstanding some of the said certificates may be issued by the several commissioners of the continental loan-offices, after the date of the resolution of Congress, appointing Francis Hopkinson, Esq; treasurer of loans.

Resolved, That each officer in the department of the quarter-master and barrack-master-general attending Congress, be directed, from time to time, to render to the several members accounts of the articles supplied them respectively, according to the cost thereof: that such accounts be paid to the pay-master of the board of war and ordnance, who shall give to the respective members duplicate receipts for the money paid, one of which to be left at the board of treasury.

Adjourned to ten o'clock to-morrow.

— ❖ —

TUESDAY, August 18, 1778.

A letter, of the 14th, from brigadier Weedon, was read, praying Congress, for reasons therein set forth, to reconsider the resolution of the 19th of March, for settling the rank of the Virginia brigadiers; or if Congress will please to continue him in the line till he can take an active part again with propriety, declaring that he will, whenever that is the case, be ready and willing to serve:

Whereupon Congress came to the following resolution:

Whereas disputes have arisen between brigadiers Weedon and Woodford, relating to their rank in the armies of the United States, which were finally determined in Congress on the 19th day of March, 1778, in favour of brigadier Woodford, by which determination brigadier Weedon finds himself so circumstanced as not to be able to serve with the main army:

Resolved, That brigadier Weedon be permitted to retire; that he hold his present rank in the said armies, and that he be called into service whenever, from a change of circumstances, the inconveniencies he now labours under can be removed; provided, that during the time of his being retired, he shall not be entitled to receive either pay or rations, and provided also, that unless he shall be called into, and remain in service during the war, he shall not be entitled to half-pay.

On passing the foregoing resolution the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|----------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| <i>Connecticut,</i> | Mr. Hosmer, | ay | |
| | Mr. A. Adams, | ay | } ay |
| <i>New-York,</i> | Mr. Lewis, | ay | |
| | Mr. Duer, | no | } ay |
| | Mr. G. Morris, | ay | |
| <i>New-Jersey,</i> | Mr. Elmer, | ay | } ay |
| | Mr. Scudder, | ay | |
| | Mr. Boudinot, | ay | |

| | | | |
|------------------------|------------------------|-----------|-------------------|
| <i>Pennsylvania,</i> | Mr. <i>Roberdeau,</i> | <i>no</i> | } <i>no</i> |
| <i>Maryland,</i> | Mr. <i>Chase,</i> | <i>ay</i> | |
| | Mr. <i>Plater,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Forbes,</i> | <i>no</i> | |
| <i>Virginia,</i> | Mr. <i>T. Adams,</i> | <i>no</i> | } <i>divided.</i> |
| | Mr. <i>Harvie,</i> | <i>ay</i> | |
| <i>North-Carolina,</i> | Mr. <i>Penn,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Harnett,</i> | <i>no</i> | |
| | Mr. <i>Williams,</i> | <i>ay</i> | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>no</i> | } <i>ay</i> |
| | Mr. <i>Drayton,</i> | <i>ay</i> | |
| | Mr. <i>Heyward,</i> | <i>ay</i> | |
| <i>Georgia,</i> | Mr. <i>Telfair,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Langworthy,</i> | <i>ay</i> | |

So it was resolved in the affirmative.

A letter, of the 12th, from the marquis de Britigny, was read :

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

The members chosen, Mr. Drayton, Mr. Duer, Mr. Lovell, Mr. Marchant and Mr. Chase.

A letter, of the 10th, from colonel Radiere, was read :

Ordered to lie on the table.

A letter, of this day, from col. baron Arendt, was read, entreating Congress to permit him, for the recovery of his health, to cross the sea ; and for that purpose to grant him leave of absence for twelve months :

Resolved, That his prayer be granted, and that a furlough for twelve months be granted to baron d'Arendt, col. in the service of the United States.

A letter, of the 13th, from count Pulaski, was read :

Ordered, That it be referred to the committee appointed to enquire into the state of the legion under the command of brigadier count Pulaski.

A letter from gen. Washington, respecting Mr. Fearer and Mr. Kleinsmeit, was read :

Ordered, That it be referred to the board of war.

A letter from Thomas Dawkins, purser of the Mermaid frigate, was read :

Ordered, That it be referred to the marine-committee.

A letter, of 17th, from Mons. de la Balme, was read :

Ordered, That it be referred to the board of war.

A letter, of this date, from Cornelius Sweers, was read :

Ordered That it be referred to the committee on the case of col. Flower and Cornelius Sweers.

A letter, of the 16th, from col. Knoblauch, was read.

In consequence of recommendations from brigadiers or officers commanding brigades,

Resolved, That the Rev. John Gano be appointed chaplain of the brigade commanded by brigadier James Clinton :

That the Rev. Hezekiah Smith, of Haverhill, in Massachusetts-Bay, be appointed chaplain to the brigade commanded by brigadier John Nixon :

That the Rev. Adam Boyd be appointed chaplain to the N. Carolina brigade, commanded by col. Clarke :

That the Rev. John Hurt be appointed chaplain to the brigade late commanded by brigadier Weedon :

That the Rev. David Avery be appointed chaplain to the brigade commanded by col. John Baily, late brigadier Learned's brigade :

The committee of commerce laid before Congress a letter of April 25th, and one of the 2d of May last, from Mr. Schweighauser, at Nantes, with fundry papers enclosed :

Ordered to lie on the table.

Also a letter of July 3d, from Mr. Abraham Livingston, at Charlestown, S. Carolina, enclosing a letter from Stephen Ceronio, at Cape Francois, to the said Mr. Livingston :

Ordered, That these be referred to the committee of commerce, and that the committee be directed to report specially thereon.

A letter, of the 5th, from John Baynton, and one of the 6th, from Andrew Lewis and Thomas Lewis, commissioners at Fort-Pitt, with fundry papers enclosed, were read :

Ordered, That they be referred to the board of war.

A letter, of this day, from major Bigelow, was read.

A letter, of the 14th, from the board of war, was read ; whereupon,

Resolved, That the board of war be empowered and directed to take such measures with regard to the making up, storing and transporting the imported clothing mentioned in the resolutions of Congress of the 28th of May last, as to them shall seem expedient and best adapted to present circumstances ; any thing contained in the said resolutions notwithstanding.

Ordered, That a warrant issue on the treasurer, in favour of James Mease, Esq; clothier-general, for 20,000 dollars, to enable him to answer a draught of his agents, Messrs. Otis and Andrews, of Boston, in favour of sir James Jay, for a like sum received of him by the said agents ; the clothier-general to be accountable.

A memorial from Henry Dulhauer, on behalf of himself and his comrade, Frederick Brown, was read :

Ordered, That it be referred to the board of war.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, August 19, 1778.

Mr. Cyrus Griffin, a delegate from Virginia, attended, and produced the credentials of the appointment of the delegates from that state, which were read as follows :

" In the General Assembly of Virginia, May 29th, 1778.

Resolved, That Thomas Adams, John Harvie, John Banister, Francis Lightfoot Lee, Merewether Smith, Richard Henry Lee and Cyrus Griffin, Esqrs; be appointed delegates to represent this commonwealth in Congress, for one year from the 11th day of August next.

ARCHIBALD CARY, *Speaker of the Senate.*

BENJAMIN HARRISON, S. H. D."

A letter, of the 16th, from gen. Washington, enclosing a copy of one of the 13th, from major-general Sullivan, at R. Island, was read :

A letter, of the 17th, from Joseph Nourse, secretary of the board of war and ordnance, was read, enclosing a monthly return of military-stores.

The marine-committee having informed Congress that a fleet of the enemy is now in the river Delaware, their strength and destination unknown :

Resolved, That the marine-committee be empowered and directed immediately to equip and dispatch, with all-possible expedition, all the armed vessels now in port, to aid the frigate Chimere, and annoy the enemy.

On motion, *Ordered*, That the clothier-general make a return to Congress of the issues of clothing made by him, or any of his agents, to the several regiments in the continental service, from the 1st day of October last.

The committee to whom was referred that part of gen. Washington's letter of the 4th, respecting the department of the clothier-general, brought in a report, which was read :

Ordered, That the consideration thereof be postponed.

Ordered, That Mr. Deane be informed, that Congress do not expect his attendance this day, but that he attend on Friday next, at ten o'clock, to proceed in his information.

Congress proceeded to the election of two members to the navy-board in the middle-district, and the ballots being taken, captain Nathaniel Falconer and James Searle, Esq; were elected.

The marine-committee brought in a report, which was taken into consideration ; whereupon,

Resolved, That the respective navy-boards be authorized and empowered to appoint and constitute courts of enquiry and courts-martial, under the direction of the marine-committee, to examine and determine all offences and misdemeanors in the marine-department, according to law-martial, in the same manner as by a resolve of the 6th of May last is prescribed in certain cases therein-mentioned, and that this resolve continue in force until the 6th day of May next, and no longer.

Resolved, That application be made to his excellency the count d'Estaing, vice-admiral of France, to purchase of him all such prize ships and other vessels which he may take on the coasts of these states, as he may not choose to retain in his hands or send into port :

That the marine-committee take proper measures to execute this resolution, and make monthly reports to Congress of the several vessels that may be so purchased, and the cost thereof.

Resolved, That the marine-committee be instructed to stipulate for the payment of such vessels as shall be so purchased in continental currency or provisions.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due, to Gifford Dalley, for providing an entertainment on the reception of Mons. Gerard, minister plenipotentiary from the court of France, on Thursday, the 6th inst. the sum of 1424 dollars :

That there is due, to Richard Ross, for riding express, from Jan. the 15th, 1777, to Nov. the 1st, 280 days, a balance of 195 dollars.

The auditor-general further reports,

That there is due, to James Milligan, Esq; for his pay as commissioner of accounts at the board of treasury, from the 16th of March to the 19th of August, inclusive, 157 days, at five dollars per day, 785 dollars :

That there is due, to William Turnbull, Esq; for his pay as commissioner of claims at the treasury-office, from Dec. 3d, 1777, to Feb. 4th, 1778, 64 days, at four dollars per day, 256 dollars ; and 5th of Feb. to the 18th of August, inclusive, 195 days, at five dollars per day, 975 dollars ; in all, 1231 dollars :

That there is due, to Mr. Thomas Ewing, for his pay as clerk to the board of treasury and commissioners of claims, from the 28th of Dec. 1777, to the 28th of July, 1778, seven months, at 75 dollars per month, 525 dollars :

Ordered, That the said accounts be paid.

The committee on the treasury brought in a report ; whereupon,

Ordered, That, upon application of the board of war and ordnance, a warrant issue on Thomas Smith Esq; commissioner of the continental loan-office in the state of Pennsylvania, for 6000 dollars, in favour of Mr. Joseph Nourse, pay-master to the board, to be advanced by them to Thomas Mayberry, of N. Jersey, in part of the sum of 13,333 $\frac{1}{3}$ dollars, which he is to receive on a contract for iron between him and col. B. Flower, commissary-general of military-stores, dated at Lebanon, the 28th of May, 1778 ; the said Joseph Nourse to be accountable.

Adjourned to nine o'clock to-morrow.

—❖—
THURSDAY, August 20, 1778.

A letter, of the 19th, from major-general Arnold, was read :

Ordered, That it be referred to the board of war, and that the board report their opinion on the necessity of an additional number of troops to the corps of invalids, for the purpose of guards in the city of Philadelphia ; and if an additional number is, in their opinion, necessary, how many and for what purposes.

A letter, of the 23d of June, from major-gen. R. Howe, was read :

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

The members chosen, Mr. Telfair, Mr. Drayton, Mr. Harnett, Mr. Scudder and Mr. Gerry.

A letter, of this day, from J. M'Kinly, Esq; late president of the state of Delaware, was read, soliciting to be exchanged for William Franklin, Esq; late governor of New-Jersey ; whereupon,

A motion was made, that the sense of the house be taken, whether it is consistent at present with the interest of the United States to consent to the exchange of William Franklin, Esq; late governor of New-Jersey :

The previous question was moved ; on which the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|---------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | ay | |
| | Mr. Lovell, | ay | |
| | Mr. Holtten, | ay | |

| | | | |
|------------------------|------------------|----|------------|
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| <i>Connecticut,</i> | Mr. Hosmer, | ay | |
| | Mr. A. Adams, | ay | } ay |
| <i>New-York,</i> | Mr. Lewis, | no | |
| | Mr. Duer, | no | } no |
| | Mr. G. Morris, | no | |
| <i>New-Jersey,</i> | Mr. Elmer, | ay | } ay |
| | Mr. Scudder, | ay | |
| | Mr. Boudinot, | ay | } ay |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | |
| | Mr. James Smith, | ay | } ay |
| <i>Maryland,</i> | Mr. Chase, | no | |
| | Mr. Plater, | ay | } ay |
| | Mr. Forbes, | ay | |
| <i>Virginia,</i> | Mr. T. Adams, | ay | } ay |
| | Mr. Harvie, | ay | |
| | Mr. R. H. Lee, | ay | } ay |
| | Mr. Griffin, | no | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } no |
| | Mr. Harnett, | no | |
| | Mr. Williams, | no | } no |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | |
| | Mr. Drayton, | no | } ay |
| | Mr. Heyward, | ay | |
| <i>Georgia,</i> | Mr. Telfair, | no | } divided. |
| | Mr. Langworthy, | ay | |

So it was resolved that the main question be not put.

On the question put,

Resolved, That W. Franklin, Esq; late governor of New-Jersey, is a prisoner of the United States.

A motion was made, that Congress consent to the exchange of president McKinly for governor Franklin; to which the previous question was moved, the yeas and nays being required by Mr. Gerry,

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | no | } divided. |
| | Mr. Lovell, | no | |
| | Mr. Holten, | ay | } ay |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | |
| <i>Connecticut,</i> | Mr. Hosmer, | ay | } ay |
| | Mr. A. Adams, | ay | |
| <i>New-York,</i> | Mr. Lewis, | no | } ay |
| | Mr. Duer, | ay | |
| | Mr. G. Morris, | ay | } divided. |
| <i>New-Jersey,</i> | Mr. Scudder, | no | |
| | Mr. Boudinot, | ay | } divided. |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | no | |
| | Mr. James Smith, | ay | } ay |
| <i>Maryland,</i> | Mr. Plater, | ay | |
| | Mr. Forbes, | ay | } ay |
| | | | |

| | | | |
|-----------------|-----------------|----|------------|
| Virginia, | Mr. T. Adams, | ay | } ay |
| | Mr. Harvie, | ay | |
| | Mr. R. H. Lee, | ay | |
| | Mr. Griffin, | ay | |
| North-Carolina, | Mr. Penn, | no | } no |
| | Mr. Harnett, | ay | |
| | Mr. Williams, | no | |
| South-Carolina, | Mr. Laurens, | ay | } no |
| | Mr. Drayton, | no | |
| | Mr. Heyward, | no | |
| Georgia, | Mr. Telfair, | no | } divided. |
| | Mr. Langworthy, | ay | |

So the main question was set aside.

A letter, of July 23d, from John Wereat, Esq; of Savannah, in Georgia, was read, accompanied with an appeal from the judgment of a court of admiralty on a libel against the armed brig Hinchinbroke :

Ordered, That the same be referred to the committee on appeals.

A letter, of July 14th, from John Sanford Dart, of S. Carolina, with an invoice of clothing enclosed, was read :

Ordered, That it be referred to the board of war.

A letter, of this day, from capt. I. Stoddard, was read ; whereupon,

Ordered, That to-morrow be assigned for taking into consideration the report of the board of war, on the petition of capt. Stoddard and others.

A letter, of July 22d, from Raymond Demere, was read :

Ordered, That it be referred to the committee on a former letter from the said Mr. Demere.

Resolved, That a member be added to the said committee :

The member chosen, Mr. Forbes.

A memorial from the hon. the sieur Gerard, minister plenipotentiary of France, was read, informing, that a French sailer, taken on board of an English privateer by an American ship, is confined in the prison of Philadelphia, and requesting that the Congress of the United States of America would be pleased to give orders that the said sailer be delivered to his disposal, on the assurance of an equal return in a similar case :

Ordered, That it be referred to the marine-committee, and that they comply with the said request.

The committee to whom was referred the letter from gen. Washington, relative to baron Steuben, brought in a report :

Ordered, That it be referred to gen. Washington, and that he be desired to consider the same and return it to Congress, with his opinion and observations thereon.

A letter from John Campbell was read, setting forth, that he is settled on islands independent, and in a country deemed neutral and independent, and that, looking on himself in that light, he desires permission may be granted to him for a free trade with the United States :

Ordered to lie on the table, and that Mr. Campbell be informed, that Congress do not think it expedient to give any decision on the matter.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer for 3000 dollars, in favour of the committee of commerce, to be by them transmitted to Messrs. James and Adam Hunter, of Fredericksburgh, in Virginia, to pay wages due to the seamen on board the brig Morris, now under their care, loaded with tobacco on public account, and other charges attending that vessel; the said committee to be accountable:

That a warrant issue on the treasurer for 500 dollars, in favour of Mr. J. Wentworth, one of the delegates from the state of N. Hampshire, advanced upon his application; the said state to be accountable:

That a warrant issue on the treasurer for 250 dollars, in favour of James Green, jun. in discharge of a bill drawn by Samuel Johnston, treasurer of the northern-district of the state of N. Carolina, and dated the 16th day of March, 1777, for that sum, in favour of the said James Green, jun. the said state to be accountable:

That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, on the application of the board of war and ordnance, for 17,786 dollars, in favour of Joseph Nourse, their pay-master, to be by him forwarded to brigadier count Pulaski, for equipping his legion; the said brigadier count Pulaski to be accountable.

Adjourned to ten o'clock to-morrow.

FRIDAY, August 21, 1778.

A letter, of the 16th, from gen. Washington, was read, which was accompanied with the proceedings of a court-martial on the trial of major-general Lee, and enclosing fundry papers, comprehending a request by major-general Philips for an officer to go into Canada by the way of the Lakes, on the subject of clothing for the convention troops:

Ordered, That the said papers, with so much of gen. Washington's letter as relates to gen. Phillips's request, be referred to a committee of three:

The members chosen, Mr. Chafe, Mr. Duer and Mr. R. H. Lee.

Ordered, That the proceedings of the court-martial lie on the table for the perusal of the members, to be taken into consideration on Wednesday next.

Another letter of the 19th, from gen. Washington, was read, enclosing a copy of a letter of the 17th, from major-general Sullivan.

A letter, of the 20th, from the council of Pennsylvania, was read, informing, that the council and a committee of the hon. house of assembly desire a conference with a committee of Congress, on the subject of fortifying the river Delaware; whereupon,

Resolved, That a committee of three be appointed to confer with the council and committee of the assembly of Pennsylvania, on the business aforesaid:

The members chosen, Mr. R. H. Lee, Mr. Duer and Mr. Scudder.

A letter from Fanny Raden was read, praying for leave to go to N. York:

Resolved, That leave be not granted.

Resolved, That when any persons are desirous of going within the enemy's lines, they shall apply to the executive powers of the state to which they belong; and if the said executive powers approve the mo-

tives and characters of the persons applying, and shall be of opinion, especially at so critical conjunctures as the present, that no danger will ensue by granting such permission, that they recommend them to the officer commanding the troops next to the enemy, who, upon such recommendation, may at his discretion permit the persons to go in.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the officers and privates of the invalid regiment, for pay and subsistence for the months of May and June last, the sum of $937\frac{54}{90}$ dollars :

Ordered, That the said accounts be paid.

The marine-committee, to whom was referred the memorial of captain Pierre Mordret, report,

That the case set forth by the said memorial should be determined by a court of admiralty :

Resolved, That Congress agree to the said report.

According to order, Mr. S. Deane attended, and proceeded in his information, and having finished the general account of his transactions, from the time of his first arrival in France to his departure from that kingdom, and of his commercial transactions in Europe, especially with Mr. de Beaumarchais, he had leave to withdraw, and withdrew accordingly.

Ordered, That 100 copies of the proceedings of the court-martial on the trial of major-general Lee, be printed for the use of the members.

Adjourned to nine o'clock to-morrow.

SATURDAY, August 22, 1778.

A letter, of this day, from Benjamin Randolph, and one of the same day, from col. Proctor, were read :

Ordered, That they be referred to the board of war.

A letter, of the 17th, and one of the 18th, from baron de Kalb, were read :

Ordered, That the letter of the 18th, lie on the table, and that the letter of the 17th, be referred to a committee of three :

The members chosen, Mr. R. H. Lee, Mr. Duer and Mr. Lovell.

Two letters, of this day, from captain Stoddard, were read :

Ordered to lie on the table.

A letter from Mrs. Sweers was read :

Ordered to lie on the table, until the report of the committee on the case of col. Flower and Cornelius Sweers is taken into consideration.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master of the board of war and ordnance, for $332,743\frac{60}{90}$ dollars, being the balance of the sum of $932,743\frac{60}{90}$ dollars, granted by Congress on the 11th of June last, for carrying on an expedition against the Indians ; the said Joseph Nourse to be accountable.

The order of the day being called for, Congress took into consideration the report of the committee on the treasury, when it was agreed, that the report shall be considered and debated by paragraphs ; to which amendments may be offered and questions taken on the several

amendments, but no question shall be put on the report till the whole is gone through, and then the question shall be put to agree to the whole as amended.

In considering the powers of the comptroller,

A motion was made, after the words "payable by the United States," to insert "in consequence of resolutions of Congress;"

On the question, the yeas and nays being required by Mr. Chase,

| | | | | |
|---------------------------|-----------------|----|---|----------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } | ay |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | | |
| | Mr. Lovell, | ay | } | ay |
| | Mr. Holten, | ay | | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } | no |
| <i>Connecticut,</i> | Mr. A. Adams, | no | | |
| <i>New-York,</i> | Mr. Duer, | ay | } | divided, |
| | Mr. G. Morris, | no | | |
| <i>New-Jersey,</i> | Mr. Elmer, | no | } | no |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | | |
| <i>Delaware,</i> | Mr. McKean, | ay | } | ay |
| <i>Maryland,</i> | Mr. Chase, | ay | | |
| | Mr. Plater, | ay | } | ay |
| | Mr. Forbes, | ay | | |
| <i>Virginia,</i> | Mr. T. Adams, | no | } | no |
| | Mr. Harvie, | no | | |
| | Mr. R. H. Lee, | no | } | no |
| | Mr. Griffin, | no | | |
| <i>North-Carolina,</i> | Mr. Penn, | no | } | no |
| | Mr. Harnett, | no | | |
| | Mr. Williams, | no | } | ay |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | | |
| | Mr. Drayton, | ay | } | no |
| <i>Georgia,</i> | Mr. Langworthy, | no | | |
| | Mr. Telfair, | no | } | no |
| | | | | |

So the states being equally divided, the motion was lost.

Ordered, That the farther consideration of the report be postponed to Tuesday next.

Adjourned to nine o'clock on Monday.

MONDAY, August 24, 1778.

A letter, of July 20th, from brigadier Moultrie, was read, enclosing a letter of the 18th, from Dr. Oliphant :

Ordered, That so much of the said letter as relates to the clothing-department, lie on the table :

That so much as relates to the new establishment of the army, be referred to the board of war : and that so much as relates to the hospital together with Dr. Oliphant's letter, be referred to the committee of arrangement.

Another letter, of the 27th of July, from brigadier Moultrie, was read :

Ordered to lie on the table.

A letter, of the 10th, from James Graham, of N. York, was read :

Ordered, That it be referred to the delegates of S. Carolina and Georgia.

A letter from Messrs. Hodgson & Brown, inhabitants of N. Providence, taken on board the ship Charlotte, by the fleet under the command of count d'Estaing, and confined in the new gaol in Philadelphia, was read, praying Congress to consider their case and to grant whatever indulgence their situation may be judged intitled to:

Ordered, That the said Messrs. Hodgson & Brown be informed, that they, being prisoners of his most Christian majesty, and not inhabitants of any of these United States, their application for indulgence must be made to the minister of France.

A letter, of this day, from colonel Wadsworth, commissary-general of purchases, was read; whereupon,

Congress took into consideration the report of the committee on the letter of July 23d, from the said commissary to his deputy Ephraim Blaine, Esq; wherein the said committee report as their opinion, "that the transportation of flour to the eastern-states by sea, is wise and necessary:" whereupon,

Resolved, That the commissary-general of purchases do procure in Pennsylvania, Delaware, Maryland and Virginia, on the most reasonable terms, 20,000 barrels of flour:

That the said commissary-general of purchases be directed to procure vessels for the transportation of the flour aforesaid; and that he give timely notice of the failing of the said vessels, and confer thereon with the marine-committee, to the end, that convoy may be obtained and the destination thereof directed.

The committee to whom were referred the papers relative to col. Benjamin Flower and Cornelius Sweers, for mal-practices in office, report,

That having caused Cornelius Sweers's deposition to be taken, (which is herewith presented) respecting his charge against col. Flower, and having confronted Cornelius Sweers and col. Flower, the latter did positively deny all and every part of the charge against him by the former: that during Sweers's examination, he appeared to be under fears and apprehensions; that during col. Flower's examination, he appeared possessed of a confidence of his innocence with respect to the charge: that col. Flower gave in to the committee a written declaration, stating his conduct in office, which is also herewith presented: that having examined Henry Baker, therein-mentioned, it appears that at or about the time of the battle of Brandywine, in Philadelphia, the said Cornelius Sweers did, as stated in the said declaration, make him give a receipt for more money than was by Sweers paid to him: that about the 22d of June last, being ordered by col. Flower to arrest Cornelius Sweers, he, upon that occasion, told col. Flower of this conduct of Sweers: that col. B. Flower being farther examined, it appears he gave this order for the arrest of Sweers, being informed by Mr. Trumbull that a discovery had been made and laid before Congress of several forgeries, supposed to be made by Sweers in the public accounts he delivered into the treasury, and that this arrest was ordered before col. Flower heard that Congress had given any such order: that it appears from col. Flower's public letter-book, that he used his best endeavours to cause Cornelius Sweers to be apprehended without

any loss of time : that it appears from col. Flower's examination that it was after Sweers's arrest, and while he was in confinement at Philadelphia, that he told Cornelius Sweers of his being informed, as stated in the declaration, that Cornelius Sweers had taken a receipt for more money than he had paid, which particular, Sweers admitted, namely, that col. Flower had so told him : that Sweers, having been repeatedly questioned upon the point, as often declared he had not any charge to make against col. Flower, other than what was stated in his deposition, nor did he know of any other instance of mal-practice in col. Flower's conduct in his department : that upon the whole, it does not appear to the committee that there is sufficient evidence on the part of Cornelius Sweers to support a prosecution against col. Flower, whose integrity, in their opinion, stands unspotted, notwithstanding the charge, by Sweers ; whereupon,

Congress passed the following resolution :

Whereas, after minute enquiry it has appeared to Congress, that the integrity of col. Benjamin Flower, commissary-general of military-stores, remains unspotted, notwithstanding the charge by Cornelius Sweers, deputy commissary-general of military-stores, against col. Flower, for fraud in his office :

Resolved, That col. Benjamin Flower be discharged from his arrest, and permitted to resume the functions of his office.

Whereas, there are so many strong appearances of Cornelius Sweers's being guilty of divers forgeries and frauds against the public in his official transactions :

Resolved, That able council be retained on behalf of the United States, in a court of law to prosecute Cornelius Sweers, for the forgeries and frauds by him committed in office ; and that the books and papers (except Sweers's deposition and letters relative thereto,) and the accounts in possession of Congress, relative to such mal-conduct, be placed in the hands of such council, as materials whereupon to ground the prosecution to form and support the charge ; and further, that col. B. Flower be required to collect all necessary witnesses capable of demonstrating the frauds which are apparent in the public accounts, wherein forgeries are supposed to have been committed by the said Cornelius Sweers.

Resolved, That the board of treasury be empowered and directed to employ the council above directed to prosecute Cornelius Sweers.

The committee on the treasury brought in a report ; whereupon,

Ordered, That the following warrants, amounting to 3,000,000 of dollars, issue in favour of Jeremiah Wadsworth, Esq; commissary-general of purchases, for the use of his department, viz.

One on the treasurer for 2,850,000 dollars ; one on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, for 100,000 dollars ; one on Thomas Harwood, Esq; commissioner of the continental loan-office in the state of Maryland, for 50,000 dollars, for which sum of 3,000,000 the said Jeremiah Wadsworth is to be accountable.

A petition from Phineas Babcock was read ; whereupon,

Resolved, That the said petition be transmitted to the commissioners of accounts at Albany, and that the said commissioners be authori-

zed to examine into the merits of the said petition, and if upon an examination of evidence and other vouchers produced by the said Babcock, they shall find that any of his stock or other property have been *bona fide*, applied for the use of the continental army, that they pass the accounts of the said Phineas Babcock for as much money as may be reasonably due for such stock or other property which may have been so applied.

A letter, of the 11th, from gov. Trumbull, and one, of July 25th, from Mr. president Weare, of N. Hampshire, were read.

A letter, of the 15th, from P. Colt, Esq; was read; whereupon,

Ordered, That a duplicate of the warrant in favour of William Buchanan, late commissary-general of purchases, for 100,000 dollars, on John Lawrence, Esq; commissioner of the continental loan-office in the state of Connecticut, for the use of Peter Colt, Esq; dated July 6, 1778, be made out and sent to the said Peter Colt, and made payable to him in case the former warrant has not already come to his hands or been paid.

Adjourned to nine o'clock to-morrow.

TUESDAY, August 25, 1778.

A letter, of the 14th, from B. Harrison, Esq; deputy pay-master-general in Virginia, was read, enclosing his monthly account:

Ordered, That that it be referred to the board of treasury.

A letter, of the 22d, from gov. Livingston, of N. Jersey, was read:

Ordered, That it be referred to the board of war.

A letter, of the 21st, from gen. Washington, was read, enclosing a memorial addressed to him by col. Rawlins and other officers of his regiment:

Ordered, That the same be referred to the board of war.

A letter, of the 13th, from major Gibbs, was read.

A letter, of the 21st, from the board of war, was read:

Ordered, That it be referred to the delegates of Virginia and North-Carolina.

Another letter of the 21st, from gen. Washington, and one of the 19th, from major-general Sullivan, at R. Island, were read.

A memorial from Garret Steddiford, was read, representing, that he has the commission of ensign and quarter-master in the 3d Pennsylvania regiment, and praying to be allowed pay for and agreeable to his said commissions:

Ordered, That it be referred to the board of war.

According to order, Congress resumed the consideration of the report of the committee on the arrangement of the treasury, and after some time spent thereon,

Ordered, That the farther consideration thereof be postponed.

A letter, of the 21st, from major-general baron de Kalb, to Mr. R. Morris, was laid before Congress, and read:

Ordered, That it be referred to the board of war.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. Joseph Nourse, pay-master to the board of war and ordnance, for 38,704 $\frac{43}{96}$ dollars, to enable them to pay for goods purchased of Peter Whitesides and Co. the said Joseph Nourse to be accountable.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, August 26, 1778.

A memorial from the marquis de Bretigny, was read :

Ordered, That it be referred to the committee to whom his letter of the 18th was committed.

A letter, of July 6th, from Mr. W. Bingham, at St. Pierre, Martinique, directed to the committee for foreign affairs, and enclosing fundry papers relative to vessels captured in the West-Indies, was read :

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

The members chosen, Mr. Holmes, Mr. Drayton and Mr. Chafe.

A letter, of the 24th, from Cornelius Sweers, was read :

A memorial from John Harper & Co. owners of the schooner Liberty, respecting the said schooner, and proceedings thereon, was read :

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

The members chosen, Mr. Chafe, Mr. Smith and Mr. Duer.

The board of war report, that the commissaries-general of purchases and issues have represented to them, that from the moving state of the army, many parts of the ration, as established by Congress, cannot frequently be obtained, and, from the peculiar circumstances attending the supplies, there is sometimes an over quantity of one article while others are extremely scarce, some of the states affording greater quantities of meat, while others abound more in flour ; and that from hence great embarrassments arise in the delivery of the stated ration ; and that under such fluctuating circumstances, which change with the motions of the army, it is impracticable and troublesome to apply to Congress on every alteration of situation ; whereupon,

Resolved, That the commander in chief of the armies of the United States shall, in the army under his immediate command, and the commander of a department shall, in the army under his command, settle and determine according to circumstances the ration to be issued to the troops, from time to time, giving an over proportion of a plentiful article in lieu and in full satisfaction of such as are scarce or not to be had, and which have been heretofore deemed part of the ration, reporting, from time to time, to the board of war, such alterations and regulations by them respectively made in this respect.

Ordered, That the remainder of the report be taken into consideration to-morrow.

A letter, of this day, from the board of war, was read :

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

The members chosen, Mr. R. Morris, Mr. Marchant and Mr. S. Adams.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due, to John Pinkerton, for six windfor chairs for the use of the treasury-office, the sum of 36 dollars :

That there is due, to Levallin Barry, for riding expresse from June 1st, 1777, to Nov. 1st, and contingent expenses, a balance of 246 $\frac{2}{9}$ dollars :

That there is due, to col. George Morgan, for fundry contingent expenses paid by him at Fort-Pitt, by order of George Clymer, Samp-

son Matthews, and Samuel M'Dowell, Esqrs; commissioners appointed by Congress, being for their expenses and the expense of two expresses from the Mississippi, &c. 1867 $\frac{6}{10}$ dollars:

Ordered, That the said accounts be paid.

The committee on the treasury report,

That they have considered the extra-services and peculiar circumstances of William Bedlow, as set forth in his memorial, referred to them, and are of opinion, that he be allowed 35 dollars per month, whilst acting as deputy pay-master to William Palfrey, Esq; pay-master-general, in addition to his former allowance of 50 dols. per month:

Resolved, That Congress agree to the said report.

The petition of James Hawker, capt. of the Mermaid, prisoner in the new-gaol, praying to be discharged on parole, was read, and it appearing to Congress that the said capt. Hawker had treated such American prisoners as fell into his hands with singular humanity and tenderness,

Ordered, That the marine-committee enlarge the said capt. Hawker, on his parole.

Adjourned to nine o'clock to-morrow.

THURSDAY, August 27, 1778.

In consequence of a recommendation by brigadier John Patterson,

Resolved, That the Rev. Enos Hitchcock be, and he is hereby appointed chaplain to the Massachusetts brigade, commanded by brigadier J. Patterson.

A memorial from Hyam Soloman, late of the city of New-York, was read:

Ordered, That it be referred to the board of war.

A motion was made, that Congress meet twice a-day; whereupon,

It was moved, that the consideration of that question be postponed;

Question put, the states were equally divided, and the motion lost.

The determination of the main question was then, by a state, postponed till the next day.

A letter, of July 12th, from Richard Ellis, at Newbern, N. Carolina, and directed to the committee of commerce, was read:

Ordered, That it be referred to the committee of commerce, and that they report thereon, if they judge proper.

A letter, of the 21st, from Stephen Steward, of West-river, Maryland, and directed to the committee of commerce, was read, desiring to know what he shall do with the ship Chase, and intimating, that about 200 hogheads of tobacco belonging to the public are now spoiling; whereupon,

Ordered, That the committee of commerce direct Mr. Steward to sell the tobacco and fit the vessel for sea with all dispatch, to take on board a cargo of flour.

A letter, of the 14th, from Mr. de Francey, to the committee of commerce, was read:

Ordered, That it be returned to the said committee.

A letter, of the 22d, from Mons. Marmajou, was read, with sundry papers enclosed relative to the brig Prudence:

Ordered, That the same be referred to the committee on the letter of July 6th, from Mr. W. Bingham.

The committee to whom was referred the memorial of John Mitchel, Esq; deputy quarter-master-general, report,

That as the deputy quarter-master-general, *ex officio*, applied to the judge of the admiralty of Pennsylvania, and by his authority, on behalf of the United States of America, took possession of a ship or vessel loaded with British property, sunk on the chevaux-de-frize in the river Delaware, and left there by the enemy; and as two merchants of Philadelphia have claimed the ship and cargo, having, as they say, bought them at vendue when the enemy were in possession of Philadelphia; and as the executive council of Pennsylvania have also set up a claim, on behalf of the state, to the same ship and cargo; and therefore these several claims must be determined by a suit at law; the committee recommend that John Mitchel, deputy quarter-master-general, be authorized, at the charge of the United States, to prosecute their claim to the said ship and cargo.

Resolved, That Congress agree to the said report.

The committee appointed to consider part of a report of the committee of commerce, and the papers and accounts of Raymond Demeree, deputy clothier-general in Georgia, brought in a report:

Ordered to lie on the table.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of James Mease, Esq; clothier-general, for 29,651 $\frac{30}{100}$ dollars, to enable him to pay a bill of exchange for this sum, drawn by Messrs. Otis and Andrews, of Boston, the 30th of June last, in favour of John Bradford, Esq; and endorsed by him to the marine-committee; the said J. Mease to be accountable:

That a warrant issue on the treasurer in favour of the marine-committee, for 510 $\frac{2}{3}$ dollars, to enable them to discharge an account of Messrs. Hopkinson and Wharton, allowed for their expenses at Baltimore, and on their journey from thence to Philadelphia; the said marine-committee to be accountable:

The board further report, that having considered the petition of capt. James Knox, of the 8th Virginia regiment, dated White-Marsh camp, Nov. 19th, 1777, which was referred to them by Congress, they are of opinion, that nothing is offered to prove that the petitioner was authorized to receive money for the officers and soldiers of his company, which, agreeably to the establishment, should have been paid by the regimental pay-master: that, supposing him justifiable in this, no evidence is adduced to shew, that it was not through his neglect that the money, which he drew for the officers and men of his company, remained in his hands when ordered to join col. Morgan's corps: that in the petition, it is set forth, that only 618 dollars belonging to the said officers and soldiers, were delivered to capt. Berry at the time of his receiving the order to join col. Morgan; whereas, by the deposition of capt. Berry, it appears, that 1512 dollars had been delivered to him by the petitioner, of which 618 dollars had been lost: that the evidence of John Key, relative to the breaking open the chest, appears unfavourable to the petitioner: whereupon,

Resolved, That capt. Knox have leave to withdraw his petition.

Resolved, That a committee of five be appointed to consider the state of the money and finances of the United States, and report thereon, from time to time :

The members chosen, Mr. R. Morris, Mr. Gerry, Mr. R. H. Lee, Mr. Witherspoon and Mr. G. Morris.

Ordered, That the report of the committee, on the proceedings of the convention of committees, be referred to the foregoing committee.

A letter, of the 24th, from general Washington, and one, of the 21st, from major-general Sullivan, were read.

Congress took into consideration the report of the committee to whom were referred the letters of major-general Gates, of the 22d of July; and of brigadier Parsons of the 21st of July, relative to clothing purchased by major Bigelow, &c. whereupon,

Resolved, That a warrant issue on the treasurer in favour of James Mease, Esq; clothier-general, for 290,000 dollars, to be by him paid to major Bigelow, for the purpose of satisfying the contracts which he has made for clothing, in consequence of orders given him by the commanding-officer on the east-side of Hudson's-river, in pursuance of the resolution of Congress of the 4th of March last ; and that major Bigelow settle his accounts with the commissary-general of clothing.

Resolved, That major Bigelow be, and he is hereby directed to deliver all the clothing, which he has purchased, into the hands of the clothier residing with the army on the east-side of Hudson's-river, as the same shall, from time to time, be made up ; and that he transmit to the commissary-general of clothing, particular invoices of the goods he has purchased, and accounts of the deliveries made.

Adjourned to nine o'clock to-morrow.

FRIDAY, August 28, 1778.

A letter, of the 22d, from the executive council of Pennsylvania, relative to the case of Frederick Verner, referred to them on the 15th, was read.

A memorial from John Connolly, prisoner in the new gaol, was read ; whereupon,

Resolved unanimously, by all the thirteen states, that the commissary-general of prisoners be directed not to consent to the exchange of John Connolly, calling himself a lieutenant-colonel in the British service, without the special order of Congress.

Ordered, That the commissary-general of prisoners be directed not to deviate, in any instance, without the special order of Congress, from the resolution of the 30th of December, 1777, relative to the citizens of these states who may be taken in arms.

A letter, of the 25th, from general Washington, was read.

Resolved, That baron Steuben be requested, forthwith, to repair to Rhode-Island, and give his advice and assistance to major-general Sullivan, and the army under his command.

Ordered, That Mr. Thomas Adams have leave of absence.

Adjourned to nine o'clock to-morrow.

SATURDAY, August 29, 1778.

Mr. Henry, a delegate from Maryland, attended, and took his seat in Congress.

A letter, of this day, from baron Steuben, was read, expressing his zeal and readiness for every thing that can contribute to the service of these states, and informing, that he will instantly set out for Rhode-Island, agreeably to the orders of Congress.

Ordered, That 500 dollars be advanced to baron Steuben ; he to be accountable.

A memorial from colonel Knoblauch, was read ; whereupon,

Resolved, That colonel Knoblauch be allowed two rations a-day, and forage for two horses.

A memorial from the Rev. John Hurt, and a recommendation in his favour, by brigadier Scott, to be appointed chaplain to his brigade, with a certificate that he has acted as such since the 25th of July last, were read ; whereupon,

Resolved, That the resolution of the 18th inst. appointing the said Mr. J. Hurt, chaplain to the brigade late commanded by brigadier-general Weedon, be re-considered, and that the said Mr. J. Hurt be appointed chaplain to the brigade commanded by brigadier Scott.

Ordered, That the memorial of the Rev. Mr. J. Hurt, so far as it relates to the settlement of his past accounts, be referred to the board of treasury.

Congress took into consideration the report of the committee on the papers and accounts of Raymond Demeree ; whereupon,

Ordered, That the bill drawn by Raymond Demeree on James Meafe, Esq; in favour of Minis & Cohen, for 5496 dollars, the bill drawn by the said Raymond Demeree, on the said James Meafe, in favour of Colhman Pollock, for 1287 dollars, both which bills are endorsed to don Juan de Mirailles, be paid ; and that a warrant issue in favour of J. Meafe, Esq; clothier-general, for 6783 dollars, for payment of the same.

Resolved, That the clothier-general be empowered and directed to pay the bills duly drawn upon him by Raymond Demeree, his deputy in Georgia, for the amount of clothing purchased for the troops in the continental service ; the resolution past on the 6th of April last to the contrary notwithstanding.

Ordered, That a warrant for 500 guineas be issued on the treasurer, in favour of the president, to be by him transmitted to the commander in chief, to be laid out for the public service ; he to be accountable.

The committee to whom was referred the letter of the 15th, from major-general Arnold, report, that, in their opinion, the evidence against Patrick M'Mullen is sufficient, together with his own confession, to convict him of desertion, being the crime charged against him : that the court-martial which tried him, certified to the general that the said Patrick M'Mullen is a person of most atrocious character : whereupon,

Resolved, That major-general Arnold be informed that Congress do not see cause to remit the sentence passed by the court-martial on Patrick M'Mullen.

Resolved, That adjutant Wallace and Henry Love, upon the circumstances attending their particular cases, and the recommendation of them by gen. Arnold to the mercy of Congress, be, and they are hereby pardoned.

A letter, of the 28th, from capt. J. Stoddard, was read.

The board of war, to whom were referred the petition of capt. Stoddard, and the memorial of captain Stoddard and other officers of the 2d regiment of light-dragoons, having made a report thereon, their report was read; whereupon,

Resolved, That the memorial of the officers of the 2d regiment of light-dragoons, together with the report of the board of war, be transmitted to the committee of arrangement now with the army: that they be desired to enquire of gen. Washington whether the said memorial is to be considered as an application from the officers of the cavalry in general, and to know the general's opinion as to the mode and amount of the compensation, which he shall deem proper to be allowed to the officers of the cavalry for the extra expenses they are at in equipping themselves for the service.

The committee on the treasury brought in a report, which was read, and after debate,

Ordered, That it be re-committed.

A letter, of the 28th, from John and Alexander Wilcocks, was read: *Ordered* to lie on the table, for future consideration.

Adjourned to nine o'clock on Monday.

MONDAY, August 31, 1778.

A letter, of the 13th, from Mr. M. Vischer, with sundry papers relative to Indian affairs in the northern-department, was read:

Ordered, That they be referred to the board of war.

A letter, of the 25th, from gov. Trumbull, of Connecticut, was read, respecting the settlement of the accounts of his son, the late Joseph Trumbull, Esq; commissary-general:

Ordered, That it be referred to the board of treasury.

A letter, of the 14th, from the council of Massachusetts-Bay, was read, together with a letter from Messrs. Gardoqui & Sons, at Bilbao, dated June 4th, and a note from Arthur Lee, Esq; commissioner at Paris, May the 12th.

A letter, of the 27th, from the committee of arrangement at camp, was read, informing, that a great spirit of enlisting had taken place among the soldiers who are brought into the army as drafts, and representing the expediency of authorizing the enlistment of them: whereupon,

A report from the board of war, on a paragraph of a letter of the 3d and 4th, from gen. Washington on that subject, was called for, and the same being read, a motion was made, that the sense of the house be taken on granting a sum of specie, to be applied in part of the bounty allowed to soldiers enlisting for three years, or during the war:

On which the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|----------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | |
| | Mr. Lovell, | no | } no |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| <i>Connecticut,</i> | Mr. Hosmer, | no | |
| | Mr. A. Adams, | no | } no |
| <i>New-York,</i> | Mr. Lewis, | ay | |
| | Mr. Duer, | ay | } ay |
| | Mr. G. Morris, | no | |

| | | | | |
|------------------------|-------------------------|-----------|---|-----------|
| <i>New-Jersey,</i> | Mr. <i>Witherspoon,</i> | <i>no</i> | } | <i>no</i> |
| | Mr. <i>Elmer,</i> | <i>no</i> | | |
| <i>Pennsylvania,</i> | Mr. <i>Scudder,</i> | <i>no</i> | } | <i>no</i> |
| | Mr. <i>Roberdeau,</i> | <i>no</i> | | |
| <i>Delaware,</i> | Mr. <i>J. Smith,</i> | <i>no</i> | } | <i>no</i> |
| | Mr. <i>M. Kean,</i> | <i>no</i> | | |
| <i>Maryland,</i> | Mr. <i>Chase,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Plater,</i> | <i>no</i> | | |
| <i>Virginia,</i> | Mr. <i>Forbes,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Henry,</i> | <i>ay</i> | | |
| <i>North-Carolina,</i> | Mr. <i>Harvie,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>R. H. Lee,</i> | <i>ay</i> | | |
| <i>South-Carolina,</i> | Mr. <i>Griffin,</i> | <i>no</i> | } | <i>no</i> |
| | Mr. <i>Penn,</i> | <i>no</i> | | |
| <i>Georgia,</i> | Mr. <i>Harnett,</i> | <i>no</i> | } | <i>no</i> |
| | Mr. <i>Williams,</i> | <i>no</i> | | |
| <i>Georgia,</i> | Mr. <i>Lawrens,</i> | <i>no</i> | } | <i>no</i> |
| | Mr. <i>Drayton,</i> | <i>no</i> | | |
| <i>Georgia,</i> | Mr. <i>Matthews,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Walton,</i> | <i>ay</i> | | |
| | Mr. <i>Telfair,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Langworthy,</i> | <i>ay</i> | | |

So it passed in the negative.

Congress proceeded to consider the report; whereupon,

Resolved, That it is essential to the interest and safety of these states, that the most speedy and effectual measures be, without delay, adopted for engaging in the continental service, for three years, or during the war, such of the drafts of the militia as are at present incorporated in the battalions of the respective states.

Resolved, That for this purpose the sum of 120,000 dollars, in continental money, be appropriated and forthwith remitted to W. Palfrey, Esq; pay-master-general of the army.

Resolved, That the usual bounty of 20 dollars be given to each recruit who shall enlist for three years, or during the war.

Resolved, That no soldier be permitted to enlist in the battalions of any other state than that in whose service he is at present engaged, except in the artillery, cavalry, engineering departments, and provosts; the men so engaged to be carried to the quota of the state for which they now serve.

Resolved, That gen. Washington be directed to cause the money hereby appropriated, to be paid into the hands of such trusty, active, and discreet officers as he shall think proper to appoint to recruit for the quota of the respective states, in proportion to the number of men not engaged for three years, or during the war, which each state shall have in the field.

A paper signed "Adam Ferguson, secretary to his majesty's commission," dated at N. York, August 26th, 1778, was read, setting forth, that "his majesty's commissioners direct Dr. Ferguson to transmit to the president of the American Congress, for the information of the Congress, the declaration of this day by George Johnstone, Esq; and the declaration of the same date by the earl of Carlisle, sir

Henry Clinton and William Eden, Esq; and also the requisition respecting the troops lately serving under lieutenant-general Burgoyne, signed by the earl of Carlisle, sir Henry Clinton, and William Eden, Esq; which several declarations and requisitions, accompanying the said paper, were read.

Ordered, That a warrant issue on the treasurer in favour of James Meafe, Esq; clothier-gen. for 30,222½ dols. to discharge the following bills, drawn on him by Raymond Demeree, his agent in Georgia, viz.

One dated April 21st, 1778, in favour of John Baddely, Esq; for 4900 dollars; one of the same date, in favour of the same, for 5100 dollars; one of the same date, in favour of the same, for 5000 dollars; one of the same date, in favour of the same, for 4800 dollars; one dated June 10th, in favour of James Anderson, for 2422½ dollars; one dated July 21st, in favour of John Walters Gibbs, for 8000 dollars; amounting in the whole, to the sum of 30,222½ dollars; all expressed to be for value received in clothing for the continental troops of the state of Georgia; the said James Meafe to be accountable.

A letter, of the 13th, from gov. Caswell, of N. Carolina, to Mr. Penn, one of the delegates of that state, was read:

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

The members chosen, Mr. Marchant, Mr. Drayton and Mr. Harvie.

Ordered, That Mr. Scudder have leave of absence.

Adjourned to nine o'clock to-morrow.

TUESDAY, September 1, 1778.

The delegates from N. Carolina produced a new commission, which was read, as follows:

“(L. S.) *State of North-Carolina.*”

To Whitmill Hill and Thomas Burke, greeting.

Whereas, the general assembly have made choice of you, Whitmill Hill and Thomas Burke, as delegates in the continental Congress, to represent this state, together with John Penn, Cornelius Harnett, and John Williams, Esqrs; who have been heretofore appointed for that purpose. We do therefore commissionate and appoint you the said Whitmill Hill and Thomas Burke, delegates in the continental Congress, to represent this state for and during the term of one year, unless sooner removed by the general assembly of this state; of which five members, to wit, John Penn, Cornelius Harnett, John Williams, Whitmill Hill and Thomas Burke, we do empower and require three and no more, unless prevented by unavoidable accident, to attend the councils of Congress, hereby giving and granting unto any two of the said delegates present in Congress, full power and authority, by their vote or assent, to bind the inhabitants of this state in all cases, not inconsistent with the constitution thereof and its rights as an independent sovereign people, and the instructions which they shall receive from this state. Witness Richard Caswell, Esq; governor, captain-general and commander in chief of the said state, under his hand and the seal now used for said state, at Hillsborough, the 13th day of August, in the third year of our independence, anno domini 1778.

R. CASWELL.

By his excellency's command,

J. GLASGOW, *Secretary of the State.*”

A letter, of August 30th, from baron d'Arendt, was read :

Ordered to lie on the table.

A letter, of this day, from Cornelius Sweers, was read :

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

The members chosen, Mr. Drayton, Mr. G. Morris and Mr. Chafe.

A letter, of this day, from col. Wadsworth, was read ; whereupon, Congress resumed the consideration of the report of the board of war, dated August the 25th, and thereupon,

Resolved, That the commissary-general of purchases be empowered and directed to appoint and remove, at his pleasure, an inspector of cattle, at a salary of four dollars a-day, with an allowance of one ration a-day, and forage for one horse :

That the duty of the said inspector shall be to receive and take account of the fat cattle at camp, from the several drovers ; to inspect over the bullock-guard and pastures ; to superintend the butchers, and see that no cattle are killed but those fit for use ; to keep accounts of the beef delivered to the brigade-commissaries, and settle the same with them every month ; to see that the hides and tallow are seasonably delivered to the commissary of hides, and to superintend and regulate every thing relating to beef-cattle at camp :

That he report monthly his proceedings to the board of war, and all occurrences worthy of notice within the line of his duty.

A letter, of July 20th, one of August 1st, and of the 11th of the said month, from major-general Heath, were read :

Ordered, That the letter of July 20th, lie on the table, and that the letter of August 1st, be referred to the board of treasury.

A letter, of August 29th, from the board of war, and one without date, from Monf. Holker, were read, respecting cannon arrived in N. Carolina ; whereupon,

Ordered, That the committee to whom was referred the letter of August the 21st, from the board of war, be discharged from proceeding further in that matter, and that the said letter, together with those now read from the board of war and Mr. Holker, be referred to a committee of three :

The members chosen, Mr. Matthews, Mr. Witherpoon and Mr. S. Adams.

A letter, of August 23d, from J. Temple, was read, informing that, after seven years absence from his native country, he arrived at N. York with his wife and family on the third of that month, and begging leave to solicit Congress for liberty to come to Philadelphia, to pay his respects to them ; whereupon,

A motion was made, that leave be granted ;

On which the yeas and nays being required by Mr. Drayton,

| | | | |
|---------------------------|---------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | |
| | Mr. Gerry, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| <i>Connecticut,</i> | Mr. A. Adams, | no | |

| | | | |
|------------------------|------------------|----|------------|
| <i>New-York,</i> | Mr. Lewis, | no | } no |
| | Mr. Duer, | no | |
| | Mr. G. Morris, | ay | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } divided. |
| | Mr. Elmer, | no | |
| <i>Pennsylvania,</i> | Mr. R. Morris, | no | } no |
| | Mr. Roberdeau, | no | |
| | Mr. J. Smith, | no | |
| <i>Delaware,</i> | Mr. M-Kean, | no | } no |
| <i>Maryland,</i> | Mr. Chase, | ay | |
| | Mr. Plater, | ay | |
| | Mr. Forbes, | ay | } ay |
| | Mr. Henry, | ay | |
| <i>Virginia,</i> | Mr. Harvie, | no | } no |
| | Mr. R. H. Lee, | no | |
| | Mr. Griffin, | ay | |
| | Mr. Penn, | no | |
| <i>North Carolina,</i> | Mr. Harnett, | no | } no |
| | Mr. Williams, | ay | |
| | Mr. Laurens, | no | } no |
| <i>South-Carolina,</i> | Mr. Drayton, | no | |
| | Mr. Matthews, | ay | |
| | Mr. Walton, | ay | } ay |
| <i>Georgia,</i> | Mr. Telfair, | no | |
| | Mr. Langworthy, | ay | |

So it passed in the negative.

A motion was then made, That the secretary inform Mr. Temple, that, if it is his intention to reside in one of the United States, he do signify the same to the state in which he means to reside, and obtain their approbation, previous to the granting of any passport :

On which the yeas and nays being required by Mr. Laurens,

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | } ay |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | |
| <i>Connecticut,</i> | Mr. A. Adams, | ay | } ay |
| <i>New-York,</i> | Mr. Lewis, | ay | |
| | Mr. Duer, | ay | } ay |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | |
| | Mr. Elmer, | ay | } ay |
| <i>Pennsylvania,</i> | Mr. R. Morris, | ay | |
| | Mr. Roberdeau, | no | } divided. |
| <i>Delaware,</i> | Mr. M-Kean, | ay | |
| <i>Maryland,</i> | Mr. Plater, | ay | } ay |
| | Mr. Forbes, | no | |
| <i>Virginia,</i> | Mr. Henry, | ay | } * |
| | Mr. R. H. Lee, | ay | |
| | Mr. Griffin, | ay | |

| | | | |
|------------------------|---------------|----|------|
| <i>North-Carolina,</i> | Mr. Penn, | no | } ay |
| | Mr. Harnett, | ay | |
| | Mr. Williams, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } no |
| | Mr. Drayton, | no | |
| | Mr. Matthews, | ay | |
| <i>Georgia,</i> | Mr. Walton, | ay | } ay |
| | Mr. Telfair, | ay | |

So it was resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

— * —

WEDNESDAY, September 2, 1778.

A memorial from Matthew Irwin, Azariah Dunham and Joseph Hugg, was read :

Ordered, That it be referred to the board of treasury.

Mr. Nicholas Vandyke, a delegate from Delaware, attended, and took his seat in Congress.

On motion, *Resolved,* That it be recommended to the legislative or executive powers of the state of Pennsylvania, and the states southward thereof, to permit such vessels to load with flour, wheat, rice, corn, pease, or beans, for the eastern-states, as shall come recommended by the executive powers of such states, or any of them, to carry provisions for the consumption of the people of those states :

On putting the question, the yeas and nays being required by Mr. G. Morris,

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| | Mr. S. Adams, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | |
| | Mr. Marchant, | ay | |
| <i>Rhode-Island,</i> | Mr. Hosmer, | ay | } ay |
| | Mr. Lewis, | no | |
| <i>Connecticut,</i> | Mr. G. Morris, | no | } no |
| | Mr. Witherspoon, | ay | |
| <i>New-York,</i> | Mr. Elmer, | no | } divided. |
| | Mr. Roberdeau, | no | |
| <i>New-Jersey,</i> | Mr. James Smith, | no | } no |
| | Mr. Vandyke, | ay | |
| <i>Pennsylvania,</i> | Mr. Chase, | ay | } divided. |
| | Mr. Plater, | no | |
| | Mr. Forbes, | no | |
| | Mr. Henry, | ay | |
| <i>Delaware,</i> | Mr. Harvie, | no | } no |
| | Mr. R. H. Lee, | ay | |
| | Mr. Griffin, | no | |
| <i>Maryland,</i> | Mr. Penn, | no | } no |
| | Mr. Harnett, | no | |
| | Mr. Williams, | no | |
| <i>Virginia,</i> | | | |
| | | | |
| <i>North-Carolina,</i> | | | |
| | | | |

| | | | |
|------------------------|-----------------|----|------|
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Matthews, | ay | |
| <i>Georgia,</i> | Mr. Walton, | ay | } ay |
| | Mr. Telfair, | ay | |
| | Mr. Langworthy, | ay | |

So it was resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

THURSDAY, September 3, 1778.

A letter, of August 31st, from gen. Washington, was read, together with the following papers enclosed therein, viz. an account of officers for whom col. Armand desires commissions in his corps; a memorial of brigadier du Portail, respecting the rank of the officers who came with him; and a report of a board of general-officers on an alteration of the rules and articles of war:

Ordered, That the letter, with the papers enclosed, be referred to the board of war.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Joseph Hilborn, for 500 dollars, in discharge of a bill drawn by Samuel Johnston, treasurer of the northern-district of the state of North-Carolina, in favour of Richard Blackledge, for that sum, dated December 21st, 1776; the said state of North-Carolina to be accountable:

That a warrant issue on the treasurer in favour of Dr. Jonathan Potts, deputy director-general for the middle-district, for 70,000 dollars, of which 40,000 is for the use of the hospitals thereof, and 30,000 to be transmitted to Dr. Johnston, assistant-director in the northern-department; the said Dr. J. Potts to be accountable:

That a warrant issue on the treasurer in favour of James Mease, Esq; clothier-general, for 131,000 dollars, to enable him to answer sundry draughts of his agents; the said J. Mease to be accountable:

That a warrant issue on the treasurer in favour of David Mosely, for 200 dollars, advanced him on account of his wages, printing the bills of exchange.

Resolved, That where accounts of back-rations are presented to the auditors of the army, which, from death or distant removal, cannot be certified by the issuing commissaries, the auditors be empowered to settle such back-rations upon the oath of the party, and such other evidence as the circumstances of the case will admit.

Resolved, That any person who has been or shall be appointed a brigade-chaplain, and previous to his appointment shall have acted in that capacity, be allowed for the time of such service, after the date of the certificate of the brigadier or colonel-commandant of his brigade to Congress, recommending him to the said office, the pay and rations or subsistence of such a chaplain, deducting the sums received as regimental-chaplain.

Resolved, That each auditor of the army be hereafter allowed for subsistence one ration per day and 50 dollars per month:

That the auditors of each army be authorized to augment the pay of their clerks to a sum not exceeding 70 dollars per month.

Congress proceeded to the election of an auditor of accounts at the main army, and, the ballots being taken,

James Johnston, Esq; was elected.

In consequence of an adjutment by the commissioners of claims, the auditor-general reports,

That there is due to Messrs. Furedge, Spanganberg, Miller, Shultz and Shultz, for their services the 6th of last mo th, 40 dollars :

That there is due to Hynman Taylor, for making two chair seats for the use of Congress, 27 $\frac{30}{100}$ dollars :

Ordered, That the said accounts be paid.

Congress took into consideration sundry reports from the board of war, and thereupon came to the following resolutions :

Whereas gen. Washington hath required that the continental troops in Philadelphia be sent to join the main army, and that they be replaced by the city militia ;

Resolved, That the supreme executive council of the state of Pennsylvania be requested to call out immediately 300 of the militia of the state, to serve as guards in the city of Philadelphia, and perform such other military services as may be required of them.

Resolved, That the artillery regiment raised in Pennsylvania, commanded by col. Thomas Proctor, be considered as part of the quota of troops to be furnished by that state, which is to be credited for the men now in the regiment, and also for any who shall hereafter be recruited therein ; and that the government of the said state be requested to furnish col. Proctor with the state-bounty, to enable him to fill up the regiment to its complement of men :

That the committee of arrangement be directed to consider the state of the officers of the said regiment, and regulate the same in the manner and according to the rules adopted by them with respect to other artillery-regiments.

Resolved, That a new corps of troops be raised by the name of the German Volunteers, to consist of such deserters from the foreign troops, which have been or shall be in the service of the king of Great-Britain, as shall be disposed freely to enlist therein :

That this corps be enlisted to serve for three years, or during the war, and receive the usual bounty and clothing allowed to the troops in the service of the United States :

That each non-commissioned officer and soldier who shall enlist in the said corps, and bring with him the several articles of clothing enumerated in a resolve of Congress, passed the 6th day of Sept. 1777, and sufficient for one year's service, shall receive for the same the sum of 56 dollars, and so in proportion of any part of such clothing at the rates there fixed ; the money allowed for such clothing to be paid by the clothier-general or one of his deputies, who shall charge the articles so paid for as clothing issued to the corps :

That lieutenants Fearer and Kleinsmit have, for the present, the pay of captains in the service of the United States, and be empowered to enlist the deserters aforesaid, preferring such as they can induce to leave the service of the enemy ; and that captains' commissions be granted them, provided that within three months from this 3d day of September, each shall have enlisted at least 30 men :

That major Klein be appointed lieutenant-colonel of the corps of German Volunteers.

Resolved, That lieutenant Charles Juliat be permitted to serve as a volunteer in the infantry of gen. Pulaski's legion, and have the pay and subsistence of a lieutenant for his support :

That Mr. Girard be appointed to the rank of lieutenant of dragoons by brevet, and be permitted to join the army under gen. Washington as a volunteer, he having agreed to serve in that capacity at his own expense.

Resolved, That the intended expedition against the Senecas and other hostile tribes of the northern Indians, mentioned in the resolution of Congress of the 11th of June last, be for the present laid aside :

That gen. Washington be directed to pursue such practicable measures for the defence of the frontiers of the states exposed to the incursions of the northern Indians, as to him shall seem best adapted to present circumstances, calculated to check the ravages of the enemy, and to protect the distressed inhabitants of the said frontiers.

Resolved, That Samuel Ashe, Esq; take rank as captain of the first troop of N. Carolina dragoons, from the 7th of May, 1777 :

That Benjamin Mills, Esq; take rank as lieutenant in the same troop, from July 15th, 1777 :

That William Buford take rank as ensign in the same troop, from July 16th, 1777 :

And that commissions be granted to them accordingly.

Ordered, That the report from the board of war, on the representation of colonel George Morgan, be re-committed :

That the report of the board of war, respecting major Mullens, be referred to the board of treasury.

Resolved, That till the 1st day of Nov. next, Congress meet every morning at nine o'clock, and adjourn at one o'clock, unless all the members present shall consent to continue sitting ; and every afternoon, Wednesdays and Saturdays excepted, meet at three and adjourn at six o'clock, unless it shall be determined by a majority to continue sitting ; provided always, that there shall be no debate on the question for adjournment.

A motion being made on " the requisition of the earl of Carlisle, sir Henry Clinton, and William Eden, respecting the troops lately serving under lieutenant-general Burgoyne," relative to the removal of the said troops from their present place of confinement :

Ordered, That the consideration thereof be postponed till three o'clock to-morrow.

Adjourned to nine o'clock to-morrow.

FRIDAY, September 4, 1778.

The committee on the treasury brought in a report ; whereupon,

Resolved, That any regimental officer, who has been, or shall be ordered by the commander in chief, or commanding-officer of any department, on business not incidental to his office, and distant from camp, be allowed, for the expense of himself and horse, three dollars a-day, whilst necessarily employed on such service.

The committee to whom was referred the letter of August 26th, from the board of war, relative to the expense of sitting up Mr. Dick-

infon's house for the residence of Monf. Gerard, report, that they have waited on Mr. Dickinson, who shewed them a contract entered into between him and the board of war, whereby it appears, that the repairs are to be at the expence of the United States; whereupon,

Resolved, That the committee be discharged.

On motion, *Resolved*, That the committee of commerce do, with all-convenient speed, prepare and report to Congress, a state of the debts and contracts of the United States, and an estimate of the sums necessary to fulfil and discharge such debts and contracts:

That the committee be empowered to employ such persons and call for such accounts and papers as may be necessary for the purposes above-mentioned:

That the members of the secret-committee, now present, be a committee to close the accounts of that committee, and deliver them to the committee of commerce, and that the said members be authorized to employ proper persons for adjusting and closing the accounts of the secret-committee.

The committee of commerce laid before Congress an invoice of sundry articles shipped on board the French tartan la Cères, capt. Claude Icard, by order of the late Thomas Morris, Esq; of Philadelphia, and consigned to William Bingham, Esq; in Martinique, for account and risque of the United States, amounting to 14,437:15:1, French money:

Ordered, That the committee of commerce liquidate and pay the said account.

Congress being informed that the books and papers of Thomas Morris, late commercial agent of the United States in France, are deposited with the commissioners at the court of France, or some of them; and the hon. Robert Morris, Esq; surviving partner and administrator of the deceased, applying to this house to cause the same to be delivered to him, so that he may proceed to a settlement of the estate, &c,

Ordered, That the commissioners or commissioner, who shall be possessed of the said books and papers when this order arrives, deliver the same, both public and private, to the said Robert Morris, or to his order.

A letter, of the 1st, from I. Murray to Mr. Robert Morris, was laid before Congress, and read:

Ordered, That it be referred to the board of war.

A letter, of this day, from Mr. J. Nourse, was read, requesting leave to resign his office of secretary to the board of ordnance and paymaster to the board of war and ordnance:

Ordered to lie on the table for consideration.

—♦—
Three o'clock, P. M.

A letter, of the 1st, from gen. Washington, was read, enclosing a copy of a letter of August 29th, from major-general Sullivan, on the north-end of R. Island, giving an account of an action with the enemy on the said 29th:

Ordered, That the letter from major-general Sullivan be referred to the committee of intelligence.

Resolved, That the committee of arrangement, to whom the letter of June the 11th, from the council of war of R. Island was referred,

be discharged from proceeding thereon, and that the letter be referred to a committee of three :

The members chosen, Mr. Hofmer, Mr. S. Adams and Mr. R. H. Lee.

According to order, Congress took into consideration the motion on the requisition made by the earl of Carlisle, sir Henry Clinton and William Eden, respecting the troops of the convention of Saratoga, which was read as follows :

Whereas Congress did, on the 8th day Jan. 1778, resolve that the embarkation of lieutenant-general Burgoyne and the troops under his command be suspended till a distinct and explicit ratification of the convention of Saratoga shall be properly notified by the court of Great-Britain to Congress :

Resolved, That no ratification of the convention of Saratoga, which may be tendered in consequence of powers, which only reach that case by construction and implication, or which may subject whatever is transacted relative to it to the future approbation or disapprobation of the (crown or) parliament of Great-Britain, can be accepted by Congress.

An amendment was moved to strike out the words " crown or," and the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|--------------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Lovell, | ay | } ay |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| <i>Connecticut,</i> | Mr. Hosmer, | ay | |
| | Mr. A. Adams, | ay | } ay |
| <i>New-York,</i> | Mr. Lewis, | ay | |
| | Mr. Duer, | no | } no |
| | Mr. G. Morris, | no | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } ay |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | |
| <i>Delaware,</i> | Mr. M ^c Kean, | ay | } ay |
| | Mr. Vandyke, | ay | |
| <i>Maryland,</i> | Mr. Chase, | ay | } ay |
| | Mr. Plater, | ay | |
| | Mr. Forbes, | ay | |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. Harvie, | no | } ay |
| | Mr. R. H. Lee, | ay | |
| | Mr. Griffin, | ay | } ay |
| <i>North-Carolina,</i> | Mr. Penn, | ay | |
| | Mr. Harnett, | no | |
| | Mr. Williams, | ay | } no |
| <i>South-Carolina,</i> | Mr. Laurens, | no | |
| | Mr. Drayton, | no | |
| <i>Georgia,</i> | Mr. Walton, | ay | } ay |
| | Mr. Telfair, | ay | |
| | Mr. Langworthy, | ay | |

So it was resolved in the affirmative.

Another amendment was moved, after the recital of the resolution of the 8th of Jan. to add "and notwithstanding a requisition hath been made of the said troops, yet no such ratification hath been notified as aforesaid;" and in lieu of the resolution moved, to insert "therefore resolved, that the said troops be still detained, agreeably to the said resolution;" and the yeas and nays being required by Mr. G. Morris,

| | | | |
|---------------------------|----------------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Lovell, | no | } no |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| <i>Connecticut,</i> | Mr. A. Adams, | ay | |
| <i>New-York,</i> | Mr. Lewis, | ay | } ay |
| | Mr. Duer, | no | |
| | Mr. G. Morris, | ay | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | } no |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | no | |
| <i>Delaware,</i> | Mr. M ^r . Kean, | no | } no |
| | Mr. Vandyke, | no | |
| <i>Maryland,</i> | Mr. Chase, | no | } no |
| | Mr. Plater, | no | |
| | Mr. Forbes, | ay | |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. Harvie, | no | } no |
| | Mr. R. H. Lee, | ay | |
| | Mr. Griffin, | no | |
| <i>North-Carolina,</i> | Mr. Penn, | no | } no |
| | Mr. Harnett, | no | |
| | Mr. Williams, | no | } ay |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | |
| | Mr. Drayton, | ay | |
| <i>Georgia,</i> | Mr. Walton, | no | } no |
| | Mr. Telfair, | no | |
| | Mr. Langworthy, | no | |

So it passed in the negative.

A motion was then made in lieu of the whole to substitute as follows ;
Whereas on the 8th of Jan. 1778, Congress by their resolve, for good and sufficient causes therein specified, suspended the embarkation of the troops of the convention of Saratoga, under the command of lieutenant-general Burgoyne, until the ratification of the convention of Saratoga by the court of Great-Britain should be duly notified to Congress: and, whereas, on the 26th of August, the earl of Carlisle, sir Henry Clinton and William Eden, Esq; reciting their authority, did make a remonstrance to Congress, offering to ratify the said convention, and requiring permission for the said troops to embark in pursuance of the said convention: and, whereas, the said ratification would be subject to the future ratification of the British parliament, without which it would be of no validity: therefore resolved, that Congress will abide by their demand of a ratification by the court of Great-Bri-

tain, duly notified to Congress; and therefore that the said requisition be not complied with.

Question put, passed in the negative.

The main question, as amended, being put, resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

SATURDAY, September 5, 1778.

A letter, of the 4th, from John Berkenhout, was read:

Ordered to lie on the table.

The committee to whom was referred the letter of August 13th, from gov. Caswell to Mr. Penn, brought in a report; whereupon,

Resolved, That a warrant issue on the treasurer for 400,000 dollars, in favour of the delegates of the state of N. Carolina, on an application of the governor of that state, for the purpose of raising, equipping and marching the men voted by the said state to complete their continental battalions; the said state to be accountable:

Ordered, That the consideration of the remainder of the report be postponed.

A letter, of the 4th, from H. Hollingsworth, deputy quarter-master-general at the Head-of-Elk, directed to the board of war, was laid before Congress, and read:

Ordered, That the consideration thereof be postponed to Monday next.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury, and after some time spent thereon,

Ordered, That the further consideration thereof be postponed.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the marine-committee, for 20,000 dollars, for the use of the navy-board in the middle-district; the said committee to be accountable.

Resolved, That 5,000,000 of dollars be emitted under the direction of the board of treasury, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 11th of April last, and be numbered from the last number of each denomination progressively, and consist of the following denominations, viz.

| | | | | |
|--------|----------------------|---|---|-----------|
| 41,667 | bills of 40 dollars, | - | - | 1,666,680 |
| 41,667 | 30 do. | - | - | 1,250,010 |
| 41,666 | 20 do. | - | - | 833,320 |
| 41,666 | 8 do. | - | - | 333,328 |
| 41,666 | 7 do. | - | - | 291,662 |
| 41,667 | 6 do. | - | - | 250,002 |
| 41,666 | 5 do. | - | - | 208,330 |
| 41,667 | 4 do. | - | - | 166,668 |

5,000,000

Adjourned to nine o'clock on Monday.

MONDAY, September 7, 1778.

A letter, of the 4th, from gen. Washington, and one of August 31st,

from major-general Sullivan, at Tiverton, giving an account of his retreat to the main the preceding evening, without any loss of men or stores, were read :

Ordered, That gen. Sullivan's letter be referred to the committee of intelligence.

A letter, of this day, from major-general Arnold, was read :

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

The members chosen, Mr. R. H. Lee, Mr. S. Adams, Mr. R. Morris, Mr. Duer and Mr. Chafe.

An appeal from the judgment of a court of admiralty for the state of Connecticut, on a libel " David Brooks, &c. versus schooner Hope, &c." was lodged with the secretary and referred to the committee on appeals.

Three o'clock, P. M.

A letter, of the 3d, from the committee of arrangement at camp, was read :

Ordered, That it be referred to the board of war.

A letter, of the 4th, from major-general Lee, was read, enclosing the evidence of major Clark, touching his trial which he entreats may be laid before Congress :

Ordered, That the evidence enclosed in gen. Lee's letter, be not read, but returned to major-general Lee.

A letter, of this day, from capt. N. Falconer, was read, informing, that it is not in his power to act as a member of the navy-board in the middle-district.

Resolved, That to-morrow be assigned to elect a commissioner of the navy-board in the middle-district, in the room of capt. Falconer.

A letter, of August 28th, from Dr. J. Forster, deputy director-general of the hospitals in the eastern-department, was read :

Ordered, That it be referred to the medical-committee.

A letter, of August 28th, from gov. Greene, of R. Island, was read.

An extract from the minutes of the general assembly of Pennsylvania was read, directing the delegates of that state to apply for a sum of money to pay for clothing purchased for the continental troops :

Ordered, That it be referred to the board of treasury.

Adjourned to nine o'clock to-morrow.

TUESDAY, September 8, 1778.

A letter, of August 30th, from major-general Heath, was read, enclosing a petition from William de Passern, major of the regiment of Hesse Hanau, of the convention troops, requesting permission to go to Europe on parole : whereupon,

It was moved, that major William de Passern be permitted to go to Europe on his parole, not to act against the United States or their allies until released or exchanged according to the convention of Saratoga.

On which the yeas and nays being required by Mr. James Smith,

| | | | |
|---------------------------|---------------|----|-----|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } * |
| <i>Massachusetts-Bay,</i> | Mr. Lowell, | no | |
| | Mr. Holten, | no | |

| | | | | |
|------------------------|------------------------|----|---|----------|
| <i>Rhode-Island,</i> | Mr. <i>Marchant,</i> | no | } | no |
| <i>Connecticut,</i> | Mr. <i>A. Adams</i> | no | | |
| <i>New-York,</i> | Mr. <i>Lewis,</i> | no | } | ay |
| | Mr. <i>Duer,</i> | ay | | |
| | Mr. <i>G. Morris,</i> | ay | | |
| | Mr. <i>R. Morris,</i> | no | | |
| <i>Pennsylvania,</i> | Mr. <i>Roberdeau,</i> | no | } | no |
| | Mr. <i>J. Smith,</i> | no | | |
| | Mr. <i>Vandyke,</i> | no | | |
| <i>Delaware,</i> | Mr. <i>Forbes,</i> | ay | } | * |
| <i>Maryland,</i> | Mr. <i>Harvie,</i> | ay | | |
| <i>Virginia,</i> | Mr. <i>R. H. Lee,</i> | ay | } | ay |
| | Mr. <i>Griffin,</i> | no | | |
| | Mr. <i>Harnett,</i> | no | | |
| <i>North-Carolina,</i> | Mr. <i>Laurens,</i> | no | } | divided. |
| <i>South-Carolina,</i> | Mr. <i>Drayton,</i> | ay | | |
| <i>Georgia,</i> | Mr. <i>Telfair,</i> | no | | |
| | Mr. <i>Langworthy,</i> | no | } | no |

So it passed in the negative.

A letter, of August 29th, from major-general Heath, was read, respecting supplies for count d'Estaing's fleet:

Ordered, That it be referred to the marine-committee.

Mr. Duer laid before Congress an extract of a letter from Maryland :

Ordered, That the same, together with the letter of the 4th, from col. Hollingsworth, and the memorial of August 31st, from E. Blaine, deputy commissary-general of purchases, be referred to a committee of four :

The members chosen, Mr. R. Morris, Mr. Duer, Mr. R. H. Lee and Mr. Marchant.

Two letters of the 5th, from Stephen Steward, to the committee of commerce, were read :

Ordered, That they be referred to the committee of commerce, and that the committee report thereon.

A letter, of the 8th, from John Peers, master of the Mermaid, was read :

Ordered, That it be referred to the marine-committee.

A letter, of the 4th, from gen. Washington, was read, with sundry papers enclosed :

Ordered, That so much of the said letters as relates the laying up of magazines to the eastward of Hudson's-river, be referred to the committee on the letter from col. Hollingsworth, and memorial of colonel Blaine.

A motion being made to empower the general, if he finds it necessary, to give an additional bounty of ten dollars to recruits enlisting for three years, or during the war :

It was moved to add, and that such additional bounty be at the expense and charged to such of the states as have been deficient in procuring the quotas according to such deficiency.

On which amendment the previous question being called for, and the yeas and nays being required by Mr. Chase,

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | } * |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | |
| <i>Connecticut,</i> | Mr. A. Adams, | no | } no |
| <i>New-York,</i> | Mr. Lewis, | ay | |
| | Mr. Duer, | ay | } ay |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | |
| | Mr. James Smith, | no | } divided. |
| <i>Delaware,</i> | Mr. Vandyke, | no | |
| <i>Maryland,</i> | Mr. Chase, | no | } no |
| | Mr. Forbes, | no | |
| <i>Virginia,</i> | Mr. Harvie, | no | } ay |
| | Mr. R. H. Lee, | ay | |
| | Mr. Griffin, | ay | } ay |
| <i>North-Carolina,</i> | Mr. Penn, | ay | |
| | Mr. Harnett, | ay | } ay |
| | Mr. Williams, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| | Mr. Drayton, | ay | |
| <i>Georgia,</i> | Mr. Telfair, | ay | } ay |
| | | | |

So it was resolved in the affirmative, and the amendment was set aside

Resolved, That gen. Washington be authorized, if he shall judge it for the interest of the United States, to augment the continental bounty to recruits enlisting for three years or during the war, to a sum not exceeding ten dollars, and that he use his discretion in keeping the matter secret as long as he shall deem necessary, and in applying the augmentation of bounty, as circumstances may require.

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the board of war and ordnance, for 80,000 dollars, to be by him transmitted to W. Palfrey, Esq; pay-master-general, for the purpose of enlisting recruits for the continental service.

Resolved, That so much of the general's letter as relates to clothing, be referred to the board of war, and that the board be directed to make use of the most vigorous exertions for transporting to camp the ready-made clothing stored in the eastern-states, and in procuring and forwarding to the army such a number of blankets as in their opinion will be necessary to make up the deficiency of blankets already imported or purchased on account of the United States :

That the states of N. Hampshire, Massachusetts-Bay, R. Island, Connecticut and N. York, be desired, when applied to by the board of war, to afford every assistance in their power, in causing to be made up the linen and other clothing imported into the eastern-states for the continental army.

Ordered, That the memorial of the Rev. John Peter Tetard, enclosed in the general's letter, be referred to a committee of three :

The members chosen, Mr. Duer, Mr. Harvie and Mr. Lovell.

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

Ordered to lie on the table till to-morrow.

Three o'clock, P. M.

Resolved, That those members of the board of treasury, whose state may be represented in Congress without their personal attendance, be requested to attend at the treasury-board every forenoon, until the further order of Congress.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury; whereupon,

It was moved, that the report of the board of treasury of the 15th of April last, be substituted in lieu of the report of the committee:

Question put, passed in the negative.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, September 9, 1778.

A letter, of August 26th, from count d'Estaing, was read:

Ordered, That it be referred to a committee of four, and that they be directed to prepare an answer:

The members chosen, Mr. R. H. Lee, Mr. S. Adams, Mr. G. Morris and Mr. Lovell.

A letter, of this day, from John and Alexander Wilcox, was read: whereupon,

Ordered, That the report of the committee appointed, in conjunction with a committee of the council of Pennsylvania, to ascertain the property of goods, wares and merchandize, in possession of the inhabitants of the city of Philadelphia, at the time it was evacuated by the enemy, be taken into consideration on Tuesday next.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, for 7000 dollars, and another warrant on the treasurer for 23,000 dollars, in favour of William Henry, Esq; employed in the business of the armoury, and to purchase leather, accoutrements and shoes; to enable him to carry on his purchases; which sums are advanced on a certificate of the board of war, and to be charged to the account of the said William Henry:

That a warrant issue on the treasurer in favour of the marine-committee, for 20,000 dollars, to be by them transmitted to Messrs. Maxwell and Loyal, agents for building of frigates in Virginia, to enable them to go on with the building of one of the frigates, and pay off debts already contracted on account of the said frigates: the said committee to be accountable:

That a warrant issue on the treasurer in favour Mr. J. Bartlett, one of the delegates from the state of N. Hampshire, for 1500 dollars, advanced on his application; for which the said state is to be accountable.

The board of treasury, to whom was referred the letter of the 29th of August, from the board of war, enclosing a letter and sundry papers from lieutenant-colonel Mullen, relative to the settlement of his accounts, report,

That, upon revising col. Mullen's account, they find it was settled, upon just principles, that he can have no claim of right to receive, in a bill of exchange on France, the sum there reported to be paid by a warrant on the treasurer; and that he apply for the payment of a horse

shot under him, agreeably to the resolution of Congress of the 12th day of August last:

Resolved, That Congress agree to the said report.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to William Kinnon, for printing bills of exchange and loan-office certificates, his pay and boarding, from the 9th of March to the 31st of August, 1778, inclusive, the sum of $628\frac{5}{8}$ dols.

That there is due to Henry Miller, for printing in German 6100 copies of proposals intended to be conveyed to foreign officers and soldiers in the British service in 1776, 20 dollars:

That there is due to Belcher P. Smith, his pay as clerk in the secretary's office, from the 6th of Feb. to the 5th of Sept. 1778, 595 dols. and for blank books and other contingencies of the office, $63\frac{3}{8}$ dollars, making in the whole, $658\frac{3}{8}$ dollars:

Ordered, That the said accounts be paid.

On motion, *Resolved*, That the retreat made by major-general Sullivan, with the troops under his command, from R. Island, was prudent, timely and well conducted, and that Congress highly approve the same.

Resolved, That the thanks of Congress be given to major-general Sullivan and to the officers and troops under his command, for their fortitude and bravery, displayed in the action of August 29th, in which they repulsed the British forces and maintained the field.

Resolved, That Congress have a high sense of the patriotic exertions made by the four eastern-states, on the late expedition against R. Island.

Resolved, That Mr. president be requested to inform the marquis de la Fayette, that Congress have a due sense of the sacrifice he made of his personal feelings in undertaking a journey to Boston, with a view of promoting the interest of these states, at a time when an occasion was daily expected of his acquiring glory in the field, and that his gallantry in going on R. Island when the greatest part of the army had retreated, and his good conduct in bringing off the pickets and outposts, deserves their particular approbation.

Resolved, That major Morris, aid-de-camp to major-general Sullivan, who brought forward to Congress the account of the repulse of the British forces on R. Island, on the 29th of August, and who, on the late expedition as well as on several other occasions, behaved with great spirit and good conduct, be promoted to the rank of a lieutenant-colonel by brevet.

A motion was made to re-consider the resolution, approving the retreat from Rhode-Island:

Question put, and the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|---------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | |
| | Mr. Lovell, | no | } no |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| <i>Connecticut,</i> | Mr. A. Adams, | no | |
| <i>New-York,</i> | Mr. Lewis, | ay | } ay |
| | Mr. Duer, | ay | |

| | | | |
|------------------------|----------------|----|------|
| <i>Pennsylvania,</i> | Mr. R. Morris, | no | } no |
| | Mr. Roberdeau, | no | |
| | Mr. J. Smith, | no | |
| <i>Delaware,</i> | Mr. Vandyke, | no | } no |
| | Mr. Chase, | no | |
| <i>Maryland,</i> | Mr. Plater, | no | } no |
| | Mr. Forbes, | no | |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. Harvie, | no | } no |
| | Mr. R. H. Lee, | no | |
| <i>North-Carolina,</i> | Mr. Griffin, | no | } no |
| | Mr. Penn, | no | |
| | Mr. Harnett, | no | |
| <i>South-Carolina,</i> | Mr. Williams, | no | } ay |
| | Mr. Laurens, | ay | |
| | Mr. Drayton, | no | |
| <i>Georgia,</i> | Mr. Matthews, | ay | } no |
| | Mr. Telfair, | no | |

So it passed in the negative.

It was then moved, that an enquiry be made into the causes of the failure of the late expedition against R. Island, agreeably to the resolution of Congress of Nov. 28th, 1777, and that gen. Washington be directed to cause this enquiry to be made as soon as it can be conveniently done, and transmit the proceedings of the court to Congress:

The previous question was moved, and the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| | Mr. S. Adams, | ay | |
| | Mr. Lovell, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. Holten, | ay | } ay |
| | Mr. Marchant, | ay | |
| | Mr. A. Adams, | ay | |
| <i>Rhode-Island,</i> | Mr. Lewis, | no | } no |
| | Mr. Duer, | no | |
| <i>Connecticut,</i> | Mr. R. Morris, | no | } ay |
| | Mr. Roberdeau, | ay | |
| | Mr. James Smith, | ay | |
| <i>New-York,</i> | Mr. Vandyke, | ay | } ay |
| | Mr. Chase, | ay | |
| <i>Pennsylvania,</i> | Mr. Plater, | ay | } ay |
| | Mr. Forbes, | no | |
| | Mr. Henry, | ay | |
| <i>Delaware,</i> | Mr. Harvie, | ay | } ay |
| | Mr. R. H. Lee, | ay | |
| <i>Maryland,</i> | Mr. Griffin, | ay | } no |
| | Mr. Penn, | no | |
| | Mr. Harnett, | no | |
| <i>Virginia,</i> | Mr. Williams, | ay | } no |
| | Mr. Laurens, | no | |
| | Mr. Drayton, | ay | |
| <i>North-Carolina,</i> | Mr. Matthews, | no | } no |
| | Mr. Telfair, | ay | |
| <i>South-Carolina,</i> | | | } ay |
| | | | |
| | | | |
| <i>Georgia,</i> | | | } ay |
| | | | |

So it was carried, and the main question set aside.
Adjourned to nine o'clock to-morrow.

—*—
THURSDAY, September 10, 1778.

A letter, of the 8th, from George Cottnam, captain-lieutenant in the first Pennsylvania regiment of artillery, was read, requesting leave, on account of his impaired constitution, to resign his commission :

Resolved, That his resignation be accepted.

A letter, of the 7th, from general Washington, was read :

Ordered, That it be referred to the board of war.

A letter, of the 7th, from the committee of arrangement, was read ; whereupon,

Congress proceeded to the election of a commander of the horse, and the ballots being taken,

John Cadwallader Esq; was unanimously elected.

Resolved, That a commission be granted to John Cadwallader, Esq; appointing him brigadier and commander of the cavalry in the service of the United States.

A letter, of the 27th and 31st of August, from governor Trumbull, was read :

Ordered, That it be referred to the board of war.

On motion, *Ordered*, That the paper signed Adam Ferguson, dated August 26th, and the papers transmitted with it, and also the resolution of Congress of the 4th inst. respecting the convention of Saratoga, be published.

Resolved, That a committee of five be appointed to confer with the hon. the minister plenipotentiary of France, respecting the future operations of the French fleet under the command of count d'Estaing, and report to Congress :

The members chosen, Mr. R. H. Lee, Mr. Drayton, Mr. S. Adams, Mr. Duer and Mr. R. Morris.

The committee to whom was referred the letter of August 26th, from count d'Estaing, brought in the draught of an answer, which was read and agreed to :

Ordered, That it be signed and forwarded by the president to count d'Estaing.

Congress resumed the consideration of the report of the committee on the arrangement of the board of treasury, and after some time spent thereon, the further consideration thereof was postponed to the afternoon.

—*—
Three o'clock, P. M.

A letter, of this day, from the chevalier de Fayolle, was read :

Ordered, That it be referred to the board of war.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury, and after some time spent thereon,

Ordered, That the farther consideration thereof be postponed.

A letter, of the 2d, from major-general Sullivan, was read :

Ordered. That it be referred to the board of war.

The committee on the letter from colonel Hollingsworth, and the memorial from E. Blaine, brought in a partial report, and desired leave to sit again :

Ordered, That the report be taken into consideration to-morrow, and that the committee have leave to continue to sit on the business.

Ordered, That Mr. Hofmer have leave of absence.

Adjourned to nine o'clock to-morrow.

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FRIDAY, September 11, 1778.

A letter, of this day, from J. M^r Kinly, Esq; and an extract from the minutes of the privy-council of the state of Delaware, were read.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the officers and privates of col. Nicola's regiment of invalids, their pay from the month of July last, and subsistence in lieu of rations for the officers for the same time, 940 $\frac{80}{100}$ dollars:

That there is due to Thomas Fitzsimons, his pay as commissioner of claims, from April 12th to August 27th, 1777, 548 dollars:

That there is due to William Dodd, for his service as express-rider, from Oct. 3d, 1776, to Oct. 31st, 1777, as more fully appears by a particular state, filed with his account, a balance of 370 $\frac{30}{100}$ dollars:

That there is due to the Rev. Mon^r. Lotbinier, his pay and subsistence as chaplain to col. Livingston's regiment, from the 11th of August to the 10th of September, inclusive, 60 dollars:

Ordered, That the said accounts be paid.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, for 20,000 dollars, and an other on William Armistead, Esq; commissioner of the continental loan-office in the state of Virginia, for 30,000 dollars, in favour of col. Baylor, being for the purchase of arms, horses and accoutrements for the use of the armies of the United States; for which sums, amounting to 50,000 dollars, the said col. Baylor is to be accountable:

That a warrant issue on the treasurer in favour of col. John Cox, assistant quarter-master-general, for 3,500,000 dollars, for the use of the quarter-master-general's department, and for which major-general Greene, quarter-master-general, is to be accountable:

That a warrant issue on the treasurer for 3,000,000 dollars, in favour of Jeremiah Wadsworth, Esq; commissary-general of purchases, for the use of his department, and for which he is to be accountable:

That a warrant issue on the treasurer in favour of Joseph Hewes, for 1000 dollars, in discharge of a bill drawn by John Ashe, Esq; treasurer of the state of N. Carolina, in favour of John Easton, dated May 9, 1777, for that sum, being in part of the 500,000 dollars heretofore granted by Congress for the use of that state, and for which the said state is to be accountable:

That a warrant issue on the treasurer in favour of Joseph Hewes, for 667 $\frac{45}{100}$ dollars, in discharge of a bill drawn by Richard Caswell, Esq; governor of the state of N. Carolina, in favour of Joseph Leech, Esq; for that sum, dated June 19th, 1777, expressed to be for value received of him in part of the expense of horses, carriages and other necessities furnished brigadier du Portail, under the character of col. d'Erford and his party, to enable them to prosecute their journey from

North-Carolina to the continental Congress; and for which the said brigadier du Portail is to be accountable:

That a warrant issue on the treasurer in favour of Mr. E. Gerry, one of the delegates of the state of Massachusetts-Bay, for 1200 dollars, advanced upon his application; for which the said state is to be accountable.

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

Resolved unanimously, That to-morrow be assigned for electing a minister plenipotentiary at the court of France.

Congress took into consideration the report of the committee on the letter from col. Hollingsworth, and a memorial from col. E. Blaine, and, thereupon, came to the following resolutions:

Whereas Congress, by their resolution of the 13th of Jan. made a requisition to gen. sir William Howe, then commander in chief of his Britannick majesty's forces in America, for passports to American vessels to transport provisions and fuel for the use of the prisoners of the convention at Boston, declaring, at the same time, that, if the said requisition was not complied with, the prisoners under the convention should be removed to such part of the state of Massachusetts-Bay as they could be most conveniently subsisted in; which requisition hath not been complied with, nor measures adopted on the part of the British general, to send timely and sufficient supplies for the use of the said troops; whereby great injury has been sustained by the United States; and particularly by the inhabitants of the town of Boston:

Resolved, That major-general Heath, with the concurrence of the council of the state of Massachusetts-Bay, be authorized to remove the prisoners, under the convention of Saratoga, to such parts of the state of Massachusetts-Bay, as they can be most conveniently subsisted in.

Resolved, That application be made to sir Henry Clinton for passports to American vessels to transport provisions and fuel to Boston for the use of the prisoners under the convention of Saratoga; the said passports to be subject to such restrictions as shall be agreed on between the generals Washington and sir Henry Clinton; and that gen. Washington be directed to inform gen. Clinton, that if such passports be not granted, within three days after application made, or measures adopted by him for sending to the port of Boston ample supplies of provision and fuel for the convention-prisoners, on or before the 5th day of Oct. Congress will deem themselves justified in removing the said prisoners to such parts of the United States as they can be best subsisted in.

Ordered, That certified copies of this resolution, and of the resolution of the 13th of Jan. last, and of the 4th inst. relative to the troops of the convention of Saratoga, be transmitted to gen. Clinton.

Resolved, That the measures recommended by gen. Washington, of forming magazines at convenient places, distant from the sound, in the state of Massachusetts-Bay and Connecticut, is expedient:

That gen. Washington be informed, that Congress have given orders for the purchase of 20,000 barrels of flour, to be transported by water for that purpose; and that he be authorized and directed to fix

on the places where the said magazines shall be established, and to give the necessary orders to the quarter-master-general and commissary-general for carrying this resolution into execution.

Resolved, That it be submitted to the consideration of gen. Washington, whether a considerable part of the cavalry now in the army can, in the present seat of the war, be employed with an utility adequate to the great expense and difficulty which occur in supplying them with forage ; and if he shall be of opinion that the duty of the whole or any part of them may be dispensed with at camp, that he be directed to order such of the cavalry as he shall deem proper to such parts of these states as they can be best subsisted in :

That all officers of the army, not authorized by the resolutions of Congress, or by the special permission of the commander in chief, to keep horses, be prohibited, though at their own expense, from keeping any horse or horses within 40 miles of the main-body of the army, and that gen. Washington be desired to appoint proper officers to see this order carried into strict execution, and to bring to trial all offenders against it.

Whereas Congress have received information that several persons in the state of Maryland have eluded the embargo on provisions, by loading stores on board vessels, and obtaining a clearance on tobacco :

Resolved, That it be earnestly recommended to the governor and council of the state of Maryland to take measures for preventing the embargo being eluded, by this and such other practices, which, in the opinion of Congress, are highly injurious to the general welfare.

The delegates from Delaware laid before Congress a letter of the 8th, from Cæsar Rodney, Esq; president of the state of Delaware, with sundry papers enclosed, relative to a complaint against count Pulaski :

Ordered, That the same be referred to the committee directed to enquire into the state of the legion commanded by count Pulaski.

Congress took into consideration the report of the committee, appointed, in conjunction with a committee of the council of Pennsylvania, to ascertain the property of goods, wares and merchandize, in possession of the inhabitants of the city of Philadelphia at the time it was evacuated by the enemy, and, after some time spent thereon,

Ordered, That the farther consideration thereof be postponed.

Three o'clock, P. M.

A letter, of the 5th, from baron Steuben, was read :

Ordered, That it be referred to the board of war.

Congress took into consideration the report of the committee on the memorial of capt. Harper, and, after some time spent thereon,

Ordered, That the further consideration thereof be postponed.

Adjourned to nine o'clock to-morrow.

SATURDAY, September 12, 1778.

A letter, of this day, from Mr. Resolve Smith, was read :

Ordered, That it be referred to the committee appointed to prepare a manifesto on the injurious treatment our prisoners and faithful citizens receive from the enemy, and that the committee be directed to confer with Mr. R. Smith, and report respecting him.

Resolved, That Mr. Drayton be added to the committee appointed to confer with major-general Arnold :

That Mr. Chase be added to the committee appointed to confer with the minister of France.

A letter, of the 2d, from major-general Heath, at Boston, was read, informing of the enemy's fleet appearing off that harbour.

On motion, *Resolved*, That capt. Nathaniel Falconer be appointed a superintendant of the presses for striking bills of credit, bills of exchange, and loan-office certificates, in addition to those already elected.

The committee on the letter from col. Hollingsworth, and the memorial from col. E. Blaine, brought in a further report ; whereupon,

Resolved, That the quarter-master-general be directed to order the commissary of forage to give immediate directions to his deputies and assistants not to purchase any wheat for forage, except in the vicinity of camp, unless in cases of absolute necessity ; and when such cases arise, that the reasons for deviating from this order be transmitted to the commissary of forage, and by him submitted to the opinion of the quarter-master-general.

Resolved, That the commissary-general of purchases be directed to give orders to his deputies and assistants, forthwith to deliver to the commissary of forage and his deputies, the bad wheat and offals of wheat, which they at present have, or may hereafter have in their respective possessions ; and further, that the said commissary-general issue orders to the purchasers to be careful not to purchase in future, damaged wheat, as the same is found by experience extremely injurious, even for the purposes of forage.

Resolved, That the quarter-master-general be directed to consult with the commander in chief, whether a reduction of the stationary-teams cannot be made consistently with the good of the service, or whether ox-teams cannot in the present seat of the war be substituted in a great measure for horse-teams ; and if gen. Washington shall be of opinion that both or either of these measures are advisable, that the quarter-master-general take measures for carrying the same into execution, in such manner as shall be deemed most consistent with the good of the army and a regard to public œconomy.

Ordered, That the committee have leave to sit again.

A report from the board of war being read, on a letter of the 2d, from major-general Sullivan :

Resolved, That the governments of the states of Connecticut, Massachusetts-Bay and N. Hampshire, be requested, on the application of major-general Sullivan, with the concurrence of the legislature or council of war of R. Island and Providence Plantations, to call out of their respective states such number of militia as he shall require, in case of great emergency, to check the ravages of the enemy, or to repel any invasion they may attempt in any of the eastern-states.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. A. Adams, one of the delegates of the state of Connecticut, for 1600 dollars, advanced upon his application ; for which the said state is to be accountable :

That a warrant issue on the treasurer in favour of Mr. Jonathan El-

mer, one of the delegates for the state of N. Jerfey, for 5000 dollars ; for which the faid ftate is to be accountable.

Congrefs refumed the confideration of the report of the committee on the memorial of capt. Harper, and after after fome time fpent thereon,

Ordered, That the farther confideration thereof be postponed.

Adjourned to nine o'clock on Monday.

MONDAY, September 14, 1778.

A letter, of the 8th, from James Johnftone, was read, returning thanks for the honour done him in appointing him an auditor of accounts in the army ; alfo one of the fame day, from Mefrs. Clarke & Johnftone, auditors, was read.

A letter, of the 8th, from brigadier Wayne, and one of the 7th, from the field-officers of the 1st Pennsylvania regiment, were read, requesting that the Rev. Mr. Robert Blackwell, chaplain of the first Pennsylvania brigade, may be continued furgeon of the regiment aforefaid :

Ordered to lie on the table.

A letter, of the 13th, from baron d'Arendt, was read :

Ordered, That it be referred to the board of war.

A letter, of the 17th, from Mr. S. Deane, was read.

Congrefs proceeded to the election of a minifter plenipotentiary to the court of France, and, the ballots being taken,

Doct^r Benjamin Franklin was elected.

Resolved, That a committee of five be appointed to prepare a letter of credence to his moft Christian majefty, notifying the appointment of Dr. B. Franklin, minifter plenipotentiary of thefe United States at the court of France :

That the faid committee alfo prepare a draught of inftructions to the minifter plenipotentiary :

The members chofen, Mr. G. Morris, Mr. Chafe, Mr. Drayton, Mr. S. Adams and Mr. R. H. Lee.

Ordered, That the letters of credence, received through the hands of the minifter of France and the count d'Estaing, be referred to the faid committee.

Congrefs took into confideration the letter from Mr. S. Deane, and, after fome time fpent thereon,

Ordered, That the further confideration thereof be postponed.

Three o'clock, P. M.

A letter, of the 11th, from col. Beatty, commiffary of prifoners, was read :

Ordered, That fo much of the faid letter as relates to John Connolly, be referred to the board of war, and that what relates to the exchange of French prifoners, be referred to the marine-committee.

A letter, of the 6th, from col. Wadsworth, at Baltimore, was read :

Ordered, That it be referred to the committee on the letter from col. Hollingsworth and memorial of col. Blaine.

The marine-committee laid before Congrefs a letter of the 2d, from J. Bradford, which was read, informing of the arrival of the brig general Gates and her two prizes, and of the death of capt. Skinner,

commander of the general Gates, who was killed in an engagement with the Montague, and has left a widow with eleven children, only two of whom are able to provide for themselves :

Ordered, That it be referred to the marine-committee, and that they be directed to report what provision, in their opinion, ought to be made for the widow and children of capt. Skinner.

Congress took into consideration the letter of the 11th, from John M'Kinly, Esq; late president of the state of Delaware, soliciting to be exchanged for William Franklin, Esq; and the minutes of the privy-council of the state of Delaware : whereupon,

A motion was made to resolve,

That Congress consent to the exchange of William Franklin, Esq; late governor of N. Jersey, for John M'Kinly, Esq; late president of the state of Delaware, agreeably to the proposition of gen. sir Henry Clinton :

In lieu of which the following resolution was moved as an amendment, viz.

Whereas Hugh Wallace, Esq; one of the council under the crown of Great-Britain, of the late colony, now state, of N. York, was, amongst other persons in the said state, disaffected to the liberties of America, made prisoner by gen. Washington, commander in chief of the army of the United States, with the concurrence of the legislature of the state of N. York, and sent under parole into the state of Connecticut : and, whereas, the said Hugh Wallace having been permitted by his excellency Jonathan Trumbull, Esq; governor of the state of Connecticut, to go into the city of N. York on parole, to return when demanded by him or gen. Washington, has, on a requisition made by gen. Washington to the said Hugh Wallace to return and surrender himself agreeably to his parole, refused to comply with the same, and has been countenanced in such refusal by the officer commanding in N. York. Inasmuch, therefore, as it is essentially necessary to the prosecution of this war upon equal principles, that measures should be adopted for compelling persons, who are prisoners under parole within the lines of the enemy, and who refuse to return, to abide by those principles of good faith and personal honour, which are to be observed by those who are permitted to return on their parole within the American lines : Resolved, that John M'Kinly, Esq; late president of the state of Delaware, who has been made prisoner by the British forces, and who has been permitted to return on parole within the American lines, in order to solicit an exchange for William Franklin, Esq; late governor of N. Jersey, be not permitted to return within the British lines, in order to surrender himself on his parole, till such time as the said Hugh Wallace, Esq; shall surrender himself on his parole to general Washington, or be exchanged for the said John M'Kinly, Esq; and all officers in the service of the United States are hereby ordered not to suffer the said John M'Kinly to pass within the enemy's lines.

On which amendment, the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|---------------|----|-------------|
| <i>Hew-Hampshire,</i> | Mr. Bartlett, | ay | } <i>ay</i> |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | |
| | Mr. Gerry, | no | |
| | Mr. Lovell, | no | |
| | Mr. Holten, | no | |

| | | | |
|------------------------|--------------------------|----|------|
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| <i>Connecticut,</i> | Mr. A. Adams, | no | |
| <i>New-York,</i> | Mr. Lewis, | ay | } ay |
| | Mr. Duer, | ay | |
| <i>Pennsylvania,</i> | Mr. Morris, | no | } no |
| | Mr. Roberdeau, | no | |
| | Mr. Clingan, | no | |
| <i>Delaware,</i> | Mr. M ^r Kean, | no | } no |
| | Mr. Vandyke, | no | |
| <i>Maryland,</i> | Mr. Plater, | no | } no |
| | Mr. Forbes, | no | |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. Harvie, | no | } no |
| | Mr. R. H. Lee, | no | |
| <i>North-Carolina,</i> | Mr. Griffin, | no | } ay |
| | Mr. Penn, | ay | |
| | Mr. Harnett, | no | |
| <i>South-Carolina,</i> | Mr. Williams, | ay | } ay |
| | Mr. Laurens, | ay | |
| | Mr. Drayton, | no | |
| <i>Georgia,</i> | Mr. Matthews, | ay | } no |
| | Mr. Walton, | no | |
| | Mr. Telfair, | no | |
| | Mr. Langworthy, | no | |

So it passed in the negative.

The main question being then divided, and, the yeas and nays required by Mr. Duer, on the clause respecting the exchange of W. Franklin,

| | | | |
|---------------------------|--------------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| | Mr. S. Adams, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Hollen, | ay | |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| | Mr. A. Adams, | ay | |
| <i>Connecticut,</i> | Mr. Lewis, | no | } no |
| | Mr. Duer, | no | |
| <i>New-York,</i> | Mr. G. Morris, | ay | } ay |
| | Mr. R. Morris, | ay | |
| | Mr. Roberdeau, | no | |
| <i>Pennsylvania,</i> | Mr. Clingan, | ay | } ay |
| | Mr. M ^r Kean, | ay | |
| <i>Delaware,</i> | Mr. Vandyke, | ay | } ay |
| | Mr. Plater, | ay | |
| <i>Maryland,</i> | Mr. Forbes, | ay | } ay |
| | Mr. Henry, | ay | |
| <i>Virginia,</i> | Mr. Harvie, | ay | } ay |
| | Mr. R. H. Lee, | ay | |
| | Mr. Griffin, | ay | |

| | | | |
|------------------------|-----------------|----|------|
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| | Mr. Harnett, | ay | |
| | Mr. Williams, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } no |
| | Mr. Drayton, | no | |
| | Mr. Matthews, | no | |
| <i>Georgia,</i> | Mr. Walton, | no | } no |
| | Mr. Langworthy, | no | |

So it was resolved in the affirmative.

A motion was then made in the second clause to strike out the words " John M^cKinly, Esq;" to the end of the sentence, and insert " brigadier W. Thompson ;"

And the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|--------------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| | Mr. S. Adams, | no | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| <i>Connecticut,</i> | Mr. A. Adams, | no | |
| <i>New-York,</i> | Mr. Duer, | ay | } divided. |
| | Mr. G. Morris, | no | |
| <i>Pennsylvania,</i> | Mr. R. Morris, | no | } no |
| | Mr. Roberdeau, | ay | |
| | Mr. Clingan, | no | |
| <i>Delaware,</i> | Mr. M ^c Kean, | no | } no |
| | Mr. Vandyke, | no | |
| <i>Maryland,</i> | Mr. Plater, | no | } no |
| | Mr. Forbes, | ay | |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. Harvie, | ay | } ay |
| | Mr. R. H. Lee, | no | |
| | Mr. Griffin, | ay | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| | Mr. Harnett, | ay | |
| | Mr. Williams, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Matthews, | ay | |
| <i>Georgia,</i> | Mr. Walton, | no | } divided. |
| | Mr. Langworthy, | ay | |

So it passed in the negative.

On the question put to agree to the latter clause,

Resolved in the affirmative.

A letter, of the 12th, from gen. Washington, enclosing a copy of one of the 10th, from gen. Sullivan, was read.

Adjourned to nine o'clock to-morrow.

TUESDAY, September 15, 1778.

Ordered, That the copy of gen. Sullivan's letter of the 10th, be referred to the committee of intelligence.

The report of the committee on gen. Washington's letter, relative to baron Steuben, which was referred to gen. Washington, being returned with the general's observations thereon, the same were read :

Ordered, That the report and observations be referred to the committee of arrangement, and that they be directed to prepare a plan of regulations for the inspectorship, agreeable to the said report and observations.

A petition of Robert Woodbridge was read.

A letter from lieutenant-colonel Klein, was read, returning thanks for the honour done him in appointing him to the command of the German Volunteers.

A letter, of this day, from baron d'Arendt, was read, taking leave of Congress.

A petition of Catharine Pennington, relief and administratrix of Miles Pennington, captain of marines on board the ship Reprisal, was read :

Ordered, That it be referred to the marine-committee.

A letter, of the 5th, from major-general Heath, was read.

The marine-committee brought in a report ; whereupon,

Ordered, That the marine-committee lay before Congress, this afternoon, a list of the captains and lieutenants of the continental navy, and of the ships and vessels to which such are employed are affixed.

Another letter, of the 12th, from gen. Washington, with a report of a board of general-officers enclosed, was read :

Ordered, That the same be referred to the committee appointed to confer with the minister of France.

— — — — —
Three o'clock, P. M.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury, and thereupon,

Resolved, That such parts of the said report as relate to a confederal fund, and to the mode of issuing and accounting for loan-office certificates, be referred to a committee of three :

The members chosen, Mr. Duer, Mr. Gerry and Mr. A. Adams.

A motion was made, to amend the report, so that there shall be but one chamber of accounts :

The yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|------------------|----|------------|
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | } ay |
| | Mr. Gerry, | no | |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| | Mr. A. Adams, | ay | |
| <i>Connecticut,</i> | Mr. Lewis, | ay | } divided. |
| | Mr. Duer, | no | |
| <i>New-York,</i> | Mr. Witherspoon, | ay | } ay |
| | Mr. Roberdeau, | no | |
| | Mr. Reed, | no | |
| <i>New-Jersey,</i> | Mr. Vandyke, | ay | } ay |
| | Mr. Plater, | no | |
| <i>Pennsylvania,</i> | Mr. Forbes, | ay | } no |
| | Mr. Henry, | no | |

| | | | |
|-----------------|----------------|----|------------|
| Virginia, | Mr. Harvie, | no | } no |
| | Mr. R. H. Lee, | ay | |
| | Mr. Griffin, | no | |
| North-Carolina, | Mr. Penn, | no | } no |
| | Mr. Harnett, | ay | |
| | Mr. Williams, | no | |
| South-Carolina, | Mr. Laurens, | ay | } divided. |
| | Mr. Matthews, | no | |
| Georgia, | Mr. Walton, | ay | } ay |
| | Mr. Telfair, | ay | |

So it was resolved in the affirmative.

Resolved, That the chamber consist of three.

The committee to whom was referred the letter of the president of the state of Delaware, directed to the delegates of the said state, brought in a report ; whereupon,

Resolved, That John Hooper and James Murray, two soldiers of gen. Pulaski's legion, have been charged with committing a robbery on the property of James Chandler, a citizen of the state of Delaware, be sent, under a proper guard, to Wilmington, in the said state, there to be delivered to John Lea, Esq; or any other magistrate, to be dealt with according to law ; and that brigadier-general Pulaski give orders for carrying the same into effect.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, September 16, 1778.

A letter, of this day, from Joseph Nourse, was read, renewing his application for leave to resign his office of secretary to the board of ordnance and treasurer to the board of war and ordnance, and signifying the necessity he is under of going to Virginia in three weeks : whereupon,

Ordered, That Wednesday, the 23d inst. be assigned for electing a secretary for the board of ordnance and treasurer to the board of war and ordnance, and that Mr. Nourse have leave to resign.

A letter, of the 14th, from three officers of the Mermaid, was read :

Ordered, That it be referred to the marine-committee.

A letter, of August 19th, from the council of N. Hampshire, was read, with sundry papers enclosed, relative to the conduct of the inhabitants of the N. Hampshire Grants, stiling themselves " the state of Vermont :"

Ordered, That the same be referred to a committee of the whole Congress.

Resolved, That on Friday next, in the afternoon, Congress be resolved into a committee of the whole, to consider the foregoing papers and other papers heretofore received relative to the conduct of the said inhabitants.

A letter, of July 31st, and one of Sept. 3d, from the council of Massachusetts-Bay, were read, relative to the resolution of April 8th, 1777, recommending the erecting a monument to the memory of major-general Warren :

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

The members chosen, Mr. Duer, Mr. Witherpoon and Mr. R. H. Lee.

Ordered, That the committee be instructed to take into consideration the other resolutions of Congress, similar to that mentioned in the foregoing letters, and report on them all.

A letter, of the 3d, from James Warren, Esq; member of the navy-board, at Boston, directed to the committee of commerce, was read, informing of the arrival of 56 bales of blankets, on board the schooner Tabby :

Ordered, That it be referred to the board of war.

The committee to whom was referred the letter of the 12th, from gen. Washington, with the report of the board of general-officers, brought in a report.

Congress resumed the consideration of the letter of the 11th, from Mr. Deane ; whereupon, a motion was made,

That Mr. Deane be directed to attend Congress on Friday morning next, to answer such questions as the members may propose to him, for the better understanding of the state and progress of public affairs during his mission in France.

An amendment was moved to strike out " members," and insert the word " house ;"

On which the yeas and nays being required by Mr. Chase,

| | | | |
|---------------------------|----------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | |
| | Mr. Gerry, excused, | | } no |
| | not being present at | | |
| | the debate, | | |
| | Mr. Lovell, | no | |
| | Mr. Holten, | no | } no |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | |
| <i>New-York,</i> | Mr. Lewis, | ay | |
| | Mr. Duer, | ay | } ay |
| | Mr. G. Morris, | ay | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | } divided. |
| | Mr. Elmer, | ay | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } divided. |
| | Mr. Clingan, | no | |
| <i>Delaware,</i> | Mr. Vandyke, | ay | } ay |
| <i>Maryland,</i> | Mr. Chase, | ay | |
| | Mr. Plater, | ay | } ay |
| | Mr. Forbes, | ay | |
| | Mr. Henry, | ay | |
| <i>Virginia,</i> | Mr. Harvie, | ay | } ay |
| | Mr. R. H. Lee, | ay | |
| | Mr. Griffin, | ay | } ay |
| <i>North-Carolina,</i> | Mr. Penn, | ay | |
| | Mr. Harnett, | ay | |
| | Mr. Williams, | ay | } ay |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | |
| | Mr. Drayton, | ay | |
| | Mr. Matthews, | ay | } ay |
| <i>Georgia,</i> | Mr. Walton, | ay | |
| | Mr. Telfair, | ay | } ay |
| | | | |

So it was resolved in the affirmative.

Question put on the motion as amended,
 Resolved in the affirmative.
 Adjourned to nine o'clock to-morrow.

THURSDAY, September 17, 1778.

A letter, of the 15th, from the board of war, was read.

A letter, of the 16th, from Mr. Reed, one of the committee of arrangement, was read :

Ordered, That it be referred to the board of war.

A letter, of the 15th, from Charles Bradish, and one of the 16th, from J. Stoddart, officers of the Mermaid, were read :

Ordered, That they be referred to the marine-committee.

A letter, of the 16th, from James Caldwell, was read.

Ordered, That 1,000,000 of dollars be advanced to gen. Mifflin, late quarter-master-general, for which he is to be accountable ; and that he be directed to render an account of all such sums as are now due from the late quarter-master-general, in order to their being paid.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury.

On motion, *Resolved*, That the resolution fixing the number of the chamber of accounts be re-considered.

Resolved, That the report, with the amendment made, be referred to a committee of five :

The members chosen, Mr. R. Morris, Mr. Witherspoon, Mr. G. Morris, Mr. Chase and Mr. R. H. Lee.

Three o'clock, P. M.

A letter, of this day, from count Pulaski, was read.

Ordered, That an extract of the letter of the 12th, from gen. Washington, relative to sending forward to the army the confederal troops in Philadelphia, be referred to the board of war.

A report from the board of war was read ; whereupon,

Resolved, That brigadier count Pulaski be ordered to march with his legion to Trenton, without delay, there to receive the further orders of the commander in chief.

Congress resumed the consideration of the report from the committee on the treasury of the 10th ; whereupon,

Resolved, That 48,000 dollars, the residue of a warrant for 300,000 dollars, issued the 12th day of Feb. last, in favour of the delegates of the state of Pennsylvania, be now paid to the said delegates, to be by them transmitted to the president and council of the said state, which is to be accountable.

Ordered, That a warrant issue on the treasurer in favour of the delegates of the state of Pennsylvania, for 52,000 dollars, to be by them transmitted to the president and council of that state ; for which the said state is to be accountable.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to John Hartman, for entertaining four Indians at Reading, about six weeks, by order of the hon. John Hancock, Esq; the sum of 307 $\frac{3}{4}$ dollars :

That there is due to Francis Johnstone, for translating a French letter into English, by order of the president of Congress, the sum of 20 dollars :

That there is due to Isaac Vanoft, for a log of lignum vitæ for two rollers for a rolling-press, 120 $\frac{6}{10}$ dollars :

That there is due to Francis Hopkinson, Esq; for compiling an index to the first and second volumes of the journals of Congress, 200 dollars :

Ordered, That the said sums be paid.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Thomas Franklin, for 2000 dollars, in discharge of a bill of his excellency Richard Caswell, Esq; gov. of N. Carolina, on the continental treasurer for that sum, in favour of Andrew Blanchard, dated May 1st, 1778, and expressed to be "on account of tanned leather, deer-skins and shoes, purchased in pursuance of a resolution of Congress of the 25th of Nov. last ;" for which the state of N. Carolina is to be accountable :

That a warrant issue on the treasurer in favour of Mr. J. Williams, one of the delegates from the state of N. Carolina, for 500 dollars, advanced on his application ; the said state to be accountable :

That, upon the application of the board of war and ordnance, a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the said board, for 100,000 dollars, to answer the contingent charges thereof ; for which the said Joseph Nourse is to be accountable :

That a warrant issue on the treasurer in favour of Joseph Nourse, pay-master to the board of war and ordnance, for 500,000 dollars, to be by him transmitted to Benjamin Stelle, deputy pay-master at R. Island ; and that a copy of this order be sent to Ebenezer Hancock, Esq; deputy pay-master-general at Boston, who is to be accountable.

Whereas it is represented by the auditors of the army, that many regimental pay-masters have adopted the unwarrantable practice of paying to the commanding-officers of companies agreeably to the recommendations of the colonels or commanding-officers of their regiments respectively, such sums of money as the said regimental pay-masters have drawn for, but not paid to, prisoners, deserters, and men who have died in the service :

Resolved, That, until the sums of money so paid by the regimental pay-masters shall be reimbursed and paid into the hands of the pay-master or deputy pay-masters-general, such commanding-officers of regiments shall be accountable for the monies which they have so ordered to be paid, the commanding-officers of companies for the monies so received, and the regimental pay-masters for the money so paid by them respectively ; and the auditors of the army are authorized and directed forthwith to oblige the said officers to account, agreeably to the mode prescribed by the resolution of Congress of the 6th of February last.

An account of the monies expended by the clothier-general was laid before Congress :

Ordered, That it be referred to the board of treasury.

Resolved, That Wednesday next be assigned for taking into consideration the department of the clothier-general.

Resolved, That on Saturday and Wednesday Congress meet at ten, and sit till three o'clock.

Adjourned to nine o'clock to-morrow.

FRIDAY, September 18, 1778.

A letter and memorial from Dr. J. Morgan, was read :

Resolved, That a committee of three be appointed in pursuance of the resolution of August 9th, 1777 :

The members chosen, Mr. Drayton, Mr. Harvie and Mr. Wither-
spoon.

A motion was made, that the committee be empowered to send for persons and papers :

Question put, passed in the negative.

Ordered, That the foregoing letter and memorial be referred to the said committee.

A letter, of July 14th, from John Sandford Dart, deputy clothier-general in S. Carolina, with two invoices enclosed, were read :

Ordered, That it be referred to the committee of commerce.

The committee of commerce report, that there is now on board the brig Braxton, 117 hogheads of tobacco, shipped on freight for account and risque of the United States : that the said tobacco hath been shipped upwards of a year, and that the vessel was detained by the British frigates the greatest part of that time, and the rest by means first of springing a leak, and secondly, by a stroke of lightning, which disabled and disabled the vessel from proceeding : that the continent is liable to make good the damages as insurers, and to pay a heavy demurrage as freighters : that the owners of said brig being offered a price for this vessel and cargo as she lies, which they think will make them compensation, offer to discharge the continent from the charter, provided the committee sell them the 117 hogheads of tobacco on board the said brig, at five pounds Virginia money per cent. which the committee think advisable : whereupon,

Resolved, That the committee of commerce be authorized to make sale of the 117 hogheads of tobacco on board the brig Braxton, to the owners of the said brig, on the terms proposed in the above report, and to receive payment for the same, on account of the United States ; for which the said committee is to be accountable.

Resolved, That Monday next be assigned for taking into consideration the reports of the committee of commerce.

A report from the board of war was read ; whereupon,

Resolved, That Monsr. Bechet de Roche Fontaine be appointed a captain in the corps of engineers, and that his commission be dated the 15th day of May last.

Three o'clock, P. M.

A letter, of the 15th, from J. Beatty, commissary-general of prisoners, with sundry papers enclosed, was read :

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

The members chosen, Mr. Duer, Mr. Wither-
spoon and Mr. Marchant.

A letter, of July 8th, from gov. Clinton, of the state of New-York, was read.

The committee to whom were referred the letters from the hon. Arthur Lee, Esq; of the 6th, 15th, and 31st of Jan. 1778, and the letter of Jan. 16th, 1778, from the hon. Benjamin Franklin and Silas Deane, brought in a report, which was read ; whereupon,

A member in his place informed the house, that he had information that Mr. Carmichael had charged Mr. Deane with misapplication of the public money, &c.

Being called upon to reduce this information to writing, he delivered in a writing which was read.

Ordered, That the report of the committee lie on the table.

Adjourned to ten o'clock to-morrow.

SATURDAY, September 19, 1778.

A letter, of the 18th, from John Connolly, was read :

Ordered, That it be referred to the committee on the letter of the 15th, from Mr. John Beatty.

A letter, of the 13th, from Mr. Laneuville, was read :

Ordered to lie on the table.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of James Mease, Esq; clothier-general, for 50,000 dollars, for the use of his department ; for which he is to be accountable.

Congress took into consideration the affairs of the treasury and finance ; whereupon the committee on finance having made report, the same was read :

Resolved, That 60 copies of the said report be printed for the use of the members, and that the printer be under an oath not to divulge any part of the said report, nor to strike off more than 60 copies, and to deliver to the secretary of Congress the said copies, together with the proofs and unfinished sheets.

Resolved, That the members of the house be enjoined not to communicate the report or any part of it without leave of the house.

A letter, of this day, from the board of war, was read, with a letter of the 17th, from T. Bradford, deputy commissary of prisoners :

Ordered, That so much of Mr. Bradford's letter as relates to prisoners taken at sea, be referred to the marine-committee :

That so much of the said letter as relates to Mr. Franks's refusal to supply British prisoners with wood or necessary clothing, be referred to the board of war.

A report from the board of war was read, respecting the mode of supplying our prisoners in the hands of the enemy, from time to time, with money :

Ordered, That the consideration thereof be postponed.

The president laid before Congress the letters which he had received some time ago, and of which he informed Congress upon the receipt thereof and afterwards, when he desired to know the sense of the house concerning them, as some of them were not directed to him as president, but as delegate from South-Carolina, and all contained matters of private as well as public nature, and of which Congress declined to receive extracts :

Ordered, That they be read.

The same was read, and are as follows :

A letter, of November 24th, 1777, from A. Izard :

One of Feb. 16th, 1778, from the hon. R. Izard, Esq; enclosing a copy of his letter of Jan. 28th, to Dr. Franklin, Dr. Franklin's answer of the 29th, and his reply of the 30th of the same month ;

A letter, of March 1st, 1778, and one of April 11th, 1778, from the same :

Ordered, That they lie on the table.

Adjourned to nine o'clock on Monday.

MONDAY, September 21, 1778.

A letter, of the 1st, from gov. Clinton, of the state of New-York, with sundry papers enclosed, was read.

Another letter of the 9th, from the same was read, intimating a desire to be informed of the sentiments of Congress respecting his conduct as commander of the forts on the banks of Hudson's-river, which were taken by the enemy, and desiring to be furnished with certified copies of the report of the court of enquiry, &c.

Ordered, That gov. Clinton be furnished with copies of the papers desired, and that the president inform him that Congress are well satisfied of the propriety of his conduct as commander of the forts on Hudson's-river.

A letter, of the 10th, from major-general Heath, was read :

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

The members chosen, Mr. Gerry, Mr. Duer and Mr. Harvie.

A letter, of the 19th, from colonel Kowats, was read :

Ordered, That it be referred to the board of war.

A letter, of the 19th, from James Mease, Esq; clothier-general, was read, requesting the favour of Congress to choose, as soon as they conveniently can, some suitable person in his stead for that office :

Ordered to lie on the table, till the affairs of the clothier's-department are taken into consideration.

A delegate from Maryland read in his place, an extract of a letter from the governor of that state, respecting the measures taken, or to be taken, for clothing the continental troops, and particularly those of that state, also a delegate from Pennsylvania laid before Congress an extract from the minutes of the general assembly of that state, desiring to be informed " whether Congress have on hand a sufficient quantity of clothing for the troops for the ensuing winter ;" whereupon,

Ordered, That the board of war lay before Congress an account of the clothing on hand, and the measures by them taken for supplying the continental troops the ensuing winter.

In pursuance of a recommendation by the board of treasury,

Resolved, That Mr. Benjamin Armitage be appointed to superintend the making of paper for loan-office certificates and bills of exchange.

The committee to whom was referred the letter of June 23d, from major-general Howe, having brought in a report, the same was taken into consideration ; whereupon,

Resolved, That a warrant issue on the treasurer in favour of Joseph

Clay, Esq; deputy pay-master-general in the state of Georgia, for 1,000,000 of dollars, for the purpose of establishing a military-chest in the said state, and that it be forthwith transmitted to him by the board of war; he to be accountable.

Ordered, That so much of gen. Howe's letter, as relates to what share of the prizes taken by continental troops may belong to the commander of the said troops, be referred to the board of war.

Application being made by the delegates of South-Carolina for an advance of 50,000 dollars, for the said state :

Ordered, That it be referred to the board of treasury.

A motion being made, that the board of war do appoint a suitable person to proceed immediately to Trenton, or wherever the legion under the command of count Pulaski may be, and cause the said legion to be mustered, selecting such non-commissioned officers and privates as shall, upon due enquiry, be found to have been prisoners or deserters from the enemy; that such non-commissioned officers and privates be not permitted to proceed to the army, but return to Philadelphia, and there deliver up their horses, arms and accoutrements to the quarter-master-general and commissary of military-stores, the men to be disposed of as Congress may hereafter direct :

On motion, that the consideration thereof be postponed,

The yeas and nays being required by Mr. Reed,

| | | | |
|---|---------------------|----|------------|
| <i>New-Hampshire,</i> <i>Massachusetts-Bay,</i> | Mr. Bartlett, | no | } no |
| | Mr. S. Adams, | no | |
| | Mr. Gerry, | no | |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> <i>Connecticut,</i> <i>New-York,</i> | Mr. Marchant, | no | } no |
| | Mr. A. Adams, | no | |
| | Mr. Lewis, | no | |
| | Mr. Duer, | ay | |
| <i>New-Jersey,</i> <i>Pennsylvania,</i> | Mr. Witherspoon, | no | } no |
| | Mr. Roberdeau, | no | |
| | Mr. Reed, | no | |
| | Mr. Clingan, | no | |
| <i>Maryland,</i> | Mr. Chase, | ay | } divided. |
| | Mr. Plater, excused | | |
| | Mr. Henry, | no | |
| | Mr. Harvie, | ay | |
| <i>Virginia,</i> | Mr. R. H. Lee, | ay | } ay |
| | Mr. Griffin, | no | |
| | Mr. Penn, | no | |
| | Mr. Harnett, | no | |
| <i>North-Carolina,</i> | Mr. Williams, | no | } no |
| | Mr. Laurens, | no | |
| | Mr. Drayton, | no | |
| | Mr. Telfair, | no | |
| <i>Georgia,</i> | Mr. Telfair, | no | } no |
| | Mr. Langworthy, | no | |

So it passed in the negative.

An amendment was then moved, and after debate,

Ordered, That the motion and amendment be referred to a committee of three, and that they be directed to report to-morrow :

The members chosen, Mr. Reed, Mr. Lovell and Mr. Witherpoon.

Ordered, That Mr. Telfair and Mr. Williams be added to the committee on the memorial from the marquis of Brittany.

An appeal from the judgment of a court of admiralty for the state of New-Jersey, on the libel "Timothy Shalor, versus sloop Speedwell," was lodged with the secretary, and referred to the committee on appeals.

Adjourned to nine o'clock to-morrow.

TUESDAY, September 22, 1778.

A letter, of the 19th, from gen. Cadwallader, was read, expressing the highest sense of the honor conferred upon him by Congress in appointing him a brigadier with the command of the cavalry, but informing them that he cannot consent to enter into the service at this time, as the war appears to him to be near the close : whereupon,

Ordered, That Monday, October 3d, be assigned for electing a commander of the horse.

A letter, of February 26th, from major-general R. Howe, was read :

Ordered, That it be referred to the board of treasury.

A letter, of this day, from Mr. S. Deane, was read, accompanied with two accounts of Mons. le Grand.

Whereas information hath been given to Congress, from which it is probable that William Carmichael, Esq; is possessed of a knowledge of the conduct of Silas Deane, Esq; late commissioner at the court of Versailles, touching the application of the public monies of these United States, and other matters relating to his public character :

Resolved, That the said William Carmichael be directed to attend at the bar of the house this afternoon, to be examined in the premises.

Whereas certain dissensions, detrimental to the public service, are said to have existed among the American commissioners in Europe :

Resolved, That the said William Carmichael be also examined, touching the said dissensions and the conduct of the said commissioners, as far as the same may have come to his knowledge.

Ordered, That the consideration of the letter of the hon. Silas Deane, Esq; be postponed until the examination of William Carmichael, Esq; is taken, and that Mr. Deane be informed thereof.

Three o'clock, P. M.

On motion, *Resolved*, That Mr. Carmichael be examined upon oath : that Mr. secretary take down in writing, the questions propounded and the answers given to them.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, September 23, 1778.

The president having communicated some intelligence he received last night, relative to the motions of the enemy, and certain resolutions being thereupon moved,

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

The members chosen, Mr. Drayton, Mr. Reed, Mr. R. H. Lee, Mr. Duer and Mr. S. Adams.

A letter, of August 5th, from captain Senf, directed to his excellency the president of South-Carolina, relative to the colours of lieutenant-general Burgoyne's army, was read :

Ordered, That it be referred to the committee appointed the 22d of November last.

A letter, of August 18th, from major-general R. Howe, was read :

Ordered to lie on the table.

The marine-committee, to whom was referred the letter of the 2d, from J. Bradford, report, that, upon enquiry, they find capt. Skimmer, late commander of the continental brig general Gates, to have been a brave and worthy officer ; that he lost his life in a severe engagement with the enemy, and that he has left a widow and 11 children, nine of whom are two young to be capable of getting their livelihood ; and therefore it is their opinion that, in consideration of the above circumstances, the eastern navy-board, be directed to supply 400 dollars annually, in quarterly payments, for the support of captain Skimmer's widow and nine youngest children, and that this provision be continued for three years :

Resolved, That Congress agree to the said report.

Ordered, That a warrant issue on the treasurer in favour of colonel Theodorick Bland, for 28,000 dollars, to enable him to complete the purchase of horses, arms and accoutrements for his regiment, and for recruiting the same ; the said colonel Bland to be accountable :

That a warrant issue on the treasurer in favour of the delegates of South-Carolina, for 50,000 dollars, for the use of that state, which is to be accountable.

Resolved, That Mr. Holten be added to the medical-committee.

Resolved, That Mr. A. Adams be appointed a member of the marine-committee, for the state of Connecticut.

Resolved, That Mr. Matthews and Mr. Marchant be added to the committee for hearing and determining appeals.

Adjourned to nine o'clock to-morrow.

THURSDAY, September 24, 1778.

A letter, of the 15th, from William Palfrey, pay-master-general, was read :

Ordered, That it be referred to the board of treasury.

A letter, of the 17th, from gov. Johnstone, of Maryland, was read.

Whereas Congress did, on the 14th of May last, grant to Ethan Allen the rank of colonel by brevet in the army of the United States of America, in reward of his fortitude, firmness and zeal in the cause of his country, manifested during the course of his long and cruel captivity, as well as on former occasions ; and, whereas, on the 16th day of the same month, all the benefits and privileges of lieutenant-colonel in the service of these states were granted to the said E. Allen, during the time of his late captivity ; and whereas, it is represented to Congress, that colonel E. Allen's circumstances have been greatly reduced by his late long and cruel confinement, and his brevet commission does not entitle him to pay :

Resolved, That 75 dollars per month be allowed to colonel E.

Allen, from the date of his brevet, during the pleasure of Congress, or until he shall be called into actual service.

The hon. sieur Gerard, minister plenipotentiary of France, having notified to Congress, that, pursuant to the powers with which he is invested, he has appointed Mr. Martin Oster, vice-consul of France in the port of Philadelphia :

Ordered, That this be referred to the marine-committee, in order that the same may be made public.

A memorial from J. Mitchell, deputy quarter-master-general, was read :

On which sundry motions being made,

Ordered, That the said memorial and motions be referred to the committee on the memorial from colonel Blaine, and letter from H. Hollingsworth.

Ordered, That Mr. Banister have leave of absence.

Three o'clock, P. M.

The committee to whom were referred the motions founded on the intelligence communicated by the president, brought in a report, which was taken into consideration, and after some time spent thereon, Adjourned to nine o'clock to-morrow.

FRIDAY, September 25, 1778.

Mr. Stone, a delegate from Maryland, attended, and took his seat in Congress.

The committee of commerce laid before Congress a letter of the 18th, from Stephen Steward, which was read :

Ordered, That it be returned to the committee of commerce, and that they be empowered and directed to act thereon as they shall judge proper.

A letter, of the 24th, from Mr. S. Deane, was read, intimating, that he is informed " that letters from Mr. Izard, reflecting on his character and conduct whilst in the service of the public abroad, have been read in Congress," and requesting " to be furnished with copies thereof, and that he may be permitted to wait on Congress, and to be heard in his vindication :"

Ordered, That Mr. Deane be furnished with extracts of all such parts of Mr. Izard's letters, read in this house on the 19th, as relate to his public conduct.

A letter, of this day, from John Connolly, was read :

Ordered, That it be referred to the committee on the letter of the 15th, from colonel Beatty, commissary of prisoners.

A letter, of the 24th, from Jonathan Brewer, captain-lieutenant of artillery, was read :

Ordered, That it be referred to the board of treasury.

A petition from Hazekiah Stokes, pay-master of the 8th Virginia regiment, was read :

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

The members chosen, Mr. Harvie, Mr. Marchant and Mr. Gerry.

A letter from Seth Harding, was read.

Congress resumed the consideration of the report under debate yesterday ; whereupon,

Resolved, That the executive powers of Virginia and N. Carolina be requested, without loss of time, to give all-possible aid to the states of S. Carolina and Georgia; Virginia by marching into S. Carolina 1000 men, comprehending all the continental troops in that state; N. Carolina 3000 men, including the levies and all the continental troops in that state: each body to be properly officered by the government embodying it. The militia and levies to continue in the service and pay of the United States for the space of five months from the time of their marching from each state respectively, if it shall be found necessary: the whole to be commanded by the continental officer entitled to command; and that their excellencies gov. Henry and gov. Caswell be requested to take the most vigorous measures to carry this resolution into full and immediate effect.

Resolved, That, in case gov. Caswell shall find it consistent with the duties of his station, and shall be inclined, to march to the aid of S. Carolina and Georgia, at the head of the N. Carolina forces, he shall, while on this expedition, have the rank and pay of major-general in the army of the United States of America.

Resolved, That the militia of S. Carolina and Georgia, called forth on the present emergency, be in the pay of the United States.

—*—*—*—

Three o'clock P. M.

Resolved, That major-general R. Howe be, and he is hereby directed to repair immediately to general Walhington's head-quarters.

Resolved, That major-general Lincoln take command in the southern-department; and repair immediately to Charlestown, S. Carolina.

A motion being made to order count Pulaski immediately to march with his legion to South-Carolina,

Ordered, That the consideration thereof be postponed.

Congress resumed the consideration of the report of the marine-committee under debate the 15th; whereupon,

Resolved, That the new frigate building at Norwich, in Connecticut, and now nearly ready to be launched, be named the Confederacy.

Congress proceeded to the election of a captain of the said frigate, the Confederacy, and the ballots being taken,

Captain Seth Harding was elected.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of major William Dark, for 600 dollars, in discharge of a bill of William Palfrey, Esq; pay-master-general, in favour of the said W. Dark, for that sum, dated Sept. 15, 1778, and expressed to be for the use of the forces of the United States of America; for which the said pay-master-general is to be accountable:

That a warrant issue on the treasurer in favour of Alexander Baugh, for 2000 dollars, it being so much received of him by Lewis & Charles Cope, deputy commissaries, as per their receipt appears for James Rae, Esq; deputy commissary-general of purchases in Georgia, who is to be accountable.

The board of war, to whom was referred the letter of baron Steuben, relative to Mons. John Ternant, having reported thereon, Congress took the report into consideration; thereupon,

Resolved, That Mr. John Ternant be appointed a lieutenant-colonel in the service of the United States, and be ordered to repair to S. Carolina forthwith, to perform the duties of inspector to the troops in the service of these states in S. Carolina and Georgia: that he report his proceedings as inspector, from time to time, to the board of war and inspector-general, conforming himself to such regulations as are or shall be established by Congress for the inspector-general's department: and, until he shall be duly notified of the plan of the department being arranged and confirmed by Congress, that he govern himself as near as may be by the rules and practice pursued by baron Steuben, during his having executed the office of inspector-general with the grand army, procuring the approbation and authority of the officer commanding the troops of the United States in the said states of S. Carolina and Georgia, in all matters relative to the discipline of the troops and the police of the camps, garrisons or quarters, previous to their being put in practice by him as inspector.

Resolved, That Mr. Ternant be allowed the pay and subsistence of a lieutenant-colonel from the 26th of March last.

Resolved, That the marine-committee be authorized to employ a secretary for their board, on the most reasonable terms they can.

The board of war brought in a report, which was taken into consideration, whereupon Congress came to the following resolution:

Whereas Congress, by a resolve passed on the 26th of August, 1776, made provision for commissioned and non-commissioned officers of the army and navy, as also for the private soldiers, marines and seamen, who should thereafter lose a limb in any engagement, or be otherwise so disabled in the service of the United States of America, as to render them incapable afterwards of getting a livelihood; and, whereas, divers officers and others have lost limbs or been otherwise disabled as aforesaid, before the said 26th of August, to whom the like relief ought equitably to be extended:

Resolved, That all provisions and regulations contained in the said resolve of August 26th, 1776, shall extend to all persons who lost a limb or were otherwise disabled as aforesaid in the service of the United colonies or States of America, before the said 26th of August, and since the commencement of hostilities on the 19th of April, 1775.

And whereas doubts may arise in some cases, whether certain persons maimed or disabled and claiming pensions, were at the time in the service of the said colonies or states: for removing the same,

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 colonies or States, upon any sudden attack or invasion, or upon any enterprize 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 August 26th, 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 in-

valids 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 be otherwise peculiarly circumstanced, and the governor or president and council of the state he belongs to, or in which he resides, are of opinion an exception should be made in his favour, and an exemption granted 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 aforesaid resolve, to entitle them to their pensions:

Resolved, That in such cases applications 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, and upon shewing to him or them satisfactory proof, that he was maimed or disabled in the manner before-mentioned, and producing his or their certificate thereof, he shall be entitled to and receive a pension in like manner as if he produced the certificate required by the said resolve.

Congress took into consideration the report of the committee of commerce respecting Messrs. Hewes, Smith and Allan, and after debate,

Ordered, That the further consideration thereof be postponed, and that the committee of commerce be directed to call on Mr. Hewes to produce an account of the continental property that came into his hands as commercial agent, and how the same has been disposed of.

Adjourned to ten o'clock to-morrow.

SATURDAY, September 26, 1778. -

Ordered, That Mr. Carmichael be directed to attend at the bar of this house on Monday afternoon at three o'clock, to be examined, touching the matter set forth in the resolution of the 22d.

Ordered, That Tuesday afternoon be assigned for hearing the hon. Silas Deane, Esq; and that he be notified to attend on that day at three o'clock.

A letter, of the 25th, from colonel G. Morgan, was read.

Ordered, That the consideration thereof be postponed to Monday next.

A letter, of the 25th, from John and Alexander Wilcox, was read; whereupon,

Congress resumed the consideration of the report of the committee appointed, in conjunction with a committee of the executive council of Pennsylvania, to determine the property of goods, wares and merchandize, &c. after debate,

Resolved, That the state of facts reported by the said committee be referred to a committee of three:

The members chosen, Mr. Reed, Mr. G. Morris and Mr. Smith.

A letter, of the 24th, from Mr. John Wharton, was read, requesting leave to resign his office as member of the navy-board of the middle district:

Resolved, That his resignation be accepted.

Ordered, That the resolution passed yesterday, respecting pensions, be published.

Congress resumed the consideration of the report of the committee on the arrangement of the treasury, and thereupon came to the following resolutions :

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, to wit, the comptroller's, auditor's, treasurer's, and two chambers of accounts :

That each chamber of accounts consist of three commissioners and two clerks, to be appointed by Congress :

That in the treasurer's office there be a treasurer annually appointed by Congress, and one clerk appointed by the treasurer :

That in the auditor's office there be an auditor annually appointed by Congress, and two clerks appointed by the auditor :

That in the comptroller's office there be a comptroller annually appointed by Congress, and two clerks appointed by the comptroller :

That the auditor, treasurer and comptroller shall not be appointed, unless by the votes of nine states, and they be accountable for the conduct of their clerks respectively :

That the auditor shall receive all accounts brought against the United States for money lent, expended, or advanced ; goods sold or purchased ; services performed or work done, with the vouchers, and shall refer them to one of the chambers of accounts, endorsing them in the manner marked A :

That the commissioners of the chamber to whom an account shall be referred shall deliver the same to their clerks, to be properly stated :

That the clerks shall state the accounts referred to them by the commissioners, number and arrange the vouchers, examine the castings, and make necessary copies :

That the clerks, to whom an account shall be delivered, after they have completed the same, shall endorse it in the manner marked B :

That the commissioners to whom an account is referred as aforesaid, shall carefully examine the authenticity of the vouchers, rejecting such as shall not appear good, compare them with the articles to which they relate, and determine whether they support the charges : that they shall reduce such articles as are overcharged, and reject such as are improper, and shall endorse the accounts in the manner marked C, and transmit them, with the vouchers, to the auditor, and cause an entry to be made of the balances passed :

That the auditor shall receive the vouchers and accounts from the commissioners to whom he referred them, and cause them to be examined by his clerk. He shall compare the several articles with the vouchers, and if the parties concerned shall appeal from the judgment of the commissioners, he shall call before him the commissioners and the party, and hear them, and then make determination, from whence no appeal shall lie, unless to Congress. That after a careful examination of the account as aforesaid, he shall endorse it in the manner marked D, of which endorsement he shall send a duplicate, to be filed in the same chamber of accounts, and shall transmit the account and vouchers to the comptroller :

That the comptroller shall keep the treasury books, and seal and file all the accounts, and vouchers on which the accounts, in the said books, are founded, and shall direct the manner of stating and keeping the public accounts. He shall draw bills, under the said seal, on the treasurer, for such sums as shall be due by the United States, on accounts audited, which, previous to the payment, shall be countersigned by the auditor, and also for such sums as may, from time to time, be ordered by resolutions of Congress in the form marked E. When monies are due to the United States, on accounts audited, he shall notify the debtor, and, after hearing him, if he shall desire to be heard, fix a day for payment, according to the circumstance of the case, not exceeding 90 days, of which he shall give notice to the auditor in writing, in the form marked F.

That it shall be the duty of the treasurer to receive and keep the monies of the United States, and to issue them on bills drawn by the comptroller as aforesaid, filing duplicates thereof with the auditor, day by day, as he shall make payment: that, on receipt of monies, he shall give a receipt therefor, and transmit the same to the comptroller; and that he shall draw out and settle his accounts quarterly, giving the same in to the auditor for examination by one of the chambers of accounts, to be from thence transmitted, through the auditor, to the comptroller, who shall compare the same with the treasury books, ascertain the balance, and return a copy of the same to Congress:

That the comptroller shall receive from the treasurer all receipts by him signed, and after making due entry thereof, by charging the treasurer and crediting the proper accounts, he shall endorse the same in the manner marked G, and deliver them to the party who made payment: that he shall every quarter of a year cause a list of the balances on the treasury books to be made out by his clerks, and lay it before Congress. That where any person hath received public monies, which remain unaccounted for, or shall be otherwise indebted to the United States, or have an unsettled account with them, he shall issue a summons in the form marked H, in which a reasonable time shall be given for the appearance of the party, according to the distance of his place of residence from the treasury, of which he shall notify the auditor:

That, in case the party summoned to account shall not appear, nor make good esoin, the auditor, on proof made of service in due time or other sufficient notice, shall make out a requisition, in the form marked I, which he shall send to the comptroller's office, where the same shall be sealed, and then it shall be sent to the executive authority of the state in which the party shall reside:

That it be recommended to the several states to enact laws for the taking of such persons, and also to seize the property of persons, who being indebted to the United States shall neglect or refuse to pay the same; notice whereof shall be given by the auditor to the executive authority of the respective states, in the form marked K, under the treasury seal:

That the several officers of the treasury do, before they take upon them the execution of their offices respectively, before the president of Congress for the time being, make and subscribe the following oath, viz.

" I. A. B. ———, in the treasury of the United States, solemnly and sincerely swear, promise and declare, in the presence of Almighty God, that I will diligently and faithfully, according to the best of my skill and understanding, in all things do my duty as a ———, as aforesaid, without fear, favour, affection, or partiality."

Forms referred to.

A. Account between the United States and ——— with the vouchers referred to ———, commissioners of accounts, the ——— day of ——— in the year ———

A. B. Auditor.

B. The within account hath been stated, the castings examined, and the vouchers arranged, by

G. D. }
E. F. } clerks of accounts.

C. The within account, stated by ——— and ——— clerks of accounts, between the United States and ——— hath been examined and settled, and a balance of ——— found to be due to ——— by

G. H. }
I. K. } commissioners of accounts.
L. M. }

D. Audited the accounts between the United States and ——— stated by ——— and ——— clerks of accounts, and examined by ——— and ——— commissioners of accounts, for a balance of ——— due to ——— Done the ——— day of ——— in the year ———

A. B. Auditor.

E. To the treasurer of the United States, greeting.

(L. S.) You are required to pay the sum of ——— to ——— or his order, according to (say either account audited, &c. &c. or a resolution of Congress, &c.) whereof entry is made the ——— day of ——— in the year ———

N. O. Comptroller.

F. Day is given to ——— until the ——— day of ——— next, for the sum of ——— by his assent. Given the ——— day of ——— in the year ———

N. O. Comptroller.

G. Entered in the treasury books the ——— day of ——— in the year ———

N. O. Comptroller.

H. To ——— greeting, you are required, on or before the ——— day of ——— next, to appear before the auditor in the treasury office of the United States, at ——— then and there to adjust and settle your accounts, whereof take notice. Given ——— the ——— day of ———, in the year ———

N. O. Comptroller.

I. To ——— greeting. The United States having summoned ——— to account, the which he hath neglected to do, it is their request that you do cause to be taken and sent to the said ——— before them, on the ——— day of ——— next, before the auditor in their treasury, at ——— then and there to account; that justice may in this behalf be done. Given the ——— day of ———

Witness,

A. B. Auditor.

K. The United States to ——— greeting.

(L. S.) Whereas ——— hath been, before us in our treasury, found to be indebted in the sum of ———, which sum was by his assent to be paid

before the — day of — in the year —, but is not yet paid, or in any manner satisfied. These therefore are thereof to notify you, to the end that you, according to the powers and authorities unto you given, may of the estate of the said — cause to be made the sum afore-said, with the costs and charges which may accrue : and of your proceedings in the premises you are desired to certify us in our said treasury, with all convenient speed. Given the — day of —, &c.

Witness,

A. B. Auditor.

That in the blanks of the forms above written, no figures be used, either for dates or sums ; but that the same be distinctly and plainly set in words at length, and without erasures or interlineations.

Resolved, That a committee of three be appointed to prepare a seal for the treasury and for the navy :

The members chosen, Mr. Witherspoon, Mr. G. Morris and Mr. R. H. Lee.

The committee to whom were referred the letters from the board of war, relative to the cannon imported into North-Carolina, having brought in a report ;

Ordered, That the consideration thereof be postponed to Monday next.

The committee on the treasury brought in a report ; whereupon,

Resolved, That 10,000,100 dollars be emitted in bills of credit on the faith of the United States, under the direction of the board of treasury :

That two new cuts be used in striking the said bills, one of the denomination of 60, the other of 50 dollars, in the place of four and six dollar cuts of the former emissions ;

That the denominations of the bills be as follows :

| | | |
|--------|-----------------------------------|-----------|
| 45,455 | of the denomination of 60 dollars | 2,727,300 |
| 45,455 | do. 50 | 2,272,750 |
| 45,455 | do. 40 | 1,818,200 |
| 45,455 | do. 30 | 1,363,650 |
| 45,455 | do. 20 | 909,100 |
| 45,455 | do. 8 | 363,640 |
| 45,455 | do. 7 | 318,185 |
| 45,455 | do. 5 | 227,275 |

10,000,100

That the form of the bills be as follows :

“ No. ——— dollars.

“ This bill entitles the bearer to receive ——— Spanish milled dollars, or value thereof in gold or silver, according to a resolution passed by Congress at Philadelphia, September 26, 1778 :”

That each denomination or class of bills be numbered from number one progressively :

That the thirteen United States be pledged for the redemption of the bills of credit now ordered to be emitted.

Resolved, That Charles Alexander, Richard Eyres and Samuel Lyon, be appointed signers of the bills of credit, in addition to those already appointed.

Adjourned to nine o'clock on Monday.

MONDAY, September 28, 1778.

Mr. Meriwether Smith, a delegate from Virginia, attended, and took his seat in Congress.

A letter, of the 21st, from captain William Burke, on board the prison ship Prince of Wales, was read :

Ordered, That it be referred to the marine-committee, and that they be directed to enquire into the conduct of capt. William Burke, and particularly into his former conduct while in the power of the enemy.

A letter, of the 18th, from major-general Sullivan, was read :

Ordered, That so much thereof as relates to clothing, be referred to the board of war, and so much thereof as relates to money, to the board of treasury.

A letter, of the 24th, from governor Livingston, was read :

Ordered, That it be referred to the board of war.

A letter, of the 26th, from James Searle, one of the navy-board in the middle-district, was read, desiring leave to resign his office :

Resolved, That his resignation be accepted.

A letter, of the 23d, from general Washington, was read, with sundry papers enclosed :

Ordered, That the same be referred to the committee on the memorial from colonel Blaine, and letter from colonel H. Hollingsworth.

The president laid before Congress a letter dated New-York, Sept. 19th, 1778, signed "H. Clinton," and directed to "his excellency Henry Laurens, Esq; the president and others, the members of the American Congress, at Philadelphia," enclosing a paper purporting to be "an extract of a letter from the right hon. lord George Germaine, one of his majesty's principal secretaries of state, to his excellency gen. sir Henry Clinton, K. B." &c. &c. dated at Whitehall, June 12th, 1778, which were read ; whereupon,

Ordered, That the secretary return the following answer :

"SIR,

"I am directed to inform you, that the Congress of the United States of America make no answer to insolent letters.

I am, &c."————

—+—
Three o'clock, P. M.

Resolved, That three commissioners be appointed to collect and report the proofs of breach made by the enemy in the convention of Saratoga :

That to-morrow be assigned for electing the said commissioners.

Mr. Carmichael attending, was called in and sworn, and sundry questions being asked and answers returned, he had leave to withdraw.

Ordered, That Mr. Carmichael attend at the bar of this house on Wednesday next, at ten o'clock, to be farther examined.

Adjourned to nine o'clock to-morrow.

—+—
TUESDAY, September 29, 1778.

A letter from John Stoddard, lieutenant of the Mermaid, was read :

Ordered, That it be referred to the marine-committee.

A letter, of August 26th, from major-general R. Howe, and one of

August 31st, from his excellency president Lowndes, of South-Carolina, were read :

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

The members chosen, Mr. Duer, Mr. Matthews and Mr. Telfair.

Another letter, of the 5th instant, from major-general R. Howe, was read :

Ordered, That it be referred to the foregoing committee.

The committee of foreign affairs laid before Congress a letter of August 26th, from Mr. William Bingham, at Martinique, which was read :

Ordered, That it be returned to the committee, and that they be directed to report thereon.

A memorial from Alexander M^cNut, was read :

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

The members chosen, Mr. Lovell, Mr. Marchant and Mr. Bartlett.

A letter of this day, from lieutenant-colonel Ternant, was read :

Ordered, That it be referred to the board of war.

The committee to whom was referred the motion relative to count Pulaski, brought in a report, which was read :

Ordered, That the consideration thereof be postponed.

The committee on the treasury brought in a report ; whereupon,

Resolved, That Michael Hillegas, Esq; treasurer, be directed to deliver the check-books of the loan-office certificates, which he has issued to lenders, to Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, who is directed to pay the interest arising on such certificates.

Resolved, That two per cent. be allowed to the commissioners of the loan-offices of the United States, on the amount of interest which has been or shall be paid by them respectively, in lieu of all claims and demands which they may have for transacting the said business.

Resolved, That Thursday next be assigned for electing a manager of the United States lottery, in the room of Mr. Searle, who has resigned.

Ordered, That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, in favour of the managers of the United States lottery, for 13 lottery-office certificates of 1000 dollars each, and 146 lottery-office certificates of 500 dollars each, amounting in the whole, to 86,000 dollars, to enable the said managers to pay off the high prizes drawn in the first class of the said lottery ; they to be accountable.

Congress proceeded to the election of a commissioner of accounts at the treasury-office, and, the ballots being taken, Mr. Resolve Smith was elected.

Congress took into consideration the report of the board of war, of the 8th of April last, relative to the contract made with Messrs. Daniel and Samuel Hughes ; whereupon,

Resolved, That Messrs. Daniel and Samuel Hughes be allowed 186 $\frac{2}{3}$ dollars per ton for all cannon already cast by them in virtue of their contract, whether delivered or not, and which have stood or shall stand proof, in full of all claims and accounts ; the guns not delivered to be taken when proved at the furnace, from whence they are transported at continental expense.

Congress resumed the consideration of the report of the committee

on the letters of the 21st and 29th of last month, from the board of war, and a letter of Mr. Holker, relative to cannon imported into the state of North-Carolina ; whereupon,

Resolved, That the cannon mentioned in the said letters be sold to the states of Virginia and N. Carolina, the former to have 24, and the latter 25, dividing them equally as to weight of mettle :

That the said states be allowed to purchase the said cannon on the terms the United States have imported them.

Ordered, That the hearing of Mr. Deane be postponed till the examination of Mr. Carmichael is finished, and that Mr. Deane be informed thereof.

Three o'clock, P. M.

A letter, of this day, from col. Wadsworth, and one from Mr. Owen Biddle, with sundry papers enclosed, were read :

Ordered, That they be referred to the committee on the memorial of colonel Blaine and the letter from colonel H. Hollingsworth.

Congress took into consideration the report of the committee on finance, and after some time spent thereon,

Ordered, That the farther consideration thereof be postponed to Thursday next.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, September 30, 1778.

A letter, of the 28th, from governor Livingston, was read :

Ordered, That it be referred to the board of war.

Ordered, That count Pulaski, with his legion and all continental soldiers fit for service in and near Philadelphia, be directed to repair immediately to Princeton, there to wait the orders of gen. Washington or the commanding-officer in New-Jersey.

A letter, of the 23d from major-general Sullivan, was read, together with a letter enclosed from lieutenant Samuel Arnold, containing a resignation of his commission ; also one from Elias Blanchard, containing a resignation of his commission :

Resolved, That the resignation of the said lieutenant Samuel Arnold and of ensign Elias Blanchard be accepted.

Resolved, That major-general Sullivan be authorized to accept the resignation of such officers in the army under his command as he shall think proper.

A letter, of the 24th, from major-general Sullivan, was read, enclosing a recommendation of capt. Ebenezer Sullivan by major-general Greene and others :

Ordered, That the same be referred to the board of war, and that they be directed to enquire whether capt. E. Sullivan has been duly released from all obligations as an hostage for the troops captivated at the Cedars.

A letter, of the 21st, from major-general Heath, was read, enclosing sundry letters that passed between him and major-general Phillips, respecting the settlement of the accounts for the supplies of the troops of the convention of Saratoga :

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

The members chosen, Mr. Gerry, Mr. Duer and Mr. Smith.
Mr. Carmichael attending according to order, was called in, and the house proceeded in his examination.

Ordered, That Mr. Carmichael attend on Friday afternoon, to be further examined.

Adjourned to nine o'clock to-morrow.

THURSDAY, October 1, 1778.

Mr. Sherman, a delegate from Connecticut, attended, and took his seat in Congress.

A letter, of September 30th, from the board of war, was read, with sundry papers enclosed :

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

The members chosen, Mr. Sherman, Mr. Henry, Mr. Marchant, Mr. Matthews and Mr. Reed.

A letter, of September 12th, from captain Henry Johnstone, at Boston, was read :

Ordered, That it be referred to the marine-committee.

A petition of captain Francis Tartanion, was read :

Ordered, That it be referred to the board of war.

A memorial from James O'Ellers, one of the owners of the Duck-Creek packet, was read ; whereupon,

Congress took into consideration the report of the committee on the petition from the said James O'Ellers and Henry Horn, and thereupon,

Resolved, That the loss of the schooner Duck-Creek packet ought not to be sustained by the United States, and that gen. Mifflin be served with a copy of this resolution.

The committee of commerce having, according to order, obtained from Messrs. Hewes & Smith a return of the continental stores that have been received and delivered by them as agents for the United States in N. Carolina, laid the same before Congress ; whereupon,

Congress resumed the consideration of the report of the committee of commerce, respecting Messrs. Hewes, Smith and Allen ; and thereupon,

Ordered, That a warrant be drawn on the treasurer in favour of Messrs. Hewes, Smith and Allen, continental agents in the state of N. Carolina, for the sum of $27449\frac{7}{10}$ dollars, being in full of the balance due to them, as reported on a settlement of their accounts by the committee of commerce :

Ordered, That so much of the said report as respects the brigantine Commerce, be re-committed, and that the committee report specially thereon.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of captain William Henderson, for 6230 dollars, in discharge of a bill in his favour, drawn by William Palfrey, Esq; pay-master-general, dated September 15, 1778 ; for which sum the said pay-master-general is to be accountable.

Three o'clock, P. M.

A letter, of this day, from the board of war, and a letter of September 29th, from count Pulaski, were read.

Adjourned to nine o'clock to-morrow.

FRIDAY, October 2, 1778.

Resolved, That 1000 dollars be advanced to lieutenant-colonel Tennant, for which he is to be accountable; and that he be entitled to the benefits of the resolution of Congress of September 4th, in regard to his travelling expenses to South-Carolina.

Resolved, That Friday next be assigned for receiving and considering the report of the committee of arrangement.

Ordered, That Monday next be assigned for taking into consideration the state of the clothing, and that the board of war on that day, lay before Congress an account of the clothing provided, and the measures by them taken for forwarding the same to the army.

A letter, of the 1st, from the board of war, was read:

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

The members chosen, Mr. Duer, Mr. Matthews and Mr. Stone.

Resolved, That Mr. Henry be appointed a member of the marine-committee, for the state of Maryland.

The committee on the memorial from col. Blaine, and letter from colonel Hollingsworth, brought in a report, which was read.

Three o'clock, P. M.

A letter, of this day, from Mr. chief justice M^cKean, was read; whereupon Congress came to the following resolutions:

Whereas complaint has been made to Congress that brigadier count Pulaski has resisted the civil authority of this state:

Resolved, That the board of war do require his personal attendance at the war-office at nine o'clock to-morrow morning, and that he continue in Philadelphia until enquiry can be made therein, and until the further order of Congress; it being the fixed determination of Congress to discourage and suppress every opposition to civil authority by any officer in their service.

Congress resumed the consideration of the report of the committee on the memorial of col. Blaine and letter from colonel Hollingsworth; and thereupon came to the following resolutions:

Whereas the scantiness of crops of wheat and other grain in the states of N. York, N. Jersey, Pennsylvania, Delaware, Maryland and Virginia, and the wicked arts of speculators, forestallers, and engrossers, who infest every quarter of the country, and are industriously purchasing up grain and flour at the most exorbitant prices, render it impracticable to obtain timely and sufficient supplies for the operations of the army and navy, unless the most vigorous measures are, without delay, adopted, to restrain practices so destructive to the public weal:

Resolved, That it be earnestly recommended to the legislative or, where vested with sufficient power, to the executive authorities of the states above-mentioned, to authorize and direct any civil magistrate within their respective jurisdictions on an information given by the commissary or quarter-master-general, or by the deputy commissary or quarter-master-general of the respective districts, of any extraordinary quantity of grain or flour being purchased and in the possession of individuals, forthwith to issue his warrant, empowering the informant

to seize the same for the public use, paying for the same such prices as to the respective legislatures appear proper, to prevent the practice of engrossing those articles in future, not exceeding six dollars per hundred for flour, and in proportion for grain which may be found in the hands of engrossers.

And, whereas, the facilitating the supply of the army, which was one of the principal objects in laying the embargo, has been defeated by individuals purchasing up grain and flour with a view of exporting the same at the expiration of the term for which the embargo is laid in the respective states :

Resolved, That the embargo on provisions, which, by the resolution of the 8th day of June last, was laid until the 15th day of Nov. next, be continued in force, subject to such exceptions as are recommended by the resolution of Sept. 2d, till the last day of Jan. 1779, or until such time as Congress shall give notice to the respective states that sufficient supplies have been obtained for the operations of the army and for the French squadron ; and that it be recommended to the respective states to take the most effectual measures for carrying this resolution into effect.

On considering this part of the report, the committee having offered, as their opinion, that it be recommended to the legislative or executive authorities of the respective states *to continue* in force the present embargo, &c.

An amendment was moved, that Congress should *continue* the embargo, and recommended it to the states to take measures for enforcing it :

Upon which the question being put, and the yeas and nays required by Mr. Reed,

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Lovell, | ay | } ay |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| <i>Connecticut,</i> | Mr. Sberman, | ay | |
| <i>New-York,</i> | Mr. Lewis, | ay | } ay |
| | Mr. Duer, | ay | |
| <i>Pennsylvania,</i> | Mr. Reed, | no | } no |
| | Mr. James Smith, | ay | |
| | Mr. Clingan, | no | |
| <i>Maryland,</i> | Mr. Stone, | no | } no |
| | Mr. Forbes, | ay | |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. Harvie, | no | } no |
| | Mr. R. H. Lee, | ay | |
| | Mr. M. Smith, | no | |
| | Mr. Griffin, | no | |
| <i>North-Carolina,</i> | Mr. Penn, | no | } ay |
| | Mr. Harnett, | ay | |
| | Mr. Williams, | ay | |

| | | | |
|------------------------|---------------|----|------|
| <i>South-Carolina,</i> | Mr. Laurens, | no | } no |
| | Mr. Drayton, | no | |
| | Mr. Matthews, | no | |
| <i>Georgia,</i> | Mr. Walton, | no | } no |
| | Mr. Telfair, | no | |

So it was resolved in the affirmative, and the report being amended, passed as above.

Resolved, That it be farther recommended to the legislatures of the several states to pass laws for the seizure and forfeiture of all grain and flour purchased up or engrossed, with such exceptions and under such limitations and restrictions as they may think most expedient.

And, whereas, there is reason to believe that the end proposed by Congress in recommending an exemption from embargo, by their resolution of Sept. 2d; may not only be defeated by private purchasers enhancing prices, or by captains making false protests and bearing away to foreign ports; but in cases where vessels may actually arrive in some ports of the eastern-states, the cargoes may be engrossed by individuals at an extravagant rate, with a view of preying upon the public: to guard against which evils,

Resolved, That it be earnestly recommended to the legislative and executive authorities of the respective states, not to grant any exemption from embargo to any vessels whatever, unless, in addition to the former security recommended, the persons applying for the same, comply with the following stipulations, to wit;

That the shipper or shippers of the cargo solemnly make oath, that no part of the flour or grain proposed to be shipped has been purchased or contracted for since the 10th of October, 1778:

That the shipper and every man on board of the said vessels, whether seamen or passengers, solemnly swear that they will not, directly or indirectly, be privy to or concerned in any measure whatsoever, which may tend to defeat the arrival of the vessel at some safe port in one of the eastern-states; but that they will, without any deception, mental reservation or equivocation whatever, take every measure to carry into effect the intention of the license granted:

That the shipper shall first agree with the commissary-general, or person by him duly authorized, for such purpose, on the price for which the flour shipped shall be delivered at one of the ports in the eastern-states for the public use.

Resolved, That the exemption from the embargo, as recommended by the resolution of Congress of Sept. 2d, be extended to vessels belonging to the middle and southern as well as those of the eastern-states, under the restrictions and stipulations above-mentioned.

Resolved, That the commissary-general be authorized to dispatch provision vessels to the eastward, with or without convoy, as in his judgment shall be most conducive to the certain and speedy supply of those articles for the army of the United States and the fleet of count d'Estaing, notwithstanding any resolution of Congress heretofore made on this subject.

Ordered, That the committee have leave to sit again.

Adjourned to ten o'clock to-morrow.

SATURDAY, October 3, 1778.

A letter, of the 2d, from brigadier count Pulaski, one of the 2d, from the board of war, were read : whereupon,

Ordered, That the board of war be directed to enquire into the claim made against brigadier count Pulaski, on which he has been lately arrested, and if such claim has arisen for articles furnished to his legion, that the board pay what shall appear to them reasonable, and if not accepted, that the board procure bail to the suit, and that the board be directed to inform brigadier Pulaski that it is the duty of every military-officer in the service of these states, to yield obedience to any process issuing from any court, judge or magistrate within any of the United States.

Ordered, That so much of count Pulaski's letter as relates to his legion, be referred to the board of war.

The committee for foreign affairs laid before Congress a letter of June 1st, from the hon. A. Lee, at Paris, which was read.

Ordered, That the hon. Silas Deane, Esq; be furnished with a copy of the said letter, so far as relates to him.

Adjourned to nine o'clock on Monday.

MONDAY, October 5, 1778.

A letter, of Sept. 25th, from major-general Sullivan, and one of the 23d of the same month, from major-general the marquis de la Fayette, and one of the 18th of the same month, from Jonathan Trumbull, jun. late pay-master in the northern-department, were read.

A letter, of September 29th, from general Washington, was read :

Ordered, That so much thereof as relates to the army, be referred to the board of war.

A letter, of Sept. 29th, from major John Clark, one of the auditors in the army ; a memorial of captains Gilbert and Holmes ; and a letter from John Beatty, commissary-general of prisoners ; were read ; whereupon,

Ordered, That 50,000 dollars in specie be advanced to col. J. Beatty, commissary-general of prisoners, for the use of the prisoners in the hands of the enemy, and to discharge the debts of those exchanged ; and that the commissary-general make monthly returns of his expenditures to the board of treasury.

On application of the delegates of N. Carolina, in pursuance of a resolve of the general assembly of that state, passed April 30th, 1778 :

Ordered, That 10,000 dollars be advanced to the said delegates, for the use of the state of N. Carolina, and for which the said state is to be accountable.

Resolved, That commissions be made out for the officers in count Pulaski's legion, and dispatched to them by express by the board of war.

A letter, of this day, from the board of war, was read, with a letter enclosed, relative to the enemy's appearance off Egg-Harbour :

Resolved, That a committee of four be appointed to confer with the supreme executive council of the state of Pennsylvania, on the best means of repelling the enemy :

The members chosen, Mr. R. Morris, Mr. Dyer, Mr. R. H. Lee and Mr. Reed.

A letter, of Sept. 18th, from Mr. president Weare, of the state of N. Hampshire, was read ; whereupon Congress took into consideration a report of the board of treasury of July 25th last, and thereupon,

Ordered, That a warrant issue on the treasurer in favour of the delegates of the state of N. Hampshire, for 150,000 dollars, for the use of the said state, being advanced on the application of the same :

That another warrant issue on Nicholas Gilman, Esq; commissioner of the continental loan-office in the state of N. Hampshire, for 50,000 dollars, for the use of the said state, advanced upon the same application ; for which sums, amounting to 200,000 dollars, the said state is to be accountable.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on John Gibson, Esq; auditor-general, in favour of Mr. J. Banister, one of the delegates from the state of Virginia, for 1500 dollars, advanced upon his application ; for which the said state is to be accountable.

That a warrant issue on the treasurer in favour of Mr. C. Harnett, one of the delegates of the state of N. Carolina, for 1000 dollars, advanced upon his application ; for which the said state is to be accountable :

That a warrant issue on the treasurer in favour of James Mease, Esq; clothier-general, for 30,000 dollars, to be by him advanced to William Gardner, agent in N. Hampshire, for completing his purchases of clothing and making up the same ; the said clothier-general to be accountable.

Whereas it is represented by several commissioners of the continental loan-offices, that they have received for loan-office certificates and lottery tickets of the United States, considerable sums in bills of credit emitted by states, who, by acts of their respective legislatures, have stopped the circulation of such bills :

Resolved, That it be recommended to the said states to direct their treasurers to receive such bills of credit from the said commissioners respectively, and deliver in exchange continental currency to the amount thereof ; the said commissioners declaring, on oath, if required, that such bills were received by them in virtue of their office.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Thomas Paine, secretary to the committee for foreign affairs, his pay from the 17th of Feb. to the 17th of Sept. 1778, being seven months, at 70 dollars per month, 490 dollars :

Ordered, That the said account be paid.

The board of war having, according to order, made return of the clothing on hand, as far as has come to their knowledge :

Ordered, That the same, together with the report of the committee on gen. Washington's letter of August 4th, be referred to a committee of three :

The members chosen, Mr. Sherman, Mr. C. Morris and Mr. Gerry.

Ordered, That the secretary purchase an atlas for the use of Congress.

Ordered, That Mr. Carmichael attend this afternoon, at four o'clock, to be further examined.

Three o'clock, P. M.

Resolved, That the legion, under command of count Pulaski, be ordered to proceed immediately to assist in the defence of Little Egg-Harbour against the attack now making by the enemy on that port ;

That the board of war be directed to take immediate measures for communicating this order to the count.

Mr. Carmichael attending according to order, was called in, and being further examined, was ordered to withdraw.

Information having been given to Congress of a report that some of the officers belonging to the troops of the convention of Saratoga, have been permitted to go into N. York on parole, and that such permission and paroles have been granted by the deputy commissary of prisoners in the eastern-department :

Ordered, That the president write to major-general Heath on this subject, and direct him to enquire into this matter, and take order thereon.

Adjourned to nine o'clock to-morrow.

TUESDAY, October 6, 1778.

A letter, of Sept. 23d, from Messrs. Otis & Andrews, to the board of war, was laid before Congress, and read :

Ordered, That it be referred to the committee on the clothier's department.

Mr. Scudder, a delegate from New-Jersey, attended, and took his seat in Congress.

The committee of commerce brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the committee of commerce, for 16,666 $\frac{2}{3}$ dollars, to be by them transmitted to John Langdon, Esq; continental agent at Portsmouth, in the state of N. Hampshire, for the purpose of lading the French ship Duches of Gramont, and other contingent charges.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. J. Lovell, for account of John Hancock, Esq; for 300 dollars, being so much advanced by him to William Dodd and Patrick M'Closky, for public service, and passed to their accounts in the treasury-office, and that the said sum be charged to Mr. Hancock.

Congress resumed the consideration of the report of the committee on finance, and made some progress therein.

Three o'clock, P. M.

A letter, of Sept. 25th, from Mr. J. Baynton, pay-master at Fort-Pitt, was read :

Ordered, That it be referred to the board of treasury.

A letter, of Sept. 24th, from Andrew Lewis and Thomas Lewis Esqrs; commissioners at Fort-Pitt, was read, together with their proceedings at a treaty with the chiefs of the Delaware nation, and an agreement or confederation entered into between them and the said chiefs, and other papers enclosed :

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

The members chosen, Mr. Harvie, Mr. Drayton and Mr. Matthews.

A letter, of August 20th, from gov. Houston, of Georgia, was read :
Ordered, That the same, together with the letter of September 3d, from major-general R. Howe, be referred to a committee of three :

The members chosen, Mr. Drayton, Mr. Telfair and Mr. Marchant.

Resolved, That gov. Livingston be requested to use his utmost diligence in obtaining the best information, upon oath, of the treatment of lieutenant-colonel Baylor and his party by the enemy who attacked them ; specifying the time when the attack was made.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, October 7, 1778.

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

Ordered to lie on the table.

A letter, of the 3d, from gen. Washington, was read, accompanied with the proceedings of a court-martial on the trial of major-general St. Clair.

Congress resumed the consideration of the report of the committee on finance, and some progress being made therein,

Adjourned to nine o'clock to-morrow.

THURSDAY, October 8, 1778.

Mr. Ellsworth, a delegate from Connecticut, attended, and took his seat in Congress.

A letter, of September 25th, from Peter Colt, Esq; deputy commissary-general of purchases, was read :

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

The members chosen, Mr. Witherspoon, Mr. Gerry & Mr. Sherman.

A motion was made, that the proceedings of the court-martial on the trial of major-general St. Clair, and the papers accompanying them, be referred to a committee :

To which an amendment was moved to add " of the whole house :"

And on the question to agree to the amendment, the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Holten, | no | } no |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | |
| <i>Connecticut,</i> | Mr. Sherman, | no | } no |
| | Mr. Ellsworth, | no | |
| <i>New-York,</i> | Mr. Lewis, | ay | } ay |
| | Mr. Duer, | ay | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | } no |
| | Mr. Scudder, | no | |
| | Mr. Elmer, | no | } no |
| <i>Pennsylvania,</i> | Mr. Reed, | ay | |
| | Mr. J. Smith, | ay | } ay |
| | Mr. Clingan, | no | |

| | | | |
|------------------------|-----------------|----|------------|
| <i>Maryland,</i> | Mr. Chase, | no | } no |
| | Mr. Stone, | ay | |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. Harvie, | no | } divided. |
| | Mr. R. H. Lee, | no | |
| | Mr. M. Smith, | ay | |
| | Mr. Griffin, | ay | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| | Mr. Harnett, | ay | |
| | Mr. Williams, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } no |
| | Mr. Drayton, | no | |
| | Mr. Matthews, | no | |
| <i>Georgia,</i> | Mr. Walton, | ay | } ay |
| | Mr. Telfair, | ay | |
| | Mr. Langworthy, | ay | |

So it passed in the negative.

The main question was then put :

The yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| | Mr. S. Adams, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | } no |
| | Mr. Lovell, | no | |
| | Mr. Holten, | no | |
| | Mr. Marchant, | no | |
| <i>Rhode-Island,</i> | Mr. Sherman, | no | } no |
| | Mr. Ellsworth, | no | |
| <i>Connecticut,</i> | Mr. Lewis, | no | } no |
| | Mr. Duer, | no | |
| <i>New-York,</i> | Mr. Witherspoon, | ay | } no |
| | Mr. Elmer, | no | |
| | Mr. Scudder, | no | |
| <i>Pennsylvania,</i> | Mr. Reed, | no | } no |
| | Mr. James Smith, | no | |
| | Mr. Clingan, | no | |
| <i>Maryland,</i> | Mr. Chase, | no | } no |
| | Mr. Stone, | no | |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. Harvie, | no | } no |
| | Mr. R. H. Lee, | no | |
| | Mr. M. Smith, | no | |
| | Mr. Griffin, | no | |
| <i>North-Carolina,</i> | Mr. Penn, | no | } no |
| | Mr. Harnett, | no | |
| | Mr. Williams, | no | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } no |
| | Mr. Drayton, | ay | |
| | Mr. Matthews, | no | |
| <i>Georgia,</i> | Mr. Walton, | no | } no |
| | Mr. Telfair, | no | |
| | Mr. Langworthy, | no | |

So it passed in the negative.

Ordered, That 100 copies of the proceedings of the court-martial on the trial of major-general St. Clair, together with his defence, be printed for the use of the members.

—+—
Three o'clock, P. M.

Congress resumed the consideration of the report of the committee on finance ; whereupon a motion was made, that the determination of the question, viz. " That all limitations of prices of silver and gold be taken off ;" which was yesterday postponed at the request of a state, be further postponed :

On which the yeas and nays being required by Mr. Gerry,

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | no | |
| | Mr. Holten, | ay | } ay |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | |
| <i>Connecticut,</i> | Mr. Sherman, | no | } no |
| | Mr. Ellsworth, | no | |
| <i>New-York,</i> | Mr. Lewis, | no | } no |
| | Mr. Duer, | no | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | } no |
| | Mr. Elmer, | no | |
| | Mr. Scudder, | ay | } no |
| <i>Pennsylvania,</i> | Mr. R. Morris, | no | |
| | Mr. Reed, | no | } no |
| | Mr. James Smith, | no | |
| | Mr. Clingan, | no | } * |
| <i>Maryland,</i> | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. Harvie, | no | } no |
| | Mr. R. H. Lee, | no | |
| | Mr. M. Smith, | no | } no |
| | Mr. Griffin, | no | |
| <i>North-Carolina,</i> | Mr. Penn, | no | } no |
| | Mr. Harnett, | no | |
| | Mr. Williams, | ay | } no |
| <i>South-Carolina,</i> | Mr. Laurens, | no | |
| | Mr. Drayton, | no | } no |
| | Mr. Matthews, | no | |
| <i>Georgia,</i> | Mr. Walton, | no | } divided. |
| | Mr. Telfair, | ay | |

So it passed in the negative.

On the question to agree to that part of the report,

The yeas and nays being required by Mr. Gerry,

| | | | |
|---------------------------|---------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | |
| | Mr. Gerry, | no | } no |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | no | } no |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | |

| | | | |
|------------------------|--|----|------------|
| Connecticut, | Mr. Sbermah, | ay | } ay |
| | Mr. Ellsworth, | ay | |
| New-York, | Mr. Lewis, | ay | } ay |
| | Mr. Duer, | ay | |
| New-Jersey, | Mr. Witherspoon, | ay | } ay |
| | Mr. Elmer, | ay | |
| | Mr. Scudder, excused, | | |
| | not having been present at the debate. | | |
| Pennsylvania, | Mr. R. Morris, | ay | } ay |
| | Mr. Reed, excused, | | |
| | not having been present at the debate. | | |
| | Mr. J. Smith, | ay | |
| Maryland, Virginia, | Mr. Clingan, | ay | } * |
| | Mr. Henry, | ay | |
| | Mr. Harvie, | ay | |
| | Mr. R. H. Lee, | ay | |
| | Mr. M. Smith, | ay | |
| | Mr. Griffin, | ay | |
| North-Carolina, | Mr. Penn, | ay | } ay |
| | Mr. Harnett, | ay | |
| | Mr. Williams, | no | |
| South-Carolina, | Mr. Laurens, | ay | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Matthews, | ay | |
| Georgia, | Mr. Walton, | ay | } divided. |
| | Mr. Telfair, | no | |

So it was resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

FRIDAY, October 9, 1778.

A petition from Eliha Doane, was read, accompanied with the proceedings of a court of admiralty for the state of New-Hampshire, on the libel "Treadwell and Penhallow, versus brig. Susannah," &c. praying that he may be allowed an appeal to Congress :

Ordered, That the same be referred to the committee on appeals.

Resolved, That Mr. Ellsworth be appointed a member of the marine-committee, for the state of Connecticut.

Ordered, That Friday next be assigned for taking into consideration the proceedings and sentence of the court-martial on the trial of major-general Lee.

A letter, of Sept. 8th, from major-general Schuyler, was read, with a petition enclosed from Dominique L'Ecluse :

Ordered, That the same be referred to the board of war.

A letter, of Sept. 30th, from major-general Heath, was read, with a paper of intelligence enclosed :

Ordered, That the same be referred to the board of war.

A report from the board of war was read ; whereupon,

Resolved, That if any of the states in which col. Moses Rawlins shall recruit for his regiment shall give to persons enlisting in the same;

for three years, or during the war, the bounty allowed by the state, in addition to the continental bounty, the men so furnished, not being inhabitants of any other of the United States, shall be credited to the quota of the state in which they shall be enlisted.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the officers and privates of the invalid regiment, commanded by col. L. Nicola, for pay and subsistence for the month of August last, the sum of $1558\frac{2}{9}$ dollars :

That there is due to Paul Feager, $907\frac{1}{9}$ dollars, being a balance due for 213 reams of money paper delivered to Hall & Sellers :

That there is due to John Thaxter, his pay as clerk in the secretary's office, from June 16th to October 16th, 1778, $366\frac{2}{3}$ dollars, and for extra expenses from York-town to Philadelphia, 25 dollars, making in the whole, $391\frac{6}{9}$ dollars :

That there is due to William Hurrie, for his services as door-keeper to Congress, from July 3d to Sept. 30th, 1778, inclusive, 161 dollars, and for cash advanced for sundry small articles for the use of the house, $17\frac{5}{9}$ dollars, making in the whole, $178\frac{5}{9}$ dollars :

Ordered, That the said accounts be paid.

Congress resumed the consideration of the report of the committee on finance, and spent some time thereon.

Three o'clock, P. M.

Resolved, That 300 dollars be allowed to Mr. J. Nourse, pay-master to the board of war and ordnance, over and above his pay, in compensation of his trouble and risque in paying the sums of money entrusted to him.

Resolved, That the sum of 300 dollars be paid to Mr. John Thaxter, in reward for his extra services as clerk in the secretary's office.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the pay-master of the board of war and ordnance, for 200,000 dollars, to answer the demands of the board in prosecuting the purchase of shoes, hats, blankets, hose and mittens : the said pay-master to be accountable :

That a warrant issue on the treasurer in favour of col. Benjamin Flower, commissary-general of military-stores, for 100,000 dollars, being advanced on the application of the board of war and ordnance, for the use of his department ; for which he is to be accountable.

A letter, of this day, from John Connolly, was read :

Ordered, That it be referred to the committee on the letter of Sept. 15th, from Mr. Beatty, commissary of prisoners.

The committee of arrangement brought in a report :

Ordered, That Monday next be assigned for taking the same into consideration.

Ordered, That the board of war lay on the table the three last returns of the continental army.

Resolved, That two members be added to the committee on the clothing-department :

The members chosen, Mr. Reed and Mr. Duer.
Adjourned to ten o'clock to-morrow.

SATURDAY, October 10, 1778.

A letter, of the 4th, from Dr. W. Shippen, director-general, was read, enclosing a return of the sick in the hospital:

Ordered, That it be referred to the medical-committee:

A letter, of the 8th, from colonel Pickering, of the board of war, was read:

Ordered, That it be referred to a committee of three, and that they confer with colonel Pickering and report to Congress:

The members chosen, Mr. Harvie, Mr. Lovell and Mr. Scudder.

The committee to whom was referred the letter of Sept. 30th, from the board of war, brought in a report;

Ordered to lie on the table.

The marine-committee brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of James Reed, pay-master to the navy-board in the middle-district, for 2666 $\frac{6}{10}$ dollars, in full for two years wages, ending the 5th day of Dec. 1777, and in full compensation for his extra services during that time.

Resolved, That the marine-committee be authorized to employ Mr. Jame Reed as pay-master and clerk to the navy-board in the middle-district, and allow him for his services at a rate not exceeding 2000 dollars a-year, to commence from the 5th of December, 1777.

A letter, of August 24th, from major-general R. Howe, was read:

Ordered, That it be referred to the board of treasury.

Congress resumed the consideration of the report of the committee on finance, and made some progress therein.

A letter, of July 6th, from Mr. Pollock, and one of July 29th, from James Willing, at New-Orleans, to the committee of commerce, were laid before Congress, and read; also an extract of a letter from John Weareatt, Esq; at Savannah:

Ordered, That so much of the said letters as relates to military operations, be referred to the board of war, and that they report thereon:

That so much of the said letters as relates to commercial matters, be referred to the committee of commerce.

Adjourned to nine o'clock on Monday.

MONDAY, October 12, 1778.

The proceedings of a court-martial on the trial of major-general Schuyler, were laid before Congress:

Ordered to lie on the table.

A motion was made that Congress pass the following resolutions:

Whereas true religion and good morals are the only solid foundations of public liberty and happiness:

Resolved, That it be, and it is hereby earnestly recommended to the several states, to take the most effectual measures for the encouraging thereof, and for the suppressing theatrical entertainments, horseracing, gaming, and such other diversions as are productive of idleness, dissipation, and a general depravity of principles and manners.

Resolved, That all officers in the army of the United States be, and hereby are strictly enjoined to see that the good and wholesome rules provided for the discountenancing of prophaneness and vice, and the preservation of morals among the soldiers, are duly and punctually observed.

On the question to agree to the first resolution, with the preamble, The yeas and nays being required by Mr. Roberdeau,

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | ay | } ay |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| <i>Connecticut,</i> | Mr. Sberman, | ay | |
| | Mr. Ellsworth, | ay | } ay |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | |
| | Mr. Scudder, | ay | } ay |
| <i>Pennsylvania,</i> | Mr. R. Morris, | ay | |
| | Mr. Roberdeau, | ay | } ay |
| | Mr. J. Smith, | no | |
| | Mr. Clingan, | ay | } * |
| <i>Maryland,</i> | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. Harvie, | no | } divided. |
| | Mr. R. H. Lee, | ay | |
| | Mr. M. Smith, | ay | |
| | Mr. Griffin, | no | |
| <i>North-Carolina,</i> | Mr. Harnett, | no | } no |
| | Mr. Williams, | no | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| | Mr. Matthews, | ay | |
| <i>Georgia,</i> | Mr. Walton, | ay | } ay |
| | Mr. Telfair, | no | |
| | Mr. Langworthy, | ay | |

So it was resolved in the affirmative.

On the question to agree to the second resolution,

The yeas and nays being required by Mr. G. Morris,

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | ay | } ay |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| <i>Connecticut,</i> | Mr. Sberman, | ay | |
| | Mr. Ellsworth, | ay | } ay |
| <i>New-York,</i> | Mr. Lewis, | ay | |
| | Mr. G. Morris, | no | } divided. |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | |
| | Mr. Elmer, | ay | } ay |
| | Mr. Scudder, | ay | |
| <i>Pennsylvania,</i> | Mr. R. Morris, | ay | } ay |
| | Mr. Roberdeau, | ay | |
| | Mr. James Smith, | no | |
| | Mr. Clingan, | ay | |

| | | | |
|------------------------|-------------------------------|----|------------|
| <i>Delaware,</i> | Mr. <i>M^cKean,</i> | ay | } ay |
| <i>Maryland,</i> | Mr. <i>Henry,</i> | ay | |
| <i>Virginia,</i> | Mr. <i>Harvie,</i> | no | } divided. |
| | Mr. <i>R. H. Lee,</i> | ay | |
| | Mr. <i>M. Smith,</i> | ay | |
| | Mr. <i>Griffin,</i> | no | |
| <i>North-Carolina,</i> | Mr. <i>Penn,</i> | ay | } no |
| | Mr. <i>Harnett,</i> | no | |
| | Mr. <i>Williams,</i> | no | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | ay | } ay |
| | Mr. <i>Matthews,</i> | ay | |
| <i>Georgia,</i> | Mr. <i>Walton,</i> | ay | } ay |
| | Mr. <i>Telfair,</i> | no | |
| | Mr. <i>Langworthy,</i> | ay | |

So it was resolved in the affirmative.

A motion was made to re-consider the first resolution ;

On which the yeas and nays being required by Mr. G. Morris,

| | | | |
|---------------------------|-------------------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. <i>Bartlett,</i> | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. <i>S. Adams,</i> | no | |
| | Mr. <i>Gerry,</i> | no | } no |
| | Mr. <i>Holten,</i> | no | |
| <i>Rhode-Island,</i> | Mr. <i>Marchant,</i> | no | } no |
| <i>Connecticut,</i> | Mr. <i>Sberman,</i> | no | |
| | Mr. <i>Ellsworth,</i> | no | } no |
| <i>New-York,</i> | Mr. <i>Lewis,</i> | ay | |
| | Mr. <i>G. Morris,</i> | ay | } ay |
| <i>New-Jersey,</i> | Mr. <i>Witherspoon,</i> | no | |
| | Mr. <i>Elmer,</i> | no | } no |
| | Mr. <i>Scudder,</i> | no | |
| <i>Pennsylvania,</i> | Mr. <i>R. Morris,</i> | no | } no |
| | Mr. <i>Reed,</i> | no | |
| | Mr. <i>Roberdeau,</i> | no | |
| | Mr. <i>James Smith,</i> | ay | |
| | Mr. <i>Clingan,</i> | no | |
| <i>Delaware,</i> | Mr. <i>M^cKean,</i> | no | } no |
| <i>Maryland,</i> | Mr. <i>Henry,</i> | ay | |
| <i>Virginia,</i> | Mr. <i>Harvie,</i> | ay | } divided. |
| | Mr. <i>R. H. Lee,</i> | no | |
| | Mr. <i>M. Smith,</i> | no | |
| | Mr. <i>Griffin,</i> | ay | |
| <i>North-Carolina,</i> | Mr. <i>Penn,</i> | ay | } ay |
| | Mr. <i>Harnett,</i> | ay | |
| | Mr. <i>Williams,</i> | ay | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | no | } no |
| | Mr. <i>Matthews,</i> | no | |
| <i>Georgia,</i> | Mr. <i>Walton,</i> | no | } no |
| | Mr. <i>Telfair,</i> | ay | |
| | Mr. <i>Langworthy,</i> | no | |

So it passed in the negative.

Three o'clock, P. M.

A letter, of this day, from colonel G. Morgan, was read :

Ordered, That it be referred to the board of war.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Frederick Bicking, a balance of 1740 $\frac{33}{90}$ dollars, for 84 reams of money paper :

That there is due to the Rev. Mr. Lotbinier, his pay and subsistence as chaplain to colonel James Livingston's regiment, from September 11th to October 10th, 1778, inclusive, 60 dollars :

That there is due to Joseph Ward, commissary-general of musters, for cash he advanced for postage of letters on public business, from April 10th, 1777, to September 1st, 1778, 59 $\frac{45}{90}$ dollars :

Ordered, That the said accounts be paid.

An appeal from the judgment of a court of admiralty for the state of Delaware, on the libel "Thomas Goodwin, &c. versus schooner Fortune," was lodged with the secretary.

Congress took into consideration the report of the committee of arrangement, and some progress being made therein,

Adjourned to nine o'clock to-morrow.

TUESDAY, October 13, 1778.

A letter, of the 10th, from the council of Pennsylvania, was read :

Ordered, That it be referred to the board of war.

A letter, of the 13th, from major-general marquis de la Fayette, was read, with one of the 6th, from general Washington enclosed :

Ordered, That they be referred to a committee of four :

The members chosen, Mr. G. Morris, Mr. R. H. Lee, Mr. Witherspoon and Mr. S. Adams.

Resolved, That Mr. Drayton be added to the foregoing committee, and that Mr. Witherspoon be added to the committee for preparing instructions to Dr. Franklin, minister plenipotentiary of the United States at the court of France.

A letter, of the 2d, from governor Livingston, was read :

Ordered, That it be referred to the board of war, and that an extract of so much of it as relates to the trade carrying on with the enemy at Shrewsbury, be sent to general Washington.

A memorial from major W. Baily, was read :

Ordered, That it be referred to the marine-committee.

An advertisement of John Leach Knight, was laid before Congress :

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

The members chosen, Mr. Duer, Mr. McKean and Mr. M. Smith.

An appeal from the judgment of a court of admiralty for the state of Delaware, on the libel "Daniel Murphy, &c. versus sloop Hawke," &c. was lodged with the secretary.

A letter, of the 8th, from col. T. Hartley, at Sunbury, was read, giving an account of his incursion into the Indian country :

Ordered, That a copy thereof be transmitted to gen. Washington, and that he be directed to take immediate measures for preventing the enemy from occupying a post at Chemung, and for repelling the inva-

sions of the savages on the frontiers of New-York, New-Jersey and Pennsylvania.

— — —
Three o'clock, P. M.

The committee to whom was referred the letter from the council of war of the state of R. Island, dated June 11th, 1778, and directed to the delegates of that state, report,

That the said state having, in Dec. last, appointed Mr. John Reynolds agent-clothier to that state, agreeably to a resolution of Congress, and no instructions having been forwarded to the said agent, and applications having been made and pressed upon the said agent by the military-officers in said state for clothing, under the restrictions and limitations of the resolutions of Congress of Nov. 22d, 1777; the council of war for the said state advised the said agent-clothier to supply the officers of the two continental battalions raised by that state with necessary clothing, receiving from them, until he should receive farther orders, four shillings lawful money for what cost one shilling sterling, which was thought to be in just proportion to the wages of the officers; and the assembly of the said state having, agreeably to the recommendation of the convention at Springfield, and the subsequent approbation of Congress, ordered a brigade to be raised for twelve months from the 16th of March last, and assigned the officers the same pay as those in the continental service, did, on the 31st of May last, pass an order that the agent-clothier should supply them with clothing, and at such prices as are specified in the said resolve of Congress of the 22d of Nov. last, upon their producing a certificate from major-general Sullivan, of the proportion to be furnished them respectively, agreeably to the said resolve; and, upon the application of gen. Sullivan to the said assembly, they passed an order that all the continental officers doing duty in the said state, although not belonging to the continental battalions of the same, should be supplied in the like manner: and because the said several transactions of the said council of war and legislature of the said state were done and made from the necessity of the officers in the said department, and for want of the necessary instructions of the clothier-general for these purposes, the said legislature directed their delegates in Congress to lay the same before Congress for their approbation: the committee therefore are of opinion, that the said transactions, advice and directions of the said council of war and legislature, and the advance of clothing made by the said agent-clothier, in consequence thereof, were adviseable and agreeable to the spirit and intention of the said resolution of Congress of Nov. 22d, 1777: whereupon,

Resolved, That Congress do approve of the said transaction, advice and instructions of the council of war and legislature of the state of R. Island, and of the advance of clothing made in consequence thereof by the agent-clothier.

Congress resumed the consideration of the report of the committee on finance, to which an amendment being moved,

Ordered, That the report with the amendment be referred to a committee of five:

The members chosen, Mr. M. Smith, Mr. Gerry, Mr. Witherspoon, Mr. R. H. Lee and Mr. Sherman.

Ordered, That Thursday next be assigned for fixing the salaries and nominating the officers of the treasury on the new arrangement :

That Saturday next be assigned for electing the said officers.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. James Smith, one of the delegates of the state of Pennsylvania, for 600 dollars, advanced upon his application ; for which the said state is to be accountable :

That a warrant issue on the treasurer in favour of the delegates of Georgia, for 1339 $\frac{6}{10}$ dollars, to enable them to advance the said sum to capt. Rawleigh Downman, for subsisting his company whilst on the recruiting service ; the said state to be accountable :

That a warrant issue on the treasurer in favour of Matthew Irwin ; late deputy commissary-general, for 75,000 dollars, to complete the sum of 200,000 dollars which Joseph Trumbull, Esq; deceased, late commissary-general, in a letter of credit of August 14th, 1777, to the president of Congress, applied for as an advance to Mr. Irwin, and that the same be charged to the account of Mr. Joseph Trumbull.

Resolved, That Joseph Clay, Esq; deputy pay-master-general in the state of Georgia, be empowered and directed to pay into the hands of the deputy commissary, the deputy quarter-master, and the deputy clothier-general, in the said state (they obtaining a warrant from the commanding-officer in the southern-department,) such sum or sums of money as may be wanting in their respective departments ; each of them to be accountable ; and that the said deputy pay-master-general transmit the accounts of the sums he may so advance to the several officers at the heads of the above-mentioned departments.

Resolved, That the deputy commissary, the deputy quarter-master, and the deputy clothier-general, in the state of Georgia, when they deliver their respective accounts of expenditures to the deputy pay-master-general, do cause to be specified, on the receipts of the said accounts, that the same were paid in continental currency, and that the sum be fully expressed in words.

Resolved, That the deputy pay-master-general be empowered and directed to pay the officers and men belonging to the continental galleys in the state of Georgia, the monthly wages that are and may be due to them, transmitting at the end of every month an account of the same to the board of treasury.

Adjourned to ten o'clock to-morrow.

*
WEDNESDAY, October 14, 1778.

A letter, of the 13th, from J. Wadsworth, Esq; commissary-general of purchases, was read, with an account of his receipts and expenditures, amounting to 6,500,000 dollars :

Ordered, That the same be referred to the board of treasury.

A letter, of this day, from chevalier de Laneuville, was read, whereupon,

Resolved, That a brevet commission of brigadier be granted to Mr. de Laneuville, the elder, in the army of the United States of America, to be dated August 14th, 1778.

A letter, of the 12th, from Mr. S. Deane, was read, accompanied

with his remarks on the extracts from the letters of Mr. Izard, and also his remarks on the extracts from the letters of Mr. A. Lee, with which Mr. Deane was furnished :

Ordered, That a copy of the remarks on the extracts of Mr. Izard's letters be made out and transmitted to Mr. Izard, and that Mr. president be furnished with a duplicate thereof.

Ordered, That a copy of the remarks on the extracts of Mr. Izard's and Mr. Lee's letters be made out and transmitted to Mr. Lee.

Ordered, That Monday next be assigned for the further examination of Mr. W. Carmichael, and that Mr. Carmichael be directed to attend on that day.

Sundry memorials from the hon. the minister plenipotentiary of France, were read, respecting the prisoners of the king of France :

Ordered, That they be referred to the marine-committee, with orders to carry into execution the requisitions of the minister.

A copy of a letter from count d'Estaing, to the hon. sieur Gerard, was read, with sundry letters accompanying the same :

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

The members chosen, Mr. R. H. Lee, Mr. G. Morris and Mr. M. Smith.

Adjourned to nine o'clock to-morrow.

THURSDAY, October 15, 1778.

A letter, of Sept. 16th, from the navy-board in the eastern-district; one of the 6th inst. from Jonathan Trumbull, jun. Esq; and one of Sept. 25th, from Mesheck Weare, Esq; president of New-Hampshire; were read.

A letter, of the 6th, from gov. Trumbull, was read, with a memorial and petition of William Hoskins enclosed :

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

The members chosen, Mr. R. H. Lee, Mr. Bartlett, Mr. Ellsworth and Mr. S. Adams.

An invoice of the cargo of the Dutcheſs de Gramont, which arrived some time ago, was laid before Congress :

Ordered, That it be referred to the committee on clothing.

A letter, of the 28th of June last, from Mr. Izard, at Paris, with sundry papers accompanying the same, were read :

Ordered to lie on the table for the perusal of the members.

Three o'clock, P. M.

Congress having received intelligence that a number of vessels are engaged in New-York by the commissioners of his Britannick majesty, to go with flags to the several states in this union, for the purpose of spreading among the inhabitants a manifesto and proclamation, published by the said commissioners at N. York, on the 3d day of October inst. for the purposes of sedition, &c.

Ordered, That the paper containing the intelligence be referred to a committee of five :

The members chosen, Mr. G. Morris, Mr. Duer, Mr. Matthews, Mr. R. H. Lee and Mr. Gerry.

Adjourned to nine o'clock to-morrow.

FRIDAY, October 16, 1778.

A letter, of the 13th, from major-general lord Stirling, was read :

Ordered, That it be referred to the committee of intelligence, for publication.

A letter, of this day, from J. Wadsworth, Esq; commissary-general of purchases, was read :

Ordered, That it be referred to the marine-committee.

A petition of George Rice, of the 11th Virginia regiment, was read, praying relief for the loss of 650 dollars :

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

The members chosen, Mr. Harvie, Mr. Matthews and Mr. Scudder.

A report from the auditor-general, was read :

Ordered, That it be referred to the board of treasury.

A letter from captain Cosmo Medici, was read :

Ordered, That it be referred to the board of treasury.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the pay-master of the board of war and ordnance, for 1,000,000 of dollars, to be by him transmitted to William Palfrey, Esq; pay-master-general, for the use of his department ; he to be accountable.

Resolved, That the commissioners of accounts in the northern and eastern-departments be respectively directed forthwith to repair, with all the books, accounts and other papers of their office, to the board of treasury.

The committee to whom was referred the letter of col. Pickering, brought in a report ; whereupon,

Resolved, That, in consideration of the greatly increased expense of living, since the salaries of the commissioners of the war-office were established, and of the extraordinary expenses incurred by their public station, the sum of 4000 dollars per annum, to commence from this day, be paid to col. Pickering and Mr. Peters respectively, as acting members of the board of war ; this salary to be reduced by Congress when circumstances are so far altered as to render the reduction reasonable and necessary :

That col. Pickering have leave of absence for eight weeks, to go home ; but to return sooner, if his private affairs will admit.

The committee to whom was referred the intelligence of the enemy's design to send certain seditious papers into these states, under cover of flags, brought in a report ; whereupon Congress came to the following resolutions :

Whereas Congress, on the 22d day of April, 1778, did resolve, that any man or body of men who should presume to make any separate or partial convention or agreement with commissioners under the crown of Great-Britain, or any of them, ought to be considered and treated as open and avowed enemies of the United States : and whereas Congress have received intelligence, that the commissioners of the king of Great-Britain are about to send, under the sanction of a flag, certain seditious papers under the name and title of manifestos, to be distributed throughout these United States, with a view to stir up dissensions, animosities and rebellion, among the good people of these states : and whereas such practices are contrary to the laws of nations, and utterly

subversive of the confidence necessary for those means which have been invented among civilized nations to alleviate the horrors of war; and therefore the agents employed to distribute the said papers are not entitled to protection from a flag, while engaged in the prosecution of such nefarious purposes:

Resolved, That it be recommended to the executive powers of these United States, to take up and secure in safe and close custody all and any person and persons who, under the sanction of a flag or otherwise, may be concerned or engaged in the purposes aforesaid; and farther, that the papers aforesaid be printed in the several gazettes, more fully to convince the good people of these states of the insidious designs of the said commissioners.

Ordered, That the committee have leave to sit again.

The committee to whom was referred the letter from major-general Heath, brought in a report; whereupon Congress came to the following resolutions:

Whereas Congress, on the 11th day of Sept. last, resolved and directed, that application should be made to sir Henry Clinton for passports to American vessels to transport provisions and fuel to Boston, for the use of the prisoners under the convention of Saratoga; the said passports to be subject to such restrictions as should be agreed on between the generals Washington and sir Henry Clinton; and that gen. Washington inform gen. Clinton, that if such passports be not granted within three days after application made, or measures adopted by him for sending to the port of Boston ample supplies of provision and fuel for the convention prisoners, on or before the 5th of October, Congress would deem themselves justifiable in removing the said prisoners to such part of the United States as they can be best subsisted in: and whereas application has been made and information given to gen. sir Henry Clinton, pursuant to the resolution aforesaid, but to no effect: and whereas the continuing the troops before-mentioned in the state of Massachusetts-Bay or any of the eastern-states, and subsisting them there, if practicable, will be very prejudicial to the inhabitants of the said states:

Resolved, That gen. Washington be directed, if neither of the alternatives mentioned in the above resolve have been complied with, to take the necessary steps for removing, with all-convenient speed, all the prisoners of the convention of Saratoga to the town of Charlottesville, in the county of Albemarle, in the state of Virginia.

In debating this resolution a motion was made, after the word "Saratoga," to insert the words following, "to the barracks at Lancaster and York-town, in the state of Pennsylvania, to Fort-Frederick, in the state of Maryland:" and,

On which the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|----------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | |
| | Mr. Holten, | no | } * |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | |
| <i>Connecticut,</i> | Mr. Sherman, | no | } no |
| | Mr. Ellsworth, | no | |

| | | | |
|------------------------|------------------------|-----------|-------------------|
| <i>New-York,</i> | Mr. <i>Lewis,</i> | <i>no</i> | } <i>divided.</i> |
| | Mr. <i>Duer,</i> | <i>ay</i> | |
| <i>New-Jersey,</i> | Mr. <i>Scudder,</i> | <i>no</i> | } <i>no</i> |
| <i>Pennsylvania,</i> | Mr. <i>Clingan,</i> | <i>no</i> | |
| <i>Maryland,</i> | Mr. <i>Henry,</i> | <i>ay</i> | } * |
| <i>Virginia,</i> | Mr. <i>Harvie,</i> | <i>no</i> | |
| | Mr. <i>R. H. Lee,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>M. Smith,</i> | <i>no</i> | |
| <i>North-Carolina,</i> | Mr. <i>Penn,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Harnett,</i> | <i>no</i> | |
| | Mr. <i>Williams,</i> | <i>ay</i> | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Matthews,</i> | <i>no</i> | |
| <i>Georgia,</i> | Mr. <i>Walton,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Telfair,</i> | <i>no</i> | |
| | Mr. <i>Langworthy,</i> | <i>no</i> | |

So it passed in the negative.

Resolved, That the board of war appoint a proper person to superintend and take charge of the said prisoners; that they contract for the fuel for their use and apply to the governor and council of Virginia for a sufficient force of militia to guard the said prisoners:

That the commissary-general of purchases provide a suitable supply of provision for the said troops:

That the commissary-general of issues appoint a suitable person to issue provisions to the said troops, and to keep a regular account thereof:

That regular accounts for provisions and fuel be made and transmitted, from time to time, to the board of war:

That the board of war be directed to contract with a proper person to build temporary log barracks for the reception of the said troops, at the place above-mentioned, on or before the 15th day of Dec. next, and that they report to Congress the contract they may enter into.

—♦—
Three o'clock, P. M.

A letter, of the 6th, from major-general Schuyler, and one of this day, from major-general Lee, were read.

A motion being made in the words following:

Whereas frequenting play-houses and theatrical entertainments has a fatal tendency to divert the minds of the people from a due attention to the means necessary for the defence of their country, and the preservation of their liberties:

Resolved, That any person holding an office under the United States, who shall act, promote, encourage or attend such plays, shall be deemed unworthy to hold such office, and shall be accordingly dismissed.

The previous question was moved, and received a negative.

It was then moved by a state, that the determination of the main question be postponed to the next day:

Whereupon the sense of the house was required, whether, after the previous question has been put and lost, it is consistent with the 12th and 13th rules of this house to postpone the main question in right of a state;

And on this the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | |
| | Mr. Gerry, | no | } no |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| <i>Connecticut,</i> | Mr. Sberman, | no | |
| | Mr. Ellsworth, | no | } no |
| <i>New-York,</i> | Mr. Lewis, | ay | |
| | Mr. Duer, | ay | } ay |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | |
| | Mr. Elmer, | no | } no |
| | Mr. Scudder, | no | |
| <i>Pennsylvania,</i> | Mr. R. Morris, | ay | } no |
| | Mr. Roberdeau, | no | |
| | Mr. Clingan, | no | } * |
| <i>Maryland,</i> | Mr. Henry, | ay | |
| <i>Virginia,</i> | Mr. R. H. Lee, | no | } no |
| | Mr. M. Smith, | no | |
| | Mr. Griffin, | ay | } ay |
| <i>North-Carolina,</i> | Mr. Harnett, | ay | |
| | Mr. Williams, | ay | } no |
| <i>South-Carolina,</i> | Mr. Laurens, | no | |
| | Mr. Drayton, | no | } no |
| | Mr. Matthews, | no | |
| <i>Georgia,</i> | Mr. Walton, | ay | } ay |
| | Mr. Telfair, | no | |
| | Mr. Langworthy, | ay | |

So it passed in the negative.

The main question was then put, the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | ay | } ay |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| <i>Connecticut,</i> | Mr. Sberman, | ay | |
| | Mr. Ellsworth, | ay | } ay |
| <i>New-York,</i> | Mr. Lewis, | no | |
| | Mr. Duer, | no | } no |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | |
| | Mr. Scudder, | ay | } ay |
| <i>Pennsylvania,</i> | Mr. R. Morris, | no | |
| | Mr. Roberdeau, | ay | } ay |
| | Mr. Clingan, | ay | |
| <i>Maryland,</i> | Mr. Henry, | no | } * |
| <i>Virginia,</i> | Mr. R. H. Lee, | ay | |
| | Mr. M. Smith, | no | } no |
| | Mr. Griffin, | no | |

| | | | |
|------------------------|---------------|-----------|-------------|
| <i>North-Carolina,</i> | Mr. Penn, | <i>no</i> | } <i>no</i> |
| | Mr. Harnett, | <i>no</i> | |
| | Mr. Williams, | <i>no</i> | |
| <i>South-Carolina,</i> | Mr. Laurens, | <i>ay</i> | } <i>ay</i> |
| | Mr. Drayton, | <i>ay</i> | |
| | Mr. Matthews, | <i>no</i> | |
| <i>Georgia,</i> | Mr. Walton, | <i>no</i> | } <i>no</i> |
| | Mr. Telfair, | <i>no</i> | |

So it was resolved in the affirmative.

Ordered, That the resolution be published.

Adjourned to ten o'clock to-morrow.

—•—
SATURDAY, October 17, 1778.

Congress met, and adjourned to three o'clock.

—•—
Three o'clock, P. M.

A letter, of the 16th, from count Pulaski, was read :

Ordered, That it be referred to the committee of intelligence.

A letter, of the 16th, from major-general the marquis de la Fayette, was read :

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

The members chosen, Mr. G. Morris, Mr. Reed and Mr. Henry.

A letter, of the 16th, from general Conway, was read :

Ordered to lie on the table.

A letter, of the 9th, from brigadier Stark, was read :

Ordered, That it be referred to the board of war.

Ordered, That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, in favour of the board of war, for 30.000 dollars, for the purpose of erecting barracks in the county of Albemarle, in the state of Virginia, for the accommodation of the troops under the convention of Saratoga.

Ordered, That a letter be written by the president to major-general lord Stirling, informing him that the bearer, Mrs. Yard, is permitted to return to this city, with her trunks and baggage, without any examination, and that she be permitted accordingly.

Ordered, That the president write to gov. Henry, requesting him to forward, with all-possible expedition, the 1000 men formerly required by Congress to be sent to S. Carolina ; and that gov. Caswell, of N. Carolina, be also requested to forward the 3000 men required of that state, for the defence of S. Carolina and Georgia, together with an addition of 2000 men, to be raised and forwarded to Charlestown, with all-possible expedition, at the charge of the continent.

The committee to whom was referred the letter from count d'Estaing, brought in a report ; whereupon,

Resolved, That his excellency count d'Estaing hath behaved as a brave and wise officer, and that his excellency, and the officers and men under his command, have rendered every benefit to these states, which the circumstances and nature of the service would admit of, and are fully entitled to the regards of the friends of America.

Resolved, That the president transmit the foregoing resolution to his excellency the count d'Estaing, and inform him that Congress entertain the highest sense of his zeal and attachment manifested in re-

peated instances, and particularly in his spirited offer to lead the troops under his command from Boston, and to co-operate against R. Island.

Adjourned to nine o'clock on Monday.

MONDAY, October 19, 1778.

A letter, of the 6th, from James Deane, was read :

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

The members chosen, Mr. Witherspoon, Mr. G. Morris and Mr. Drayton.

A letter, of the 13th, from Mr. C. Stewart, was read ; whereupon,
Resolved, That major James Gray be appointed deputy commissary-general of issues in the northern-department.

A letter, of the 17th, from major-general lord Stirling, was read.

Whereas, by the 8th article of the articles of confederation and perpetual union, agreed upon for the United States of North-America, it is provided, that all expense for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury to 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 :

And, whereas, the value aforesaid must, from the nature of things frequently change, and frequent valuations thereby become necessary : therefore,

Resolved, That it be recommended to the several states to instruct their delegates to fix the period of such valuation.

Resolved, That in the opinion of Congress five years will be a proper term for that purpose.

Adjourned to nine o'clock to-morrow.

TUESDAY, October 20, 1778.

An appeal from the judgment of a court of admiralty for the state of Pennsylvania, on the libel "Yelverton Taylor, versus sloop Polly," was lodged with the secretary and referred to the committee on appeals.

Also an appeal from the judgment of a court of admiralty for the state of R. Island and Providence Plantations, on the libel "Charles Jenks, &c. versus sloop Fanny," was lodged with the secretary, at his chamber, on the 16th, and referred to the committee on appeals.

A letter, of this day, from J. Wadsworth, Esq; commissary-general of purchases, was read :

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

The members chosen, Mr. R. H. Lee, Mr. Sherman and Mr. Marchant.

A letter, of the 14th, from gen. Washington, and one of Sept. 12th, from major-general Heath, enclosing a paper of intelligence, were read.

A letter, of this day, from Christopher Hele, lieutenant of the Preston man of war, was read :

Ordered to lie on the table.

A memorial from Gerſham Mott and Robert Walker, in behalf of themſelves and others, captains in the regiment of artillery commanded by col. John Lamb, accompanied with ſundry papers therein referred to, was read :

Ordered, That it be referred to the board of war.

A letter, of Sept. 22d, from colonels Morgan, Williams and Davies, enclosing four memorials of the ſame tenor and date, but ſigned differently by the field-officers and captains in the army, was read :

Ordered to lie on the table, until Congreſs have fully conſidered and determined on the report of the committee of arrangement.

A letter, of the 18th, from David Franks, directed to Moſes Franks, and one ſigned Matthew Clarkſon, A. D. camp, and directed to gen. Maxwell, or in his abſence, to col. Shrieve, were laid before Congreſs, and read :

Ordered, That they be referred to a committee of threee :

The members choſen, Mr. Duer, Mr. Roberdeau and Mr. Drayton.

A memorial from Griffin, Greene & Co. was read :

Ordered, That it be referred to a committee of three, and that they confer thereon with the commiſſary-general of purchaſes :

The members choſen, Mr. Matthews, Mr. Lewis & Mr. M. Smith.

A letter, of the 14th, from major-general the marquis de la Fayette, was read.

Resolved, That the ſum of 100,000 dollars be tranſmitted by the board of war to Benjamin Hariſon, jun. Eſq; deputy pay-maſter-general in the ſtate of Virginia, for paying the arrears due to the continental troops in that ſtate, and the balance due to the militia thereof, that were in the continental ſervice laſt year, and for the pay and ſubſiſtence of the continental troops and levies recommended to be ſent from that ſtate to Charleſtown, for the defence of the ſtates of S. Carolina and Georgia ; he to be accountable.

Resolved, That the ſum of 1,000,000 of dollars be tranſmitted by the board of war to John Lewis Gervais, Eſq; who is hereby unani-mouſly appointed deputy pay-maſter-general in the ſtate of S. Carolina, for the pay and ſubſiſtence of the continental troops and levies ordered to Charleſtown for the defence of the ſtates of S. Carolina and Georgia ; he to be accountable.

Three o'clock, P. M.

A letter, of the 18th, from Mr. preſident Rodney, of Delaware ſtate, was read.

A letter, of the 10th, from W. Pyncheon, of the county of Hampſhire, in the ſtate of Maſſachuſetts-Bay, was read, informing, that he has received, for the uſe of the continent, £ 120, money of that ſtate, and deſiring to know to whom he ſhall pay the ſame :

Ordered, That it be referred to the board of treaſury.

The committee on the treaſury brought in a report ; whereupon,

Ordered, That a warrant iſſue on Thomas Smith, Eſq; commiſſioner of the continental loan-office in the ſtate of Pennſylvania, for 150,000 dollars, in favour of James Meaſe, Eſq; clothier-general, to enable him to complete the payment of balances due from his department ; for which he is to be accountable :

That a warrant issue on the treasurer in favour of major John Clark, for 850 dollars, in discharge of a bill drawn by W. Palfrey, pay-master-general, on the president of Congress, for that sum, in favour of the said major Clark, dated Sept. 25th, 1778 ; the said pay-master-general to be accountable :

That a warrant issue on David Rittenhouse, Esq; treasurer of the state of Pennsylvania, in favour of the marine-committee, for 5000 dollars, advanced upon their application, to be paid out of the public tax laid in the said state, agreeably to the resolution of Congress of the 22d of Nov. last ; for which the said committee is to be accountable :

That, upon the application of the board of war and ordnance, a warrant issue on David Rittenhouse, Esq; treasurer of the state of Pennsylvania, in favour of brigadier count Pulaski, for 10,000 dollars, on account of his corps, for which he is to be accountable ; which sum is to be paid out of the public tax laid in the said state, agreeably to the resolution of Congress of the 22d of Nov. last :

That a warrant issue on the treasurer in favour of capt. Cosmo Medici, for 1500 dollars, in satisfaction of his account of expenses for himself and four troopers, escorting loan-office certificates to the southern-states :

That a warrant issue on the treasurer in favour of Mr. J. Elmer, a delegate from the state of N. Jersey, for 200 dollars, advanced upon his application ; the said state to be accountable :

That a warrant issue on the treasurer in favour of Mr. N. Scudder, a delegate from the state of N. Jersey, for 500 dollars, advanced upon his application ; the said state to be accountable.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the Rev. Mr. White, for his pay as chaplain to Congress, from Oct. 1st, 1777, to Oct. 1st, 1778, 720 dollars, and for his rations during the same time, $303\frac{6}{90}$ dollars, making in the whole, $1023\frac{6}{90}$ dollars :

That there is due to William Woodhouse, for stationary for the use of Congress, $105\frac{60}{90}$ dollars :

That there is due to George Bright, for superintending the making of paper for loan-office certificates, 25 days, 150 dollars :

That there is due to Robert Patton, his pay as messenger to Congress, from June 16th, to the 13th of Oct. 1778, inclusive, 240 dollars :

That there is due to sundry persons for articles for the public entertainment on the 4th of July last, $2835\frac{60}{90}$ dollars, of which the committee appointed to conduct the said entertainment have received for articles sold, $2891\frac{15}{90}$ dollars, which leaves a balance of $2546\frac{45}{90}$ dollars ; to be paid to Mr. Matthews :

Ordered, That the said accounts be paid.

A letter, of this day, from the board of war, was read :

Ordered to lie on the table.

Resolved, That on Friday next, Congress take into consideration the proceedings of the court-martial on the trial of major-general Lee, immediately after reading the public letters and taking order thereon, and that all the members in town be summoned to attend.

The committee to whom was referred a letter of Sept. 25th, from P. Colt, Esq; brought in a report; whereupon,

Ordered, That a warrant issue on Nathaniel Appleton, Esq; commissioner of the continental loan-office in the state of Massachusetts-Bay, for 70,000 dollars: another warrant on John Lawrence, Esq; treasurer of the state of Connecticut, for 100,000 dollars, being part of the sum to be raised by the said state, for supplying the continental treasury: and one other warrant on John Lawrence, Esq; commissioner of the continental loan-office in the state of Connecticut, for 20,000 dollars, in favour of Peter Colt, Esq; late commissary-general of purchases, who is to be accountable for the said sums, amounting to 190,000 dollars, and to be furnished with a copy of this order.

Resolved, That Mr. Colt be directed to transmit to the board of treasury the accounts of purchases made under the direction of William Buchanan, Esq; late commissary-general of purchases, in order for settlement.

Whereas by a resolution of Congress of April 22d, 1777, it is provided, that the several commanding-officers of parties, detachments or corps on their march to or from camp, shall send to the military-hospitals such of the officers and soldiers as, from time to time, are unable to proceed, unless from the distance of the hospitals or other causes, it shall at any time be necessary to deliver them to the care of private physicians or surgeons, in which cases the deputy director-general shall discharge the reasonable demands of the physicians and surgeons conducting, agreeably to the said resolve.

And, whereas, no provision is therein made for discharging the accounts of other persons who have been or may be employed by proper officers for taking care of and providing for such officers and soldiers:

Resolved, That the deputy directors-general respectively, be authorized and instructed to discharge such of the said accounts as shall appear to be reasonable and just, provided that each person who may hereafter be employed to provide for officers and soldiers as aforesaid, shall give the earliest notice thereof to the deputy director-general, or the physician or surgeon-general of the district, in order for the speedy removal to the military-hospitals.

Resolved, That lieutenant-colonel du Cambray be ordered to repair with all-convenient expedition to the state of S. Carolina, for the purpose of putting the town and harbour of Charlestown in the most respectable posture of defence, and to render such other service to the states of S. Carolina and Georgia, as shall be required of him by the commanding-officer of that department.

Resolved, That henceforward Congress sit but once a-day: that they meet precisely at ten o'clock, and sit till three o'clock, P. M.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, October 21, 1778.

The committee to whom were referred the letters from David Franks, &c. brought in a report; whereupon,

The letter from David Franks, Esq; commissary of British prisoners, to Moses Franks, Esq; of London, enclosed, under cover to capt. Thomas Moore, of gen. Delancey's regiment, being read,

Resolved, That the contents of the said letter manifest a disposition and intentions inimical to the safety and liberty of the United States; and that Mr. Franks, having endeavoured to transmit this letter by stealth within the British lines, has abused the confidence reposed in him by Congress, to exercise within the jurisdiction of these states the office of commissary to the British prisoners.

Resolved, That major-general Arnold be directed to cause the said David Franks forthwith to be arrested, and conveyed to the new-gaol in this city, there to be confined till the further order of Congress.

Resolved, That David Franks, Esq; be not, after the 10th day of November next, permitted to exercise, directly or indirectly, the office of commissary to the British prisoners within the jurisdiction of the United States.

Resolved, That gen. Washington be directed to transmit a copy of these resolutions to sir Henry Clinton, and inform him, that Congress desire he will nominate a proper person who, having received their approbation, may exercise the office of commissary to the British prisoners.

Ordered, That the committee sit again, and consider by what process it may be proper to take cognizance of Mr. D. Franks's offence.

Ordered, That 5000 dollars be advanced to Mr. president, for the purpose of paying exprestes.

A letter, of the 19th, from Mr. J. Beatty, commissary of prisoners, enclosing a letter of the 14th, from Mr. Joshua Loring, of New-York, was read, desiring to know the pleasure of Congress, whether he shall comply with Mr. Loring's application, that lord Balcarras, and capt. Strangeways, two officers of the convention troops, be permitted, on parole, to go and reside in England, in exchange for two American officers, who are to be suffered, on parole, to reside at their own homes: whereupon,

Resolved, That the commissary-general of prisoners be informed, that Congress do not approve of partial and parole exchanges; but that they are willing to make a general exchange of officers, whether of the convention or otherwise, as far as numbers and ranks will apply.

A memorial from Mons. de Vrigny, was read, representing, that the time of his furlough from the court of France being expired, he is under the necessity of resigning his commission: whereupon,

Resolved, That his resignation be accepted.

Ordered, That so much of the said memorial as relates to pay and rations due to Mons. de Vrigny, be referred to the board of treasury.

Ordered, That a copy of the said memorial be sent to gen. Washington, and that he be empowered and directed to give Mons. de Vrigny such certificate and testimonial as his zeal and services may have entitled him to.

A memorial from baron de Randerode de Thulier, a native of Lorraine, accompanied with sundry papers, was laid before Congress, and read:

Ordered, That it be referred to the committee on the memorial from the marquis de Britigny.

A representation from the state of New-Jersey, was read:

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

The members chosen, Mr. G. Morris, Mr. Scudder and Mr. Witherpoon.

Resolved, That a committee of three be appointed to prepare a plan for procuring reinforcements of men to supply the places of those whose times of service will expire in the winter :

The members chosen, Mr. Duer, Mr. Sherman and Mr. R. H. Lee.

Resolved, That gen. Washington be directed to inform Congress of the progress which has been made in re-enlisting the army in consequence of the resolution of the 8th of September last.

The committee to whom was referred the letter from major-general the marquis de la Fayette, brought in a report ; whereupon,

Resolved, That the marquis de la Fayette, major-general in the service of the United States, have leave to go to France ; and that he return at such time as shall be most convenient to him.

Resolved, That the president write a letter to the marquis de la Fayette, returning him the thanks of Congress for that disinterested zeal which led him to America, and for the services he hath rendered to the United States by the exertion of his courage and abilities on many signal occasions.

Resolved, That the minister plenipotentiary of the United States of America at the court of Versailles, be directed to cause an elegant sword, with proper devices, to be made and presented, in the name of the United States, to the marquis de la Fayette.

The committee also reported the draught of a letter of recommendation of the marquis de la Fayette to his most Christian majesty the king of France, which was agreed to.

The same committee having been appointed to prepare a letter of credence, notifying to his most Christian majesty the appointment of Benjamin Franklin, Esq; to be the minister plenipotentiary of these states at the court of France, and also the draught of instructions to the said minister, brought in a draught of the letter, which was agreed to.

They also brought in a draught of instructions, which were taken into consideration.

Adjourned to ten o'clock to-morrow.

THURSDAY, October 22, 1778.

Ordered, That major-general Arnold make immediate return to Congress of his proceedings in the execution of the order of Congress of yesterday, for the arrest and commitment of David Franks, Esq;

A memorial from the regimental-surgeons and surgeon's assistants of the army of the United States, was read :

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

The members chosen, Mr. Scudder, Mr. Holten and Mr. Bartlett.

A memorial from captain John P. Shott, was read :

Ordered, That it be referred to the board of war.

On motion, *Resolved*, That gen. Washington be directed to order major-general Gates, forthwith to repair to Boston, to take command of the continental forces that are or may be in the eastern-district, until the farther orders of Congress or general Washington.

According to order, major-general Arnold having made return of his proceedings in the execution of the order of yesterday, the same was read.

Resolved, That to the end, the arrears due to the militia of Virginia that have been in continental service, called into such service by order of Congress or the commander in chief, may be speedily adjusted and paid, the governor and council of that state be requested to call upon the proper officers to produce authenticated abstracts, shewing the arrears due to such militia as have so served, and cause the same to be immediately paid by warrants from the governor on Benjamin Harrison, jun. Esq; the deputy pay-master-general in Virginia.

Congress resumed the consideration of the instructions to the minister plenipotentiary at the court of Versailles, which being amended, were agreed to.

A letter, of the 13th, from major-general Heath, was read :

Ordered, That it be referred to the committee on the case of ensign Brown.

A letter, of the 18th, from general Washington, was read.

Whereas upon the evacuation of this city by the British army, certain seizures were made of goods and effects, supposed to belong to the subjects of Great-Britain, and other goods were taken up under contracts entered into with the inhabitants of this city by the officers, in the departments of the quarter-master, clothier and commissary-generals, and a committee hath been appointed by Congress to examine into the conduct of the said officers in making the said seizures and contracts, that justice may be done to the public and individuals, but report hath not yet been made :

Resolved, That the board of war direct such of the said goods, whether seized or contracted for, as may be wanted for the immediate use of the army, especially for clothing to be appropriated for that purpose ; and that the board of war direct that proper accounts be kept of the goods so appropriated, the quantity and quality, and of whom seized and with whom contracted for.

Ordered, That two members be added to the committee aforesaid, and that the said committee sit on the business, and report on Thursday next :

The members chosen, Mr. M. Smith and Mr. Ellsworth.

Adjourned to ten o'clock to-morrow.

FRIDAY, October 23, 1778.

An appeal from the judgment of a court of admiralty for the state of N. Jersey, on the libel " David Stephen, &c. versus schooner John and Sally," was lodged and referred to the committee on appeals.

A letter, of August 26th, from major-general R. Howe, was read, with sundry papers enclosed :

Ordered, That the same be referred to the board of war, and that they report their opinion thereon to the board of treasury.

A letter, of the 20th, from major-general lord Stirling, was read, informing, that the enemy's fleet had failed.

Sundry letters of the 19th and 21st, from brigadier count Pulaski, were read, enclosing the commission of de Breneville, a lieutenant in count Pulaski's legion :

Ordered, That the letters and papers be referred to the board of war.

A petition from Dominique L'Ecluse was read :

Whereupon, a report from the board of war, relative to the said Dominique L'Eclife, was taken up; and thereupon,

Ordered, That the sum of 635 dollars be paid to Monf. L'Eclife, in satisfaction of his sufferings, and to enable him to pay monies lent him for his support, by sundry gentlemen, friends to these states.

Resolved, That the sum of 60 dollars per month, for pay and subsistence, and one ration a-day, be allowed to Monf. L'Eclife, during the pleasure of Congress, and that he be directed to reside for the present in the northern-department, to be employed in such way as the commander in chief, or the commander of the northern-department, shall deem serviceable to the United States :

That a copy of the foregoing resolution be sent to the commander in chief, to whom Monf. L'Eclife shall give notice of the particular place of his abode.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of major-general Lincoln, for 3000 dollars, to bear the expenses of himself and suit to South-Carolina ; he to be accountable.

The committee of commerce, to whom was referred a charter-party, with several other papers relative to an agreement entered into between Scott, Irvine and Cooper, owners of the brig Commerce, on the one part, and Hews and Smith, agents in behalf of the secret-committee, on the other part, report,

That it appears the said agents, in behalf of the secret-committee, contracted to lade the said brigantine for some port or ports in Europe, and to pay for her here at the rate of 500 dollars per month : that the said brigantine was valued at 7000 dollars, which sum the said agents insured to the said owners, and agreed to pay them over and above the monthly hire, if it should happen that the said brigantine should be seized, taken, sunk, or otherwise destroyed, by the enemies of the United States : that the said brigantine was laden with tobacco, and other articles of merchandize on account of the United States, and arrived safe with her cargo in the port of Nantes, in France : that she sailed from thence on or about the 7th day of Sept. 1777, with a cargo of salt, on account of the United States, and proceeded on her voyage until she arrived on the coast of N. Carolina : that she met with several storms, by which she was greatly damaged in her masts, yards, sails and rigging : that the people on board were in distress for want of provisions and water ; all which induced the captain of her to put into the island of Bermuda : that she arrived at Somerset, in the said island, on the 4th day of Dec. 1777, when the captain applied to Henry Tucker, Esq; who advised him to unload the said brigantine and strip her of all her sails, rigging, cables, and other materials : that he unladed and stripped her accordingly, and put every thing into the hands of the said Mr. Tucker : that it appears that the hull of the said brig was seized and taken by the enemies of the United States, and fitted out, in order to carry to Great-Britain part of the cargo and crew of a ship that had been cast away on Bermuda, in her passage from Jamaica to London : that it further appears, that Hewes and Smith, agents as aforesaid, are bound by the said charter-party to pay to the owners of the said brigantine the amount of the said valuation, and the monthly hire, until the

day the said brigantine was so seized and taken ; and that the account of the said valuation and hire, exclusive of the said brig's disbursements in France, amount to $10,534\frac{1}{2}$ dollars ; whereupon,

Ordered, That the sum of $10,534\frac{1}{2}$ dollars be paid to Messrs. Hewes & Smith, agents as aforesaid, to pay the amount of the valuation and monthly hire of the brigantine Commerce, exclusive of her disbursements in France, agreeably to the charter-party, entered into by them with the owners of said brigantine ; the said Hewes & Smith to be accountable.

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

The members chosen, Mr. R. Morris, Mr. Drayton and Mr. Duer.

According to order, Congress took into consideration the proceedings and sentence of the court-martial on the trial of major-general Lee, and after debate,

Ordered, That the further consideration thereof be postponed to Wednesday next.

Adjourned to ten o'clock to-morrow.

SATURDAY, October 24, 1778.

A letter, of the 22d, from Mons. de Vrigny, was read.

A memorial from Messrs. Penet and Coulou, was read :

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

The members chosen, Mr. R. Morris, Mr. R. H. Lee and Mr. Sherman.

A report from the board of war, respecting col. G. Morgan, was read :

Ordered, That it be referred to the board of treasury.

The committee on the memorial from Griffin Greene & Co. brought in a report, which was read :

Ordered, That it be recommitted, and that the committee confer with Mr. Wadsworth, and report generally.

Ordered, That Mr. R. Morris be added to the committee.

A letter, of this day, from the commissioners of claims, at the board of treasury, was read ; whereupon,

Resolved, That the board of treasury be empowered to hire a good and trusty clerk for the commissioners of claims, and that the foregoing letter be referred to the said board.

Some further instructions to the minister plenipotentiary at the court of France were taken into consideration, and, after debate,

Ordered, That the same be re-committed, and that Mr. Duer be added to the committee.

Adjourned to ten o'clock on Monday.

MONDAY, October 26, 1778.

Ordered, That the committee of foreign affairs prepare an answer to the letter from the governor of Havannah.

A letter from Mons. de Vrigny, was read :

Ordered, That it be referred to the board of treasury.

An appeal from the judgment of a court of admiralty for the state

of N. Jersey, on the libel "Yelverton Taylor, &c. versus sloop Lark," was lodged and referred to the committee on appeals.

A letter, of the 24th, from count Pulaski, was read ; whereupon,

Resolved, That count Pulaski's legion and all the cavalry at or near Trenton, be ordered forthwith to repair to Suffex court-house, there to wait the order of gen. Washington ; and that the president write a letter to the general, informing him of this resolution, and pointing out the necessity of ordering the cavalry to some place or places, where they may be easily supplied with forage.

Ordered, That so much of count Pulaski's letter as relates to blankets, be referred to the board of war.

A letter, of the 21st, from major-general lord Stirling, was read, enclosing a letter to him from Dr. Griffith, with sundry affidavits relative to the massacre of col. Baylor's regiment, on the 27th of Sept. last :

Ordered, That so much of the said letter as relates to the massacre, be referred to the committee of intelligence.

A letter, of the 22d, from gov. Livingston, on the same subject, was read.

A letter, of the 16th, from gov. Trumbull, and one of the 15th, from Gossinus Erkelins, with a paper enclosed, were read :

Ordered, That they be referred to the committee on finance.

A letter, of the 15th, from Joshua Huntington, and one from Christopher Hele, were read :

Ordered, That they be referred to the marine-committee.

A memorial from Robert Jewell, was read :

Ordered, That it be referred to the board of war.

A letter, of the 18th, from major-general Sullivan, was read :

Ordered, That it be referred to the board of treasury.

A letter, of the 25th, from Monf. Bedaulx, was read :

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

The members chosen, Mr. G. Morris, Mr. Drayton and Mr. Scudder.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on William Pyncheon, Esq; treasurer of the county of Hampshire, in the state of Massachusetts, in favour of Jeremiah Wadsworth, Esq; commissary-general of purchases, for 400 dollars, which the general sessions of the peace of the said county ordered to be paid by Malcolm Henry, in consequence of his having been convicted of stealing lead to the value of £. 40, the property of the United States ; the said commissary-general to be accountable.

Ordered, That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in Pennsylvania, for 35,000 dollars ; and another warrant on the treasurer for 25,000 dollars, in favour of col. G. Morgan, for the purchase of cattle made by his direction for the troops of the western-frontier ; he to be accountable for the sums aforesaid.

Resolved, That a committee of three be appointed to superintend the publication of such matters relating to the disputes, petitions and negotiations to and with the court of Great-Britain, and such notes and explanations thereon as to them shall appear proper ; and that they agree with the printer for 1300 copies of such publication, on account of Congress :

The members chosen, Mr. G. Morris, Mr. Drayton & Mr. R. H. Lee.

The committee having again brought in a draught of further instructions to the minister plenipotentiary of the United States at the court of France, the same were agreed to.

Ordered, That Mr. Bartlett be added to the medical-committee :

That Mr. M. Smith be added to the committee of commerce :

That Mr. Ellsworth be added to the committee of appeals.

Whereas great public injury arises from the present purchases of wheat in the forage department :

Resolved, That, for the future, no wheat be purchased for forage by any person for the use of the United States, unless Congress shall order otherwise.

An appeal from the judgment of a court of admiralty for the state Rhode-Island, on the libel "*Jonathan Tredwell, &c. versus schooner Hawke,*" was lodged and referred to the committee on appeals.

The committee to whom was referred the memorial of Griffin Greene, brought in a report ; whereupon,

Resolved, That whenever it may be necessary to employ merchant vessels on account of these United States, the same ought to be chartered rather than purchased ; and that the commissary-general, agent or contractor, on behalf of these United States, if he shall at any time find it expedient to take into the service of government vessels to be employed as transports on the high-seas, and such vessels cannot be obtained without insurance on the part of government, shall cause the value thereof to be ascertained by three reputable men, having knowledge in such business, on oath and under their hands and seals : which said valuation shall be inserted in the charter-party, and any loss that may arise to the owner or owners by means of the enemy, shall be paid according to the common course of insurance.

An appeal from the judgment of a court of admiralty for the state of New-Jersey, on the libel "*Samuel Ingersoll, &c. versus schooner Lovely Nancy,*" was lodged and referred to the committee on appeals.

Adjourned to ten o'clock to-morrow.

TUESDAY, October 27, 1778.

A letter, of the 26th, from count Pulaski, was read :

Ordered to lie on the table.

A letter, of the 13th, from major-general Gates, at Danbury, was read, with sundry papers enclosed ; whereupon,

Ordered, That general Gates be furnished with a copy of the resolution respecting lord Balcarras.

Information being given to Congress, that there is reason to believe indulgence of paroles have been granted to the prisoners of the convention of Saratoga, in consideration of money paid and received for the same :

Ordered, That the president write to the council of Massachusetts-Bay, and request them to enquire into this matter :

That a committee of four be appointed to investigate the truth of the information :

The members chosen, Mr. S. Adams, Mr. Scudder, Mr. Sherman and Mr. Marchant.

A letter, of the 11th, from Mr. D. Waterbury, was read :

Ordered, That it be referred to the marine-committee.

A commission under the hand and seal of the hon. sieur Gerard, minister plenipotentiary and consul-general of France, appointing Mons. d'Anemours consul of France in the state of Maryland, was laid before Congress :

Ordered, That the same be referred to the marine-committee, and that they take the proper measures to notify the same to the state of Maryland.

A letter, of the 26th, from major-general the marquis de la Fayette, was read, mentioning the request of Mons. le Vienne for leave to go to France, and to have a commission in lieu of the brevet already granted him.

Another letter, of the 26th, from the marquis de la Fayette, was read, taking leave of Congress, and also another letter without date, from the marquis was read :

Ordered, That this last be referred to the committee lately appointed to prepare instructions to the minister plenipotentiary of these states at the court of France.

A letter, of the 26th, from R. Peters, a member of the board of war, was read :

Ordered, That it be referred to the committee on the clothier-general's department.

A letter, of the 20th, from captain Stoddard, was read ; whereupon,

Resolved, That the sum of 500 dollars be allowed to the field-officers, captains and subalterns, chaplain and surgeon of the light-dragoons respectively, in the service of the United States, to compensate the extraordinary expenses of his horse and equipment beyond that of officers of the like rank in the infantry ; provided always, that any officer receiving such sum, shall be liable to refund the same if he leaves the service during the present war.

A motion being made respecting the officers of col. Seth Warner's regiment ;

Ordered, That it be referred to a committee of three, and that they write to the pay-master-general on the subject :

The members chosen, Mr. Sherman, Mr. M. Smith and Mr. G. Morris.

Resolved, That major-general lord Stirling be, and he is hereby directed, to permit col. Beniah Norton, of Martha's Vineyard, in the state of Massachusetts-Bay, to go into N. York ; and that a flag be furnished him for that purpose ; and that he be permitted to return when he shall have concluded his business.

The committee of commerce brought in a report ; whereupon,

Resolved, That tobacco, the property of the United States, be shipped for the payment of the debts and contracts of the said states :

That the agents in North-Carolina and elsewhere, adjust and settle the accounts of their transactions, and that the committee of commerce take proper measures to effect the purposes aforesaid :

That the committee of commerce be directed to take care of the commercial concerns of the United States ; and that they be empowered to take such steps for that purpose as they shall deem necessary.

The committee appointed to prepare an answer to the governor of Havannah, brought in a draught, which was read, and agreed to.

A letter from the marquis de la Fayette, was read, giving an account of the brave conduct of Monsf. Toufard, captain in the regiment of artillery of la Fer, in taking possession of a piece of artillery from the enemy, in which action he lost his right arm by the discharge of another piece ; whereupon,

Resolved, That the gallantry of Monsf. Toufard in the late action on R. Island, is deserving of the highest applause ; and that Congress, in consideration of his zeal and misfortune, do promote the said Monsf. Toufard to the rank of lieutenant-colonel in the service of the United States, by brevet, and that he do receive a pension of 30 dollars per month, out of the treasury of the United States of America, during his life.

Whereas Messrs. Gimat, de Noirmont, Capitaine, and la Columbe, have been put to great expence in the service of the United States, without having received any money from the commissioners :

Resolved, That the committee appointed to prepare instructions to the minister plenipotentiary of the United States at the court of France, be appointed to confer with the said persons upon the expences they have incurred, and report thereon.

Resolved, That Mr. Brice and Mr. Neville, aids-de-camp to the marquis de la Fayette, be promoted to the rank of lieutenant-colonels in the service of the United States, by brevet.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, October 28, 1778.

A letter, of August 17th, from T. B. Girardeau, was read, informing, that, on account of his ill state of health, he has been obliged to resign his commission of deputy commissary-general of issues in S. Carolina and Georgia, to major-general Howe, who has appointed Mr. Mordecai Shetfall to act as deputy commissary-general of issues in his stead, till the pleasure of Congress shall be known ; also a letter of August 19th, from Mordecai Shetfall, and one of August 25th, from G. Walton, Esq; were read ; whereupon,

Resolved, That the resignation of Mr. T. B. Girardeau be accepted ; and that the consideration of confirming the appointment of Mr. Shetfall be postponed :

That so much of Mr. Shetfall's letter as relates to petitions be referred to the board of war.

A letter, of this day, from D. Franks, was read :

Ordered, That it be referred to the committee appointed to consider by what process it may be proper to take cognizance of D. Franks's offence.

A letter, of the 20th, from W. Palfrey, pay-master-general, was read :

Ordered, That it be referred to the board of treasury.

A letter, of the 27th, from lieutenant Girard, was read :

Ordered to lie on the table.

A letter, of the 22d, from gen. Washington, was read, enclosing an extract of a letter from brigadier Hand, and a journal of lieutenant-colonel Butler's expedition to Unandilla and Oneaquaga :

Ordered, That the extract of brigadier Hand's letter, with so much

of the general's letter as relates thereto, be referred to a committee of three, who are directed to take into consideration the case of the settlers at Wyoming :

The members chosen, Mr. M. Smith, Mr. Scudder and Mr. Duer :

That the journal of colonel Butler be referred to the committee of intelligence.

The committee on the treasury, to whom were referred the letters from lieutenant-colonel Vrigny, report,

That they have taken into consideration the claim of lieutenant-colonel Vrigny, and are of opinion, that no pay ought to be allowed to lieutenant-colonel Vrigny from the 1st day of June, 1777, to the end of Jan. 1778, during which time he served as a volunteer : that he be referred to the pay-master-general, who is directed to see that the balance due to him for his pay and subsistence from the 1st day of February, be adjusted and discharged :

Resolved, That Congress agree to the said report.

The committee on the treasury brought in a farther report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of major-general Arnold, for 8000 dollars, in consequence of his letter to the auditor-general, representing this sum due to him on account ; he to be accountable :

That a warrant issue on the treasurer in favour of Philip Minis, for 6919½ dols. it being so much advanced by him to the late Mr. Kennon, deceased, acting pay-master and commissary to the Virginia and North-Carolina troops in the state of Georgia, as appears by certificates of the said pay-master and major-general Howe, then commanding-officer in the southern-department ; and that the account of the said William Kennon, deceased, be charged with the sum aforesaid :

That a warrant issue on the treasurer in favour of Monsr. Florean Charles Mey, for 10,778 dollars, to answer a draught of major-general R. Howe, of the 26th of August last, on the president of Congress, in favour of Monsr. John Pourei, for sundry military-stores purchased of him to this amount by gen. Howe, for continental service in the state of Georgia ; and that a copy of the said account be entered and filed in the war-office :

That a warrant issue on the treasurer in favour of the committee appointed to superintend the publication of matters relating to the disputes, petitions and negotiations to and with the court of Great-Britain, for the sum of 1200 dollars, to enable them to proceed in the business ; the said committee to be accountable.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to captain-lieutenant Jonathan Brewer, of the Pennsylvania regiment of artillery, commanded by col. Proctor, for his pay and rations or subsistence from the 1st of Sept. 1777, to the 30th of Sept. 1778, most of which time he was a prisoner with the enemy, a balance of 615 $\frac{7}{10}$ dollars :

That there is due to the estate of Robert Ritchie, deceased, for his pay as one of the commissioners of claims, from the 12th of April to the 12th of September, 1778, 616 dollars :

That there is due to David Tew, for engraving three copperplates for bills of exchange, 160 dollars, and for repairing two of the same, 53 $\frac{3}{8}$ dollars, making in the whole, 213 $\frac{3}{8}$ dollars :

Ordered, That the said accounts be paid.

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

Adjourned to ten o'clock to-morrow.

THURSDAY, October 29, 1778.

The committee to whom was referred the letter of the 18th, from D. Franks, brought in a report ; whereupon,

Ordered, That D. Franks, Esq; be furnished with a copy of his letter of the 18th, to his brother Moses Franks.

Resolved, That the board of war shall consist of three commissioners, who are not members of Congress ; and two members of Congress ; and three or more of them, who shall be present, shall constitute a board.

A motion being made and seconded, and called for in writing, after being reduced to writing and before it was read from the chair, an objection was made against taking it into consideration, as being contrary to the order, assigning Tuesdays, Thursdays and Saturdays to the business of finance :

On the question, that the motion can be admitted ;

The yeas and nays being required by Mr. G. Morris,

| | | | |
|---------------------------|---|----|------------|
| <i>New-Hampshire,</i> | Mr. Bartlett, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | no | } divided. |
| | Mr. Lovell, | no | |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Marchant, | ay | } ay |
| <i>Connecticut,</i> | Mr. Sherman, | ay | |
| | Mr. Ellsworth, | no | } divided. |
| <i>New-York,</i> | Mr. Duer, | no | |
| | Mr. G. Morris, | no | } no |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | no | |
| | Mr. Clingan, | no | } * |
| <i>Virginia,</i> | Mr. R. H. Lee, | no | |
| <i>North-Carolina,</i> | Mr. Penn, | no | } no |
| | Mr. Harnett, | no | |
| | Mr. Williams, | no | |
| <i>South-Carolina,</i> | Mr. Laurens, as president desired to be excused, the house having undertaken to determine the question of order ; | | } no |
| | Mr. Drayton, | no | |
| | Mr. Hutson, | no | |
| <i>Georgia,</i> | Mr. Telfair, | no | |
| | Mr. Langworthy, | no | |

So it passed in the negative.

Resolved, That whenever a person is nominated to any office, his name, together with that of the person nominating him, be entered on the minutes.

A motion was made, that, upon an election, an entry be made of the states that shall respectively ballot for any person so nominated :

Resolved, That the consideration thereof be postponed till to-morrow.

Congress proceeded to fix the salaries of the officers in the treasury-office : and thereupon,

Resolved, That the salary of the comptroller be 4000 dollars per annum :

That the salary of the treasurer be 4000 dollars per annum :

That the salary of the auditor be 3500 dollars per annum :

That the salary of each of the commissioners of accounts be 3000 dollars per annum.

Adjourned to ten o'clock to-morrow.

FRIDAY, October 30, 1778.

A letter, of the 22d, from brigadier Stark, was read.

A letter from the chevalier de Maduit du Plessis, lieutenant-colonel of artillery ; also a letter of the 14th, from major-general baron de Kalb, and one of the 21st, from gen. Washington, with a recommendation of the chevalier, were read :

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

The members chosen, Mr. S. Adams, Mr. G. Morris and Mr. Drayton.

Ordered, That the letter of the 27th, from the marquis de la Fayette, be referred to the said committee.

The committee on the treasury laid before Congress a letter from the commissioners of accounts in the northern-department, which was read :

Ordered to lie on the table.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. James Lovell, a delegate from the state of Massachusetts-Bay, for 1500 dollars, advanced upon his application, and to be charged to the said state :

That a warrant issue on the treasurer in favour of the pay-master of the board of war and ordnance, for 500,000 dollars, to be by him transmitted to William Palfrey, Esq; pay-master-general, for the use of his department ; who is to be accountable :

That a warrant issue on the treasurer in favour of the hon. Henry Laurens, for 3500 dollars, to answer three sets of exchange, viz. No. 3, for 2000 dollars, No. 13, for 1000, and No. 29, for 500 dollars ; drawn by William Kennon, deceased, in favour of David Flower, and bearing date the 14th of April, 1777 ; and that the same be charged to the said William Kennon, deceased :

That a warrant issue on the treasurer in favour of Mr. C. Harnett, for 3500 dollars, to answer five sets of exchange, No. 25 and 26, for 1000 dollars each, No. 33, 34, 35, for 500 dollars each ; drawn by the late William Kennon, deceased, in favour of David Flower, and

bearing date the 14th of April, 1777 ; and that the said sum of 3500 dollars be charged to the account of the said W. Kennon, deceased.

That a warrant issue on the treasurer in favour of Samuel Hillegas, for 160 dollars, in full for his signing loan-office certificates.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the officers and privates of col. L. Nicola's regiment of invalids, for rations and parts of rations retained from their first establishment to the 31st of May, 1778, a balance of 688 $\frac{5}{9}$ dols. as more fully appears by a particular state filed with his account :

That there is due to the following gentlemen, to, at, and from camp, when sent as a committee of Congress in the past summer, viz.

To Mr. J. Reed, including the expenses of entertaining some officers, 201 $\frac{1}{9}$ dollars ; to Mr. J. Banister, 148 $\frac{7}{9}$ dollars ; to Mr. R. Sherman, 101 $\frac{3}{9}$ dollars ; making in the whole, 451 $\frac{1}{9}$ dollars :

That there is due to Francis Hopkinson, Esq; his pay as treasurer of loans, from July 27th to September 26th, 1778, inclusive, 500 dols.

That there is due to Patrick McClosky, for his pay as express-rider, from January 1st to October 31st, 1777, a balance of 418 dollars.

Ordered, That the said accounts be paid.

A letter, of the 24th, from Nicholas Depui, John Chambers, Benjamin Van Camp, and others, directed to his honor George Bryan, Esq; was laid before Congress, and read, together with two affidavits therein enclosed :

Ordered, That the same be referred to gen. Washington, who is directed to take order thereon.

By the Congress of the United States of America.

A MANIFESTO.

The United States having been driven to hostilities by the oppressive and tyrannous measures of Great-Britain ; having been compelled to commit the essential rights of man to the decision of arms ; and having been at length forced to shake off a yoke which had grown too burthensome to bear ; they declared themselves free and independent.

Confiding in the justice of their cause ; confiding in Him, who disposes of human events ; although weak and unprovided, they set the power of their enemies at defiance.

In this confidence they have continued through the various fortunes of three bloody campaigns, unawed by the power, unsubdued by the barbarity of their foes. Their virtuous citizens have borne, without repining, the loss of many things which make life desirable. Their brave troops have patiently endured the hardships and dangers of a situation fruitful in both, beyond former example.

The Congress considering themselves bound to love their enemies, as children of that Being who is equally the Father of All ; and desirous, since they could not prevent, at least to alleviate the calamities of war, have studied to spare those who were in arms against them, and to lighten the chains of captivity.

The conduct of those serving under the king of Great-Britain hath, with some few exceptions, been diametrically apposite. They have

laid waste the open country, burned the defenceless villages, and butchered the citizens of America.

Their prisons have been the slaughter-houses of her foldiers, their ships of her seamen; and the severest injuries have been aggravated by the grossest insults.

Foiled in their vain attempts to subjugate the unconquerable spirit of freedom, they have meanly assailed the representatives of America with bribes, with deceit, and the servility of adulation. They have made a mock of religion by impious appeals to God, whilst in the violation of his sacred command. They have made a mock even of reason itself, by endeavouring to prove that the liberty and happiness of America could safely be entrusted to those who have sold their own, unwearied by the sense of virtue or of shame.

Treated with the contempt which such conduct deserved, they have applied to individuals. They have solicited them to break the bonds of allegiance, and imbue their souls with the blackest crimes. But fearing that none could be found through these United States equal to the wickedness of their purpose; to influence weak minds they have threatened more wide devastation.

While the shadow of hope remained that our enemies could be taught by our example to respect those laws which are held sacred among civilized nations, and to comply with the dictates of a religion which they pretend in common with us to believe and revere, they have been left to the influence of that religion and that example. But since their incorrigible dispositions cannot be touched by kindness and compassion, it becomes our duty by other means to vindicate the rights of humanity.

We therefore, the Congress of the United States of America, do solemnly declare and proclaim, that if our enemies presume to execute their threats, or persist in their present career of barbarity, we will take such exemplary vengeance, as shall deter others from a like conduct. We appeal to that God who searcheth the hearts of men, for the rectitude of our intentions: and in his holy presence declare, that as we are not moved by any light and hasty suggestions of anger or revenge, so, through every possible change of fortune, we will adhere to this our determination.

Done in Congress, by unanimous consent, the 30th day of October, one thousand seven hundred and seventy-eight.

Attest. C. T. Secretary.

H. L. President.

A letter, of this day, from major-general Lee, was read.

Adjourned to ten o'clock to-morrow.

SATURDAY, October 31, 1778.

A member having informed the house, that he had received intelligence of frauds and abuses said to be practised by certain individuals in the quarter-master-general's department;

Ordered, That a committee of three be appointed to make strict enquiry into the same, and to report specially to Congress: and that the member be directed to lay before the said committee the particulars of the information he has received:

The members chosen, Mr. S. Adams, Mr. Scudder and Mr. Sherman. The board of war, to whom were referred fundry letters from New-Orleans, brought in a report ; whereupon,

Ordered, That the said letters be referred to the committee of commerce.

A letter, of the 26th, from Adam Ferguson, secretary to the commissioners from the king of Great-Britain, and a letter of August 12th, from the hon. J. Adams, were read :

Ordered, That they be referred to the committee of intelligence.

A letter, of the 21st, from major-general Heath, was read :

Ordered, That it be referred to the board of war, and that the board forthwith make a return of the officers of the convention of Saratoga that have been exchanged, and for whom.

A letter, of the 24th, from gen. Washington, was read, with a paper enclosed :

Ordered, That it be referred to the committee appointed to prepare a plan for procuring reinforcements :

That Mr. G. Morris be added to that committee.

A letter, of the 26th, from gen. Washington, was read, with a report enclosed of gov. Clinton, gen. Schuyler and brigadier Hand, on the subject of an enterprize against Chemung ; whereupon,

Resolved, That Congress approve the reasons for not undertaking for the present an expedition against that place.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the marine-committee, on their application, for 150,000 dollars, to be by them transmitted to the navy-board for the eastern-district, for the use of their department ; the marine-committee to be accountable :

The marine-committee brought in a report ; whereupon,

Resolved, That the commissioners of the navy-boards in the eastern and middle-departments be allowed a salary of 3000 dollars per annum each, in consideration of the extensive business of their departments.

Congress proceeded to the election of a commissioner for the board of war and ordnance, and, the ballots being taken,

Colonel R. H. Harrison was elected, having been previously nominated by Mr. Duer.

Resolved, That the salary of the secretary of the board of war and ordnance be 2000 dollars per annum.

Ordered, That Monday next be assigned for electing a secretary for the board of war and ordnance.

The delegates from N. Hampshire laid before Congress the credentials of their appointment, which were read as follows :

“ State of New-Hampshire,

In the House of Representatives, August 19, 1778.

Resolved, and voted, that the hon. Josiah Bartlett, John Wentworth, jun. William Whipple, and George Frost, Esqrs; be and hereby are chosen and appointed delegates to represent this state in the continental Congress, to be holden for the United States of America, in Nov. next, and that any two of them have full power to represent this state in said Congress for one year, from the 1st of November next, unless

fooner recalled, or superseded by order of the general assembly of this state.

Sent up for concurrence,

JOHN DUDLEY, *Speaker pro tem.*

In council, the same day, read and concurred,

E. THOMSON, *Secretary.*

Copy, examined by E. THOMSON, *Secretary."*

Ordered, That Mr. Bartlett have leave of absence.

Ordered, That Mr. R. H. Lee have leave of absence.

Ordered, That the memorial of capt. Harper and the papers relative thereto, be delivered to Mr. R. H. Lee.

Adjourned to ten o'clock on Monday.

Monday, November 2, 1778.

A letter, of October 27th, from brigadier count Pulaski, was read :

Ordered, That it be referred to the board of war.

A letter, of this day, from Christopher Hele, was read.

A letter, of October 30th, from William Killen, chief-justice of the state of Delaware, was read, with sundry affidavits enclosed :

Ordered, That the same be referred to the committee appointed to enquire into the abuses in the quarter-master-general's department.

A letter, of the 1st, from the council of New-Jersey, was read :

Ordered, That a copy thereof be sent to gen. Washington, and that he be directed to take order thereon.

A letter, of October 27th, from gov. Johnson, was read, enclosing one of July 16th, to him from the hon. A. Lee, at Paris :

Ordered, That the same be referred to a committee of three, who are directed to confer thereon with the hon. sieur Gerard, minister plenipotentiary of France :

The members chosen, Mr. G. Morris, Mr. Drayton & Mr. S. Adams.

A letter, of Oct. 27th, from Mr. president Rodney, of Delaware, and one of the 29th of the same month, from Mr. J. M'Kinly, with sundry papers enclosed, were read.

A letter, of September 22d, from major-general R. Howe, was read :

Ordered, That it be referred to the committee appointed to prepare a plan for procuring reinforcements.

Another letter of Sept. 22d, from major-general Howe, was read :

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

The members chosen, Mr. Duer, Mr. Drayton and Mr. Telfair.

A letter, of August 1st, from colonel Malcolm, was read.

Resolved, That a chaplain be appointed to the garrisons in the posts on Hudson's-river, in the Highlands, and that he be entitled to the same pay and subsistence as a brigade-chaplain :

Congress proceeded to the election, and, the ballots being taken,

The Rev. Mr. John Mason was appointed chaplain to the garrisons in the said posts.

The committee to whom were referred the letter of Oct. 8th, from gov. Trumbull, and the memorial of William Hoskins, brought in a report :

Ordered, That the consideration thereof be postponed to Wednesday next.

A memorial from lieutenant-colonel Oswald, was read, requesting leave to resign his commission as lieutenant-colonel in the corps of artillery; whereupon, it was moved,

That the memorial of lieutenant-colonel Oswald be referred to the committee of arrangement, and that gen. Washington be directed to transmit to the said committee the principles upon which was grounded the determination of the board of general-officers, convened to adjust the relative rank betwixt col. Lamb and col. Harrison, and lieutenant-colonel Oswald and lieutenant-colonel Carrington, together with a state of the claims of the respective officers above-mentioned; and that the committee report to Congress on the premises as soon as possible:

That the president be directed to inform lieutenant-colonel Oswald, that Congress, having ordered an enquiry to be made into the principles upon which the board of general-officers settled the relative rank betwixt himself and lieutenant-colonel Carrington, they cannot for the present accept his resignation.

The previous question being moved,

And the yeas and nays thereon required by Mr. Duer.

| | | | |
|---------------------------|------------------|----|------------|
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | } ay |
| | Mr. Gerry, | ay | |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| <i>Connecticut,</i> | Mr. Sherman, | ay | |
| | Mr. Ellsworth, | ay | } ay |
| <i>New-York,</i> | Mr. Duer, | no | |
| | Mr. G. Morris, | ay | } divided. |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | |
| <i>Pennsylvania.</i> | Mr. Roberdeau, | ay | } ay |
| | Mr. Clingan, | ay | |
| <i>Maryland,</i> | Mr. Henry, | ay | } * |
| <i>Virginia,</i> | Mr. M. Smith, | ay | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| | Mr. Harnett, | ay | |
| | Mr. Williams, | ay | |
| | Mr. Laurens, | ay | |
| <i>South-Carolina,</i> | Mr. Drayton, | ay | } ay |
| | Mr. Hutson, | ay | |
| <i>Georgia,</i> | Mr. Telfair, | ay | } divided. |
| | Mr. Langworthy, | no | |

So the main question was set aside.

A motion was then made,

That the memorial be referred to gen. Washington, and that he be directed to report his opinion thereon, together with the grounds on which the board of general-officers determined the relative rank of the memorialist and lieutenant-colonel Carrington, and the difference between the cases of colonels Lamb and Harrison, and of lieutenant-colonels Carrington and Oswald:

To which the previous question was moved,

And the yeas and nays being required by Mr. Duer,

| | | | |
|---------------------------|------------------|----|------------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| | Mr. Sherman, | no | |
| | Mr. Ellsworth, | ay | |
| <i>Connecticut,</i> | Mr. Duer, | no | } divided. |
| | Mr. G. Morris, | ay | |
| | Mr. Witherspoon, | ay | |
| <i>New-York,</i> | Mr. Roberdeau, | ay | } ay |
| | Mr. Clingan, | ay | |
| | Mr. Henry, | ay | |
| <i>New-Jersey,</i> | Mr. Penn, | ay | } * |
| | Mr. Harnett, | no | |
| | Mr. Williams, | no | |
| <i>Pennsylvania,</i> | Mr. Laurens, | no | } no |
| | Mr. Drayton, | ay | |
| | Mr. Hutson, | ay | |
| <i>Maryland,</i> | Mr. Telfair, | no | } ay |
| | Mr. Langworthy, | no | |
| | | | |
| <i>North-Carolina,</i> | | | } no |
| | | | |
| | | | |
| <i>South-Carolina,</i> | | | } ay |
| | | | |
| | | | |
| <i>Georgia,</i> | | | } no |
| | | | |
| | | | |

So the main question was set aside.

A motion was then made, that the resignation of lieutenant-colonel Carrington be accepted :

At the desire of South-Carolina, the determination of that question was postponed till to-morrow.

Adjourned to ten o'clock to-morrow.

TUESDAY, November 3, 1778.

Mr. Collins, a delegate from Rhode-Island, attended, and took his seat in Congress.

A letter, of October 24th, from governor Trumbull, was read, advising, that he has drawn on the president of Congress for 50,000 dollars, and enclosing the bill :

Ordered, That it be referred to the board of treasury.

A memorial from colonel Gridley, was read :

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

The members chosen, Mr. Scudder, Mr. Collins and Mr. Holten.

A letter from the board of war, enclosing a list of officers exchanged, was read.

A letter, of August 1st, from Abraham Livingston, continental agent in South-Carolina, was read, requesting leave of absence, for reasons therein set forth :

Resolved, That Mr. A. Livingston have leave of absence.

Ordered, That the letter be referred to the marine-committee.

An extract from the journals of the general assembly of South-Carolina was laid before Congress, and read :

Ordered, That it be referred to the committee on the letter of September 22d, from major-general Howe, and that the committee report to-morrow.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the

marine-committee, for 5000 dollars advanced upon their application, the 29th of October, for contingent expenses ; the said committee to be accountable.

A motion was made, that the resolution fixing the salary of the auditor-general at 3500 dollars per annum, be re-considered, and that the salary of the auditor-general be fixed at 4000 dollars per annum :

On which the yeas and nays being required by Mr. Marchant,

| | | | |
|---------------------------|--------------------------|----|------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } no |
| | Mr. Lovell, | no | |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| | Mr. Sherman, | no | |
| | Mr. Ellsworth, | no | |
| <i>New-York,</i> | Mr. Duer, | ay | } ay |
| | Mr. G. Morris, | ay | |
| <i>New-Jersey,</i> | Mr. Scudder, | no | } no |
| | Mr. Roberdeau, | no | |
| | Mr. Clingan, | no | |
| <i>Delaware,</i> | Mr. M ^c Kean, | ay | } ay |
| <i>Maryland,</i> | Mr. Henry, | ay | |
| <i>Virginia,</i> | Mr. M. Smith, | ay | } * |
| <i>North-Carolina,</i> | Mr Penn, | ay | |
| | Mr. Harnett, | ay | } ay |
| | Mr. Williams, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } ay |
| | Mr. Matthews, | ay | |
| | Mr. Hutson, | ay | |
| <i>Georgia,</i> | Mr. Telfair, | ay | } ay |
| | Mr. Langworthy, | ay | |

So the states were equally divided, and the question lost.

A motion was then made to re-consider the resolution for settling the salary of the comptroller :

Question put, passed in the negative.

Congress proceeded to the election of officers for the treasury, and, the ballots being taken,

Jonathan Trumbull, jun. was elected comptroller, having been previously nominated by Mr. Gerry :

John Gibson was elected auditor, having been previously nominated by Mr. Sherman :

Michael Hillegas was elected treasurer, having been previously nominated by Mr. S. Adams :

| | | | |
|-----------------|--|------|--------------------------|
| James Milligan, | } Commissioners of the cham- bers of ac- counts, having been previous- ly nominated | by { | Mr. Marchant, |
| William Govett, | | | Mr. Gerry, |
| Resolve Smith, | | | Mr. G. Morris, |
| Peter Philips, | | | Mr. Marchant, |
| James Wells, | | | Mr. Duer, |
| William Geddes, | | | Mr. M ^c Kean. |

The committee to whom were referred the letter of October 27th, from the marquis de la Fayette, and the letter of the chevalier Maduit du Pleffis, with the papers relating thereto, brought in a report :

On the question to agree to the first resolution, viz.

That a brevet commission of colonel of artillery be granted to the chevalier Maduit du Pleffis, lieutenant-colonel of artillery in the service of the United States, as a testimonial of the high sense which Congress entertain of his zeal, bravery and good conduct, displayed on many occasions, and particularly of the services rendered to the United States in the action of Monmouth, on the 28th of June last :

The yeas and nays being required by Mr. Marchant,

| | | | |
|---------------------------|-----------------|----|------------|
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Marchant, | no | } no |
| | Mr. Collins, | no | |
| <i>Connecticut,</i> | Mr. Sherman, | no | } no |
| | Mr. Ellsworth, | no | |
| <i>New-York,</i> | Mr. Duer, | no | } divided. |
| | Mr. G. Morris, | ay | |
| <i>New-Jersey,</i> | Mr. Scudder, | no | } no |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | no | |
| | Mr. Clingan, | no | } no |
| <i>Delaware,</i> | Mr. M'Kean, | no | |
| <i>Virginia,</i> | Mr. M. Smith, | no | } * |
| <i>North-Carolina,</i> | Mr. Penn, | ay | |
| | Mr. Harnett, | no | } divided. |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | |
| | Mr. Drayton, | no | } divided. |
| | Mr. Matthews, | no | |
| <i>Georgia,</i> | Mr. Hutson, | ay | } no |
| | Mr. Telfair, | no | |
| | Mr. Langworthy, | no | |

So it passed in the negative.

Ordered, That the remainder of the report be re-committed;

That Mr. Lovell be added to the committee, and Mr. G. Morris be excused from attending.

Adjourned to ten o'clock to-morrow.

— ❦ —

WEDNESDAY, November 4, 1778.

The hon. sieur Gerard, minister plenipotentiary and consul-general of France, having transmitted to Congress a commission appointing the sieur Plombard, consul of France in the state of South-Carolina, the same was read and confirmed :

Ordered, That it be referred to the marine-committee ; that they register it and notify the appointment to whom it may concern, and return the commission to Mr. Gerard.

A letter, of October 26th, from brigadier count Pulaski ; one of November 3d, from Peter Craig ; and one of this day, from Fohrer and Kleinfmit, were read :

Ordered, That they be referred to the board of war.

A letter, of this day, from Monf. L'Eclise, and a petition from Prudent Juneffe, were read :

Ordered, That they be referred to the board of treasury.

A letter, of the 1st, from major-general lord Stirling, was read.

The committee on the treasury brought in a report ; whereupon,
Ordered, That a warrant issue on the treasurer in favour of Mr. Holten, one of the delegates of the state of Massachusetts-Bay, for 1500 dollars, advanced upon his application ; for which the said state is to be accountable :

That a warrant issue on the treasurer in favour of Jeremiah Wadsworth, commissary-general of purchases, for 900,000 dollars, for the use of his department ; for which he is to be accountable :

That a warrant issue on the treasurer in favour of the pay-master of the board of war and ordnance, for 500,000 dollars, to be by him transmitted to Benjamin Stelle, Esq; deputy pay-master at Providence ; and that the said sum be charged to Ebenezer Hancock, deputy pay-master-general in the eastern-district, who is to be furnished with a copy of this order, and to be accountable.

Resolved, That 10,000,100 dollars, in bills of credit, be emitted under the direction of the board of treasury and on the faith of the United States :

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 26th of Sept. last, and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz.

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

10,000,100

Ordered, That a warrant issue on the treasurer in favour of Thomas Kennedy, for 50,000 dollars, in discharge of a bill drawn by his excellency Jonathan Trumbull, Esq; governor of the state of Connecticut, dated Hartford, Oct. 24th, 1778, in favour of Nathaniel Shaw, for that sum, on the president of Congress ; the state of Connecticut to be accountable :

That a warrant issue on the treasurer in favour of Jeremiah Wadsworth, Esq; commissary-general of purchases, for 2,300,000 dollars, for the use of his department :

That a warrant issue on Thomas Smith, commissioner of the continental loan-office in the state of Pennsylvania, in favour of Jonathan Potts, deputy director-general, for 130,000 dollars, for the use of his department ; he to be accountable.

A motion being made respecting the medical-department,

Ordered, That it be referred to the medical-committee.

Congress proceeded to the election of two members to attend the board of war, and, the ballots being taken,

Mr. Sherman and Mr. Matthews were elected.

Congress proceeded to the election of a secretary of the board of war and ordnance, and, the ballots being taken,

Major Peter Scull was elected, having been previously nominated by Mr. Duer.

Ordered, That 300 copies of the treaties of amity and commerce, and of alliance, entered into between his most Christian majesty and the United States of America, be printed.

Congress proceeded to the election of three commissioners of the navy-board in the middle-district, and, the ballots being taken,

John Wharton, James Reed and William Winder, were elected, having been previously nominated by the marine-committee.

Resolved, That a committee of three be appointed to confer with the managers of the lottery, and report to Congress a proper allowance for their services :

The members chosen, Mr. Marchant, Mr. Roberdeau and Mr. Holten.

Adjourned to ten o'clock to-morrow.

THURSDAY, November 5, 1778.

Mr. Whipple, a delegate from New-Hampshire, attended, and took his seat in Congress.

A letter, of October 21st, from E. Hinman, late captain of the Alfred, was read.

A letter, of October 29th, from gen. Washington, with fundry papers enclosed, was read :

Ordered, That the same be referred to a committee of three, and that they be empowered to take such steps thereon as they shall think proper :

The members chosen, Mr. Scudder, Mr. G. Morris and Mr. Whipple.

A letter, of Oct. 31st, from gen. Washington, was read, enclosing a letter of the 16th of the same month, from John Connolly :

Ordered, That the letter from J. Connolly be referred to the committee on the letter of Sept. 15th, from Mr. John Beatty, commissary of prisoners.

A letter, of Oct. 30th, from J. Beatty, commissary of prisoners, was read, enclosing a letter of the 29th of the same month, to him, from James Dick, at New-York :

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

The members chosen, Mr. Wither Spoon, Mr. Drayton and Mr. S. Adams.

A report from the board of war was read ; whereupon,

Resolved, That the three companies, commanded by captains Clugage, Black and McDonald, raised for the defence of the frontiers of Pennsylvania, be re-enlisted and completed to their full complement, for the space of one year, from the 15th day of December next, unless sooner discharged by Congress :

That every non-commissioned officer and private enlisting in the said companies, receive as a bounty a suit of clothes, to consist of the articles usually allowed the continental troops, and that it be stipulated with the said non-commissioned officers and privates so enlisting, that they shall not be removed from the frontiers of the said state on any account whatever, except on expeditions against the Indians.

A letter, of this day, from lieutenant-colonel Gimat, was read; whereupon,

The committee to whom a report on the letter of Oct. 27th, from the marquis de la Fayette, and the letter from the chevalier de Maduit du Pleffis, with the papers relative thereto, were re-committed, brought in a report, which was taken into consideration, and thereupon Congress came to the following resolutions:

Whereas the chevalier de Maduit du Pleffis, lieutenant-colonel of artillery in the army of the United States, apprehending that the war is near a conclusion in this country, is desirous of returning to France, to offer his service to his prince, now engaged in hostilities with our common enemy:

Resolved, That the chevalier de Maduit du Pleffis have leave to withdraw from the service of these United States, and that the president give him a written testimonial of the high sense which Congress entertain of his zeal, bravery and good conduct, during his service in America.

And, whereas, the chevalier came out from France at his own expense, and has never received any of the advances and gratuities which have been made to the other officers of Monsi. du Coudray's corps:

Resolved, That a bill of exchange be drawn on the minister plenipotentiary of the United States at the court of France, in favour of the chevalier de Maduit du Pleffis, for 5000 livres tournois, and that the sum of 200 dollars be paid to him, the same to be in full of all gratuities claimed, or demands made or to be made, by him against these United States.

Resolved, That an honorary certificate of his zeal and services be given to lieutenant-colonel Gimat; and that a bill of exchange be drawn on the minister plenipotentiary of the United States at the court of France, in favour of lieutenant-colonel Gimat, for 5000 livres tournois, and that the sum of 200 dollars be paid to him to defray his expenses to the port of embarkation.

Resolved, That the commission of major by brevet be granted to Monsi. Capitaine, a captain in the service of the United States, and that a bill of exchange for 2400 livres tournois be drawn on the minister of the United States at Paris, in favour of Monsi. Capitaine, for his expenses in coming to and returning from America.

Resolved, That a bill of exchange for 1150 livres tournois be drawn on the minister aforesaid, in favour of Monsi. de la Colombe, for his expenses in coming to and returning from America.

Resolved, That a bill of exchange for 1150 livres tournois be drawn on the minister aforesaid, in favour of Monsi. Pontgibeaue, for his expenses in coming to America and for his return.

On motion, *Resolved*, That John Laurens, Esq; aid-de-camp to gen. Washington, be presented with a continental commission of lieutenant-colonel, in testimony of the sense which Congress entertain of his patriotic and spirited services as a volunteer in the American army, and of his brave conduct in several actions, particularly in that of R. Island, on the 29th of August last; and that gen. Washington be directed, whenever an opportunity shall offer, to give lieutenant-colonel Laurens command agreeable to his rank.

The committee to whom was referred the letter of gov. Trumbull, respecting major Derick, and Mr. Erkelins's plan of a negociation for a loan, brought in a report; whereupon,

Resolved, That major Derick be permitted to return to the United States of the Netherlands, and that he be promoted to the rank of lieutenant-colonel by brevet, as a testimony of his merit and services in the army of the United States.

Ordered, That the president return an answer to gov. Trumbull, and also to Mr. Erkelins, thanking him for his zeal in the service of the United States, but informing him and gov. Trumbull, that Congress are not yet prepared to adopt the scheme of a negociation for the loan proposed.

Adjourned to ten o'clock to-morrow.

FRIDAY, November 6, 1778.

Resolved, That Mr. Whipple be appointed a member of the marine-committee, for N. Hampshire, in the room of Mr. Bartlett, absent.

A letter, of this day, from lieutenant-col. John Laurens, was read, expressing " his gratitude for the unexpected honor which Congress were pleased to confer on him by the resolution passed yesterday, and the high satisfaction it would have afforded him, could he have accepted it without injuring the rights of the officers in the line of the army, and doing an evident injustice to his colleagues in the family of the commander in chief: that having been a spectator of the convulsions occasioned in the army by disputes of rank, he holds the tranquillity of it too dear to be instrumental in disturbing it: and therefore, entreating Congress to suppress the resolve of yesterday, ordering him a commission of lieutenant-colonel; and to accept his sincere thanks for the intended honor:" whereupon,

Resolved, That Congress highly approve the disinterested and patriotic principles upon which lieutenant-colonel J. Laurens has declined to accept the promotion conferred upon him by Congress.

A letter, of the 5th, from Peter Scull, was read, notifying his acceptance of the appointment of secretary to the board of war and ordnance.

A letter, of the 4th, from Mr. president Rodney, of the state of Delaware, was read, informing " that the members of the house of assembly have, by some means or other, in the course of the 2d and 3d inst. dispersed, and thereby the house dissolved, without having completed any one piece of the business laid before them:" whereupon,

Resolved, That the president write to the hon. C. Rodney, Esq; president of the state of Delaware, and request him to call the assembly of that state together as soon as possible.

A letter, of Oct. 12th, from major-general R. Howe, was read, enclosing a return of the stores belonging to the United States in the arsenal and magazine at Charlestown, South-Carolina:

Ordered, That the letter be referred to the committee on the memorial from the marquis de Britigny:

That the return of the stores be referred to the board of war.

A letter, of the 5th, from J. Simons to the board of war, and a copy of one of October 28th, from J. Loring, at New-York, to David Franks, were laid before Congress:

Ordered, That they be referred to the board of war, and that the board be directed to report thereon.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on John Gibson, Esq; auditor-general, for 260,538 $\frac{4}{5}$ dollars, in favour of Michael Hillegas, treasurer, it being the balance of the last million of dollars put into the hands of the said auditor-general; for which the treasurer is to be accountable.

Ordered, That a warrant issue on the treasurer in favour of Dr. J. Witherspoon, one of the delegates of the state of New-Jersey, for 300 dollars, advanced upon his application; for which the said state of New-Jersey is to be accountable.

Adjourned to ten o'clock to-morrow.

SATURDAY, November 7, 1778.

A memorial from captain Stephen Chambers, was read.

Sundry certificates relative to the purchase of horses by colonel Hartley were read; whereupon,

Ordered, That the quarter-master-general be directed to pay for horses purchased by order of colonel Hartley, for the purpose of marching the infantry commanded by captain Carbury, and for baggage-horses on the late excursion against the Indians, on proper certificates being produced.

Two letters, of October 29th, from major-general Heath, one of them enclosing a letter from major Harnage, were read:

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

The members chosen, Mr. Lovell, Mr. Scudder and Mr. Marchant.

A letter, of October 31st, from major-general Sullivan, at Providence, was read, with a letter from major Talbot enclosed:

Ordered, That the letter from major Talbot be referred to the marine-committee, and be published.

A petition from Monf. Laffier was read:

Ordered, That it be dismissed.

A letter, of October 30th, from major-general Schuyler, with sundry papers enclosed, was read:

Ordered, That it be referred to the board of war.

Resolved, That Wednesday next be assigned for the consideration of the proceedings of the court-martial on the trial of major-general Schuyler.

A petition from the chevalier de Crenis was read; whereupon,

Resolved, That a brevet commission of lieutenant-colonel be granted to the chevalier de Crenis.

A letter, of October 8th, from J. Connolly, was read:

Ordered, That it be referred to the committee on the letter of the 15th, from Mr. Beatty.

A letter, of the 7th, from Mr. D. Franks, was read.

The committee to whom was referred the letter from David Franks to Moses Franks, brought in a farther report; whereupon,

Resolved, That the letter of D. Franks of the 18th of October last, and the proceedings of Congress thereon, be transmitted to the supreme executive council of the state of Pennsylvania, and that he be no longer considered as a prisoner of the United States.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the hon. John Williams, Esq; one of the delegates of North-Carolina, for 800 dollars, advanced on his application ; the said state to be accountable :

That a warrant issue on the treasurer in favour of William Kennon, copper-plate printer, for 200 dollars, advanced him on account of printing bills of exchange :

That a warrant issue on the treasurer in favour of the marquis de la Fayette, major-general in the service of the United States, payable to his order, agent or attorney, for 3787 $\frac{3}{4}$ dollars, for fundry expenses and disbursements in consequence of his appointment to the command of the troops in the northern-department, in February last.

Ordered, That the chaplains of Congress prepare and report a recommendation to the several states, to set apart the 30th day of December next, as a day of general thanksgiving throughout the United States.

The board of war, to whom were referred the letter of the 5th, from J. Simons, and the letter of October 28th, from J. Loring to D. Franks, brought in a report ; whereupon,

Resolved, That the commissary-general of prisoners be directed to take proper measures, until the farther order of Congress, for the temporary supply of the British prisoners of war captivated by the army of the United States, with such quotas of rations as are furnished our prisoners in the hands of the enemy by the British commissaries :

That the commissaries-general of purchases and issues and their deputies, be directed to comply with such requisitions as shall be made to them, from time to time, by the commissary-general of prisoners, for such articles of provisions as shall be necessary to furnish the British prisoners agreeably to the above direction of Congress.

Ordered, That the secretary furnish the commissary-general of prisoners with a copy of the letter of Jan. 19th, 1778, from sir William Howe to gen. Washington, with the papers enclosed, specifying the quota of rations furnished to our prisoners in the enemy's hands by the British commissaries.

Ordered, That the memorial of lieutenant-colonel Oswald, presented and read on the 2d inst. be referred to a committee of three :

The members chosen, Mr. Sherman, Mr. Duer and Mr. Marchant.

A letter, of the 6th, from captain Mansfield, was read, desiring leave to resign his commission :

Resolved, That his resignation be accepted, and that the commission be sent to the board of war, who are directed to make such endorsement thereon as they shall think suited to his merit.

Adjourned to ten o'clock on Monday.

MONDAY, November 9, 1778.

Mr. Francis Lightfoot Lee, a delegate from Virginia, attended, and took his seat.

A letter, of October 26th, from major-general Sullivan, was read, with fundry papers enclosed respecting forage :

Ordered, That the same be referred to the board of war.

A letter, of Oct. 30th, from major-general Gates, at Hartford ; one

of the same date, from Peter Colt ; and one of the same date, from gov. Trumbull ; and one of the 5th inst. from major-general lord Stirling ; were read.

An extract from the journals of the assembly of S. Carolina, purporting to be "a report of the committee on the president's message, relative to the hospital-establishment and military arrangements of the state, as agreed to by the house," was laid before Congress :

Ordered, That so much thereof as relates to the hospital, be referred to the medical-committee, and the remainder to the board of war.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the officers and privates of the invalid regiment, commanded by col. Lewis Nicola, for pay and subsistence for the month of Sept. 1778, 1706 $\frac{9}{10}$ dollars, as by muster-rolls and pay-rolls appears :

That there is due to Thomas Eddifon, his pay as clerk in the secretary's office, from the 13th of August to the 31st of Oct. inclusive, being two months and 20 days, at 100 dollars per month, 266 $\frac{9}{10}$ dollars :

Ordered, That the said accounts be paid.

Ordered, That so much of the report as relates to John Norman, be referred to the board of treasury.

A letter, of October 28th, from J. Loring to J. Beatty, was laid before Congress, and read :

Ordered, That it be referred to the committee on the letter of September 15th, from Mr. Beatty.

The committee to whom was referred the letter of Oct. 30th, from J. Beatty, commissary of prisoners, brought in a report ; whereupon,

Ordered, That commissary Beatty be furnished with a copy of the resolutions of Congress on the subject of seditious papers circulated under the colour of flags, and informed, that, in the opinion of Congress, there was good reason for confining the pilot, lieutenant and crew of the vessel mentioned in his letter : that if any objections are made to it on the part of the enemy, they must be discussed and settled on national grounds, and therefore that the peremptory requisition of admiral Gambier will not be complied with.

The committee to whom was referred the letter of October 29th, from major-general Heath, with the papers enclosed, brought in a report ; whereupon,

Resolved, That the resolution of Congress of Oct. 21st, relative to partial parole exchanges, be transmitted to major-general Heath for his government : that at the same time he be informed, that Congress have no objection to his giving passes to Mrs. Reynolds, her children and female servants, to go to Europe, R. Island or N. York ; or to his allowing major Harnage and capt. Hawker to continue on parole in the state of Massachusetts-Bay, with their families, upon their engaging to supply themselves.

Adjourned to ten o'clock to-morrow.

TUESDAY, November 10, 1778.

A letter, of the 6th, from major-general Greene, quarter-master-general, was read.

Whereas it hath become necessary not only that speedy and vigorous measures should be taken to regulate the commissary's and quartermaster's departments, but also that a constant attention should be paid to those departments :

Resolved, That Mr. Scudder, Mr. G. Morris and Mr. Whipple be a committee to superintend the same departments, and that they, or any two of them, be empowered to take such steps relating to the same as they shall think most for the public service.

Ordered, That the letter from major-general Greene, be referred to the said committee.

A letter, of the 6th, from gen. Washington, and one of the same date, from W. Palfrey, pay-master-general, were read.

A memorial from Patrick M'Closky, and also a memorial from William Dodd, Levallin Barry, Patrick M'Closky and Richard Ross, were read :

Ordered, That they be referred to the board of treasury, and that they be empowered to give such relief as they may think the memorialists are equitably entitled to.

An application from the chevalier de Crenis, was read :

Ordered, That it be referred to the board of treasury.

A letter, of October 30th, from Phineas Pierce, lieutenant in capt. Spaulding's company, was read, desiring leave to resign his commission, on account of his being incapable of serving longer by reason of wounds he received in the year 1776 :

Resolved, That the resignation of lieutenant Phineas Pierce be accepted.

Ordered, That 20 copies of the index to the first volume of the journals of Congress, and 20 copies of the 2d volume, be delivered to the delegates of each state, for the use of their respective states.

Ordered, That the plan of finance be an order for to-morrow, and that Congress proceed on the consideration of that business every day after, precisely at one o'clock, until the same be finished, and that this rule be not broken unless by unanimous consent.

The committee to whom were referred a report of the committee of the general assembly of S. Carolina, concurred in by the house on the 8th of Sept. 1778, and ordered to be transmitted to Congress, and also a letter of Sept. 22d, from major-general Howe, brought in a report, which was read.

A letter, of Sept. 13th, from the marquis Bouille, governor of Martinique, and directed to the committee of foreign affairs, was read :

Ordered, That it be referred to the committee appointed to confer with the minister of France.

Ordered, That Mr. Holten be added to the committee appointed to superintend the publication of the journals.

Adjourned to ten o'clock to-morrow.

*
WEDNESDAY, November 11, 1778.

Mr. Ellery, a delegate from R. Island, attended, and took his seat in Congress.

A memorial from the hon. fleur Gerard, minister plenipotentiary of France, was read, representing, that he has " purchased, for account

of his most Christian majesty, the cargoes of two vessels, one called the *Gentile*, George Andre, master; the other the *Adventurer*, Joseph Taffis, master; which vessels are now in the port of Petersburg, in Virginia: that both cargoes consist of between 12 and 1300 barrels of flour, and about 150 barrels of bread: that the destination of this provision requires its immediate departure;” and therefore entreating Congress “to give the necessary orders for the departure of these vessels:” whereupon,

Ordered, That the president write to the governor of Virginia, explain to him the nature of this transaction, and the necessity of the vessels immediate departure, and desire him to give orders accordingly.

Ordered, That the committee for superintending the commissary and quarter-master’s departments, confer with Monsr. Gerard on the danger that may result from an interference with the commissary-general or his deputies, on the purchase of provisions in the present situation of affairs.

A letter, of the 9th, from gen. Conway, was read:

Ordered to lie on the table.

Congress took into consideration the report of the committee on finance, and some time being spent thereon,

Adjourned to ten o’clock to-morrow.

THURSDAY, November 12, 1778.

A letter, of the 11th, from Mr. de Francey, was read:

Ordered, That it be referred to the committee of commerce.

Ordered, That Mr. Whipple and Mr. Ellery be added to the said committee, and that the committee be empowered to employ a suitable person as a clerk.

Ordered, That Monday next be assigned for considering the commercial affairs of Congress, and the propriety of putting them into commission; and that the committee of commerce on that day, lay on the table a plan for conducting commercial affairs.

The committee of foreign affairs laid before Congress a letter of the 16th, and one of Sept. 26th, from W. Bingham, at Martinique, which were read, and returned to the committee.

The marine-committee laid before Congress a letter of Oct. 31st, from W. Smith, at Baltimore, which was read, informing, that Mr. Dugan’s vessel, on board of which Mr. Smith had shipped flour, agreeably to the order of the marine-committee, has been seized; whereupon,

Ordered, That the president write to gov. Johnson, and inform him, that the marine-committee are empowered and directed to send provisions by sea to the eastern-states, for the use of the navy: that the public service requires that every aid should be given to the marine-committee to facilitate the execution of this business; and that the government of Maryland be requested to permit the vessels taken up and loaded by order of the marine-committee to proceed on their voyage with all dispatch.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer for 75,000 dollars, in favour of Jonathan Potts, deputy director-general, and another warrant in his favour on Derick Ten Broek, Esq; commissioner of the con-

tinental loan-office in the state of New-York, for 75,000 dollars; both which sums, amounting to 150,000 dollars, are for the use of the hospitals in the northern-department; and for which the said deputy director-general is to be accountable.

Ordered, That the petitions of *Monf. L'Eclife* and *Monf. la Jéunefse*, which were referred to the board of treasury, be referred to the board of war, and that they take such measures thereon as they shall judge expedient.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to David Mosely, for his pay, boarding, &c. as a coper-plate printer, from June 25th to November 14th, 1778, a balance of 121 dollars :

That there is due to the Rev. Mr. Lotbinier, his pay and subsistence as chaplain to col. James Livingston's regiment, from Oct. the 11th to November 10th, 1778, inclusive, 60 dollars :

That there is due to John Radeisell, for hire of his waggon and ferriages from York county to Amboy, and returning home in August, 1776, $86\frac{31}{96}$ dollars :

That there is due to George Shallus, for victualling Pennsylvania militia in 1776, 58 dollars :

Ordered, That the said accounts be paid.

Ordered, That the report of the commissioners on the claims of Henry Kreven and Godfrey Frey, be referred to the committee appointed to superintend the commissary's and quarter-master's departments, and that they be directed to confer with the quarter-master-general and barrack-master upon the subject, and report resolutions for determining all such cases for the consideration of Congress.

The committee to whom was referred the letter of Sept. 15th, from J. Beatty, commissary of prisoners, with two letters from J. Loring, dated Sept. 1st and Oct. 28th, and sundry letters from John Connolly, report the following state of facts :

"That Dr. John Connolly, now styling himself lieutenant-colonel in the British service, was, in the latter end of Nov. 1775, apprehended in Frederick county, in Maryland, in company with a certain Allan Cameron and John Smith, by the committee of inspection of that county : that at the time he was taken he was not in arms ; or at the head of any party in arms ; but was clandestinely making his way to Detroit, in order to join, give intelligence to, and otherwise aid the garrison at that place, as appears by his own intercepted letter of Dec. 16th, 1775, addressed to the commanding-officer of that fortress, and by gen. Washington's letter to Congress of December 25th, 1775 :

That a number of officers in the British service, who were prisoners long after the said John Connolly was apprehended, have been exchanged in course, and no demand has been made till within these few months past by any British general for the release or exchange of the officer last mentioned :

With respect to the treatment of the said John Connolly, the committee report, that at the time he was first apprehended, he was confined, under guard, by the committee of inspection in the town of Frederick, in an apartment separate from his associates, without any circumstance

to aggravate his captivity, except the being debarred the use of pen, ink and paper : that notwithstanding this restraint, he contrived to write several letters of intelligence to the British officers commanding at the post of Detroit and Kuskuskis, which letters were found on the person of Dr. Smith, one of his associates, who, having escaped from the town of Frederick, was again apprehended : that, by the resolution of Congress of Dec. 8th, 1775, he was ordered to be " confined in prison at Philadelphia : " that being brought to that city, he was confined in the new gaol, where he continued till about the month of Nov. 1776, when he was permitted, on account of a declining state of health, to reside on his parole at the house of his brother-in-law on the river Susquehannah, where he continued for about two months, when, on information being given to the council of safety of the state of Pennsylvania, of certain suspicious circumstances relative to him, he was remanded to his former place of confinement, in which he continued till about spring, 1777, when he was again permitted, on his parole, and the security of his brother-in-law, to return to his former place of residence on the river Susquehannah.

That during these periods of his confinement in the new-gaol, he had for the greatest part of the time a separate apartment to himself, the privilege of walking in the yard, a person allowed to attend him in his apartment, and his own servant permitted to fetch him such necessities as he chose to order ; and that during the short period when he had not a separate apartment, there were never more than two persons in the same room, seldom more than one, and those some of his associates, or in consequence of his particular request : that during those periods of time he made two attempts to escape, in which he was detected : that, on authentic information being given to Congress at York-town, that the said lieutenant-colonel John Connolly was acting in a manner not consistent with the spirit of his parole, and the frontiers being then threatened with a barbarous war, in which there was reason to apprehend he was designed as an instrument, he was ordered into confinement in the gaol at York-town, on the 13th day of October, 1777 : that on the 17th day of May, 1778, the said J. Connolly, with several others, confined in the said gaol, made a representation to Congress, setting forth, in the strongest colouring, the hardships and cruelties which they declared they were then suffering :

That on the result of a strict enquiry, and after the gaol had been visited by col. Pickering, one of the members of the board of war, it appeared that the suggestions contained in the said representation were scandalous and groundless ; and the report of the board of war was, on the 23d of May, ordered to be published : that since the evacuation of Philadelphia, the said John Connolly was remanded to the new-gaol in that city, where, excepting the space of about 14 days, when two persons were necessarily obliged to sleep in the same room, he has had a separate and commodious apartment of his own choice, the privilege of his own servant to attend him constantly, and to bring him whatever he may require, and the unrestrained use of a spacious yard to take the air in, during the day : that, in his letter of October 12th, 1778, the said J. Connolly declares, " that the common rights of humanity are denied him," and paints his situation in such terms, as would

tend to induce a belief that the most wanton cruelties and restraints are imposed upon him :

That, in consequence of a request of J. Connolly to be heard in person by a committee of Congress, this committee has complied with his request, when he declared, in the presence of your committee, " that excepting the restraint of his person under the limits above-mentioned, which, however indulgent they might appear, he conceived unfavourable to his state of health, he experienced every other relief which could be extended to a person in confinement : " that Joshua Loring, Esq; British commissary of prisoners, in his letter to Mr. Beatty of Sept. 1st, 1778, threatens to retaliate on an American prisoner of war of an equal rank with lieutenant-colonel Connolly, for the sufferings which it is pretended that officer endures : whereupon,

Resolved, That lieutenant-colonel John Connolly cannot of right claim to be considered and treated as a prisoner of war, but that he was, at the time he was apprehended, and still is, amenable to law-martial as a spy and emissary from the British army :

That the repeated representations made by lieutenant-colonel John Connolly, of the grievances he undergoes, are not founded on facts :

That gen. Washington be directed to transmit the foregoing resolutions and state of facts to the commander in chief of his Britannick majesty's forces in N. York, and to inform the said officer, that if, under the pretext of retaliating for the pretended sufferings of a person who, by the law of nations, has no right to be considered as a prisoner of war, any American officer, entitled to be considered and treated as a prisoner of war, shall undergo any extraordinary restraints or sufferings, Congress are determined to retaliate on the person of an officer of the first rank in their possession, for every species of hardship or restraint on such account inflicted.

Ordered, That Mr. Matthews have leave of absence.

Congress resumed the consideration of the report on finance, and, some time being spent thereon,

Adjourned to ten o'clock to-morrow.

FRIDAY, November 13, 1778.

Ordered, That Mr. Telfair have leave of absence.

Ordered, That Mr. S. Adams be added to the committee appointed to superintend the publication relative to disputes, petitions and negotiations to and with the court of Great-Britain, and that the committee be empowered to proceed in the publication as they judge proper.

Ordered, That the state of facts and resolutions relative to J. Connolly be published.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, in favour of Dr. William Shippen, director-general, for 75,000 dollars, to enable him to discharge sundry debts due from his department previous to the first of March last ; the said director-general to be accountable.

That a warrant issue on the treasurer in favour of John Norman, for 40 dollars, for the use of his rolling-press for five weeks.

Resolved, That three members be added to the board of treasury :

The members chosen, Mr. Hufon, Mr. Ellsworth & Mr. F. L. Lee.

Ordered, That a warrant issue on the treasurer in favour of the committee of commerce, for $9975\frac{7}{10}$ dollars, to enable them to pay Geràrd William Beckman & Co. $2239\frac{2}{10}$ dollars, for freight, &c. of the ship Mary, chartered by the said committee, and to pay a bill drawn on them by Messrs. James and Adam Hunter, of Virginia, in favour of Mr. A. Strettle, dated October 26th, 1778, for $7735\frac{45}{100}$ dollars; the said committee to be accountable.

A report from the board of war was read: whereupon,

Resolved, That the commanding-officer in the southern-department be empowered, if he shall find it necessary, to appoint a deputy judge-advocate for the troops in Georgia, to act so long as occasion requires, and to be entitled to the usual monthly pay and allowance.

Congress resumed the report of the committee on finance, and, after some time spent thereon,

Adjourned to ten o'clock to-morrow.

SATURDAY, November 14, 1778.

A letter from lieutenant Donald M'Leod, a prisoner on parole, was read, praying, in behalf of himself and eleven others in similar circumstances, that two of them may be permitted to go to New-York to negotiate an exchange; or, if that cannot be obtained, to bring a supply for them all:

Ordered, That it be referred to the board of war.

A letter of this day from major-general Arnold was read, enclosing a letter of the 9th, from R. Peters, member of the board of war:

Ordered, That the same be referred to the board of war.

A letter, of the 13th, from Mr. S. Deane was read, enclosing a memorial on the subject of currency, and establishing a marine or naval force for the defence of the American coasts:

Ordered to lie on the table for the perusal of the members.

A letter, of the 9th, from colonel Hartley, at Sunbury, to the council of Pennsylvania, and one of the same date to the board of war, were laid before Congress and read; whereupon,

Ordered, That a copy of the letter to the board of war be sent to gen. Washington, and that he be directed to take such measures relative to the subject-matter thereof, as he may judge necessary:

That the board of war give orders to the proper officers, for furnishing the troops in the posts on the western-frontiers under the command of colonel Hartley with provisions and other necessary supplies.

The marine-committee, to whom was referred the letter from major Silas Talbot, brought in a report; whereupon,

Resolved, That Congress have a high sense of the bravery and good conduct of major Silas Talbot, of the state of R. Island, and the officers and men under his command, in boarding and taking the armed schooner Pigot, of eight 12 pounders and 45 men, in the east-passage between R. Island and the Main; and that he, as a reward of his merit and for the encouragement of a spirit of enterprize, be presented with the commission of lieutenant-colonel in the army of the United States.

Another report from the marine committee was read; whereupon,

Resolved, That, to encourage seamen to enter into the service of the United States, those who shall engage for a term not less than twelve months, be supplied with slops in such quantities and with such abatements, not exceeding fifty per cent. on the cost thereof, as the marine-committee shall, from time to time, judge necessary.

Resolved, That purfers be appointed in the navy of the United States for all vessels not under 16 guns, and that their pay be equal to that of surgeons in the navy.

Whereas by the act of Congress ordering the distribution of prize-money amongst the petty-warrant and petty-officers in the navy of the United States, no provision has been made for the carpenters' and gunners'-mates :

Resolved, That the carpenter's and gunner's-mates share equally in prize-money with the other petty-warrant and petty-officers in the navy of the United States.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of John Gibson, Esq; for 4710 dollars, to enable him to discharge the residue of a warrant drawn on him by the hon. John Hancock, Esq; president of Congress, in favour of the delegates of the state of R. Island, for 10,000 dollars, dated July 5th, 1777 ; for which the said J. Gibson is to be accountable.

Ordered, That Mr. Marchant have leave of absence.

Congress resumed the consideration of the report of the committee on finance, and after some time spent thereon,

Adjourned to ten o'clock on Monday.

MONDAY, November 16, 1778.

Resolved, That Mr. F. L. Lee be discharged from attending the board of treasury, and that he be appointed to attend the board of war, as a member of this house, in the room of Mr. Matthews.

A letter, of this day, from the board of war, was read, enclosing a copy of a letter of October 31st, from J. Loring to col. Beatty, summoning all the officers who are at home on their paroles to repair immediately to New-York :

Ordered, That the same be referred to the board of war, and that the board give orders to suspend the publication of the summons until they report thereon.

A letter, from J. Melchior, barrack-master, was read, with sundry papers enclosed :

Ordered, That the same be referred to the board of war.

A letter of the 15th, from the marquis of Britigny, was read.

Congress resumed the consideration of the report of the committee on finance, when a motion was made,

That the four first propositions of the report be referred to a committee of the whole house :

On the question put, the yeas and nays being required by Mr. Duer

| | | | |
|---------------------------|---------------|----|----|
| <i>New-Hampshire,</i> | Mr. Whipple, | no | }* |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | |
| | Mr. Gerry, | ay | |
| | Mr. Lovell, | no | |
| | Mr. Holten, | ay | |

}divided.

| | | | | |
|------------------------|------------------|----|---|----|
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } | no |
| | Mr. Marchant, | no | | |
| <i>Connecticut,</i> | Mr. Sherman, | no | } | no |
| | Mr. Ellsworth, | no | | |
| <i>New-York,</i> | Mr. Lewis, | ay | } | ay |
| | Mr. Duer, | ay | | |
| <i>New-Jersey,</i> | Mr. Scudder, | no | } | no |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | no | | |
| | Mr. James Smith, | ay | } | ay |
| | Mr. Clingan, | ay | | |
| <i>Maryland,</i> | Mr. Henry, | ay | } | * |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | | |
| | Mr. M. Smith, | ay | } | ay |
| <i>North-Carolina,</i> | Mr. Penn, | ay | | |
| | Mr. Harnett, | ay | } | ay |
| | Mr. Williams, | ay | | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } | ay |
| | Mr. Drayton, | ay | | |
| | Mr. Hutson, | ay | } | ay |
| <i>Georgia,</i> | Mr. Langworthy, | ay | | |

So it was resolved in the affirmative.

Resolved, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider the propositions referred to them.

The chaplains having prepared a recommendation to the several states for setting apart a-day of thanksgiving, the same was read.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Robert Spencer, Esq; for 6366 dollars, in discharge of a bill drawn by W. Palfrey, Esq; pay-master-general, on the president of Congress, for that sum, in favour of the said R. Spencer, dated Oct. 31st, 1778, expressed to be for the forces of the United States of America; the said pay-master-general to be accountable.

Adjourned to ten o'clock to-morrow.

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TUESDAY, November 17, 1778.

A letter and memorial from Mons. Bedaulx were read:

Ordered, That they be referred to the board of war.

A letter, of the 1st, from capt. Seth Harding, at Norwich, was read:

Ordered, That it be referred to the marine-committee.

A letter, of the 2d, from major-general Schuyler, enclosing a letter from Mr. James Deane, at Fort-Schuyler, was read:

Ordered, That a copy of Mr. Deane's letter be sent to general Washington, and that general Schuyler's letter, with the enclosed, be referred to the board of war.

Whereas Congress, have received intelligence that renders it necessary to abridge the indulgence heretofore granted to J. Connolly:

Ordered, That he be confined to his room, and that no person be admitted to converse with him till the further order of Congress.

A letter, of Oct. 30th, from gov. Greeng, of R. Island, was read.

A letter, of Sept. 9th, from major Romand de Liile, and one of September 5th, from colonel Elbet, in Georgia, were read:

Ordered, That they be referred to the board of war.

A letter, of Sept. 9th, from J. Clay, pay-master in Georgia, with his account enclosed, was read :

Ordered, That the same be referred to the board of treasury.

A report from the board of war was read ; whereupon,

Resolved, That the troops raised in the state of S. Carolina are, and ought to be considered as being in the same situation, and subject to the same regulations, with the other forces of the United States, except in cases where contrary stipulations were made at the time of their being received into the service of the United States, on the continental establishment.

The committee to whom were referred the letter from Mr. Lowndes, president of S. Carolina, and the letters from major-general Howe, brought in a report ; whereupon,

Resolved, That the president of the state of S. Carolina be informed, that the resolution of Congress of Sept. 16th, 1776, relative to appointments, extends only to the appointment of regimental-officers, and not to officers on the general-staff.

Congress proceeded to the election of a deputy adjutant-general and deputy quarter-master-general for the troops in the southern-department, and, the ballots being taken,

Captain Edmund Hyrne was elected deputy adjutant-general, and

Stephen Drayton was elected deputy quarter-master-general, in the southern-department, they having been previously nominated by the delegates of South-Carolina.

Congress resumed the consideration of the recommendation to the states for setting apart a day of thanksgiving, which being amended, is as follows :

It having pleased Almighty God, through the course of the present year, to bestow many great and manifold mercies on the people of these United States ; and it being the indispensable duty of all men, gratefully to acknowledge their obligations to him for benefits received ;

Resolved, That it be, and hereby is recommended to the legislative or executive authority of each of the said states, to appoint Wednesday, the 30th of Dec. next, to be observed as a-day of public thanksgiving and praise ; that all people may, with united hearts, on that day, express a just sense of his unmerited favours ; particularly in that it hath pleased him, by his over-ruling providence, to support us in a just and necessary war, for the defence of our rights and liberties, by affording us seasonable supplies for our armies ; by disposing the heart of a powerful monarch to enter into alliance with us, and aid our cause, by defeating the councils and evil designs of our enemies, and giving us victory over their troops ; and by the continuance of that union among these states, which, by his blessing, will be their future strength and glory.

And it is further recommended, that, together with devout thanksgiving, may be joined a penitent confession of our sins, and humble supplication for pardon, through the merits of our Saviour ; so that, under the smiles of Heaven, our public councils may be directed, our arms by land and sea prospered, our liberty and independence secured, our schools and seminaries of learning flourish, our trade be revived,

our husbandry and manufactures encreased, and the hearts of all impressed with undissembled piety, with benevolence and zeal for the public good.

And it is also recommended, that recreations unsuitable to the purpose of such a solemnity may be omitted on that day.

Done in Congress, this 17th day of Nov. 1778, and in the third year of the independence of the United States of America.

According to order, Congress was resolved into a committee of the whole, to consider the four first propositions of the report of the committee on finance, and, after some time, the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, and have made some progress, but not having come to a conclusion desire leave to sit again :

Resolved, That to-morrow at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them :

Adjourned to ten o'clock to-morrow.

WEDNESDAY, November 18, 1778.

Two letters from the hon. the minister plenipotentiary of France were read, requesting a passage on board one of the continental frigates for the chevalier de Raymondis, captain of the *Cæsar* ; and that a vessel, on board of which are a number of invalids, may be taken under convoy of the frigates, until she is safe at sea :

Ordered, That they be referred to the marine-committee, and that the committee be directed to comply with the request therein contained.

A letter, of the 14th, from general Washington was read, enclosing one of the 10th, from general sir Henry Clinton, relative to an exchange of the convention troops :

Ordered, That it be referred to the board of war.

A letter, of the 9th, from governor Henry of Virginia, was read.

A memorial from the marquis of Bretigny was read :

Ordered, That the same, together with the report of the committee on a former memorial from the marquis, be referred to a committee of five :

The members chosen, Mr. Drayton, Mr. Williams, Mr. Ellery, Mr. M. Smith and Mr. Henry.

Ordered, That the memorial from the baron de Randerode Thulier, which was read and referred on the 21st of October last, be also referred to the foregoing committee.

An intercepted letter from Abraham Chilborn, of Haverford West, directed to James Seagrove, merchant in Philadelphia, was laid before Congress :

Ordered, That it be transmitted to the executive council of Pennsylvania.

The credentials of the delegates from the state of Maryland being laid before Congress, were read, and are as follows :

“ *Maryland.* /

In the House of Delegates, November 13th, 1778.

The gentlemen appointed to examine the ballot boxes on the election for delegates to Congress, returned from the conference-room

and reported, that George Plater, William Paca, William Carmichael, John Henry, James Forbes, and Daniel of St. Thomas Jenifer, Esqrs; had a majority of votes; whereupon it is declared in the house of delegates, that the hon. George Plater, William Paca, William Carmichael, John Henry, James Forbes and Daniel of St. Thomas Jenifer, Esqrs; are duly elected delegates to Congress.

True copy from the proceedings. By order,

J. DUCKETT, C. H. D.

A similar copy from the proceedings of the senate is signed, by order,
R. RIDGELY, *clerk of the Senate.*"

A letter, of the 7th, and one of the 11th of August, from the hon. A. Lee, Esq; at Paris, directed to the committee of correspondence at Congress, were read, together with sundry papers enclosed and referred to therein:

Ordered, That they be lodged with the secretary, for the perusal of the members.

An invoice of five bales of merchandize, shipped on board the schooner Tabby, capt. John Hoadges, Marblehead, and consigned to the hon. E. Gerry, Esq; for account of the hon. Arthur Lee, by Joseph Gardoqui & Sons, was laid before Congress:

Ordered, That it be referred to the committee of commerce.

According to order, Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their further consideration the propositions referred to them, but not having yet come to a conclusion, desire leave to sit again:

Resolved, That to-morrow at one o'clock, Congress be resolved into a committee of the whole, to consider further the propositions referred to them.

A letter, of the 12th, from Mons. du Pleffis, was read:

Ordered to lie on the table.

Adjourned to ten o'clock to-morrow.

THURSDAY, November 19, 1778.

Mr. Paca, Mr. Carmichael and Mr. Henry, three of the delegates of Maryland, attended, and took their seats in Congress.

A letter, of the 2d, from major-general Heath was read, enclosing one of the 1st, from William de Passern, major of the regiment of Hesse Hanau, and one of October 31st, from brigadier-general James Hamilton, both directed to major-general Heath.

A letter, of the 12th, from gen. Washington, and one of this day from Rawleigh Downman and George Hancock, of the Georgia troops, and a memorial from col Matthews, of the 9th Virginia regiment, respecting specie procured for his officers when prisoners, were read:

Ordered, That they be referred to the board of war.

A letter, of the 13th, from Mr. president Rodney, of the state of Delaware, was read.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Thomas Bailly, for 1485 dollars, in payment of a draught of major-general R. Howe, dated Charleston. S. Carolina, August 24, 1778, in favour of

and endorsed by captain Rawleigh Downman, for that sum ; it being agreeable to a letter of advice of the same date from major-general R. Howe, who is to be accountable :

That, upon the application of the marine-committee, a warrant issue on the treasurer in their favour, for 10,000 dollars, for the use of the navy-board in the middle-district ; the said marine-committee to be accountable.

The committee on the treasury having, according to an order of Congress, considered a petition of William Dodd and others, dated November 9, 1778, report,

That the allowance made by Congress to the petitioners for their services, as expresses, agreeably to a report of the commissioners of claims, appearing to be fully sufficient, the prayer of the petition for an augmentation of pay ought not to be granted :

Resolved, That Congress agree to the said report.

The said committee having also considered a petition of lieutenant-colonel Grenis, brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of lieutenant-colonel Grenis, for 600 dollars, in full for his services whilst employed in the army of the United States.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Benjamin Armitage, for superintending the making of paper for loan-office certificates, from September 22d to November 12th, 1778, 260 dollars :

That there is due to John Bates, for three fire-hoods for the treasury and commissioners office, 62 dollars :

That there is due to Michael Hay, for riding express to Morristown in March, 1777, 20 dollars :

Ordered, That the said accounts be paid.

Mr. Duane, a delegate from N. York, attended, and produced the credentials of the delegates of that state, which were read as follows :

“ State of New-York.

In Assembly, Thursday, October 15, 1778.

A message from the honourable the senate, by Mr. Park, and in the words following, to wit ;

State of New-York. In Senate, October 15, 1778.

Resolved, That, if the hon. house of assembly concur herein, the number of delegates from this state in general Congress be five : that three of them at least statedly attend, and that any two of the three attending, be authorized to represent this state.

Ordered, That Mr. Parks carry a copy of the foregoing resolution to the honorable house of assembly.

A true copy from the minutes :

ROBERT BENSON, *Clerk.*

Resolved, That this house do concur with the hon. senate in their resolution of this day, on the subject of electing delegates to the general Congress.

Ordered, That Mr. Vrooman and Mr. J. Clarke carry a copy of the above resolution of this house to the honorable senate.

Friday, nine o'clock, A. M. October 16, 1778.

Resolved, That the hon. James Duane, Gouverneur Morris, Philip Schuyler, William Floyd and Francis Lewis, Esqrs; be, and they are hereby declared duly nominated and appointed delegates to represent this state in the general Congress of the United States of America.

By order of the house :

WALTER LIVINGSTON, *Speaker*.

A similar resolution from the senate was read.

Signed by order of the senate :

PIERRE VAN CORTLANDT, *President*."

The board of war, to whom was referred the letter from col. Melchior, barrack-master, brought in a report, which being read,

Ordered, That the first part be re-committed.

The previous question being moved on the second, was carried in the affirmative, that the question thereon be not now put.

A report from the board of war, on the letter of the 14th from gen. Washington, and the copy of sir Henry Clinton's letter of the 10th, relative to an exchange of the convention troops, being read,

Resolved, That gen. Washington be empowered and directed to appoint commissioners, and fix the time and place of their meeting, to confer with the commissioners appointed or to be appointed by sir Henry Clinton, or other the commander in chief of the British forces in America, on behalf of his Britannick majesty, on the exchange proposed by sir Henry Clinton in his letter to gen. Washington of the 10th inst. of the officers in the service of these states, now prisoners in the actual possession of the enemy, or out on parole, for the officers and men of the troops of the convention, according to their ranks and numbers, officers of equal rank to be first exchanged : after which, if it shall be necessary, an equivalent of inferior for superior officers, and, if agreeable to such equivalent, all the officers of the army shall be exchanged, and a balance of officers remain in their hands, then an equivalent of privates to be given in exchange for such officers, shall be settled according to the customary proportion, or such proportion as may be agreed on. The commissioners so to be appointed, by virtue hereof, to make report of their proceedings to gen. Washington, who is hereby fully authorized and empowered finally to ratify the terms of the said exchange on behalf of these United States.

Resolved, That gen. Washington be directed to call for gen. Burgoyne and other officers of the convention troops now prisoners to these United States on parole, whenever the interest of these United States shall, in his opinion, render it necessary.

Mr. M^cKean laid before Congress in writing an information of personal abuse he last night received from brigadier Thompson, on account of his conduct in Congress, and of abusive, disrespectful and contemptuous expressions uttered by the said brigadier Thompson against Congress; whereupon,

Ordered, That brigadier Thompson attend at the bar of this house to-morrow morning, at eleven o'clock, to answer the charge brought against him by the hon. Thomas M^cKean, Esq; a member of this house; and that the said brigadier-general Thompson be furnished with a copy of the charge against him.

A letter, of the 11th, from general Washington, was read :

Ordered, That it be referred to the committee on the letters from the marquis de la Fayette.

A letter, of the 10th, from col. R. H. Harrison, was read, expressing his obligations to Congress for the honor done him by appointing him a member of the board of war, and informing, that the difficulties which operated against his accepting a seat in the board of war still prevail in his mind, and compel him again to decline the appointment.

The committee on the treasury brought in a report ; whereupon,

Resolved, That the commissioners of the continental loan-office of the United States be respectively directed to receive for loan-office certificates, such bills of credit only as have been or may be emitted by Congress ; any resolution to the contrary notwithstanding.

Adjourned to ten o'clock to-morrow.

FRIDAY, November 20, 1778.

Resolved, That Mr. M. Smith be appointed a member of the marine-committee for the state of Virginia.

A letter, of the 5th, from gen. Washington to major Washington, of col. Moylan's dragoons, was laid before Congress, and read ; whereupon,

Resolved, That major Washington be promoted to the rank of lieutenant-colonel, in the room of lieutenant-colonel Bird, of col. Baylor's dragoons, resigned ; and that he proceed to Bristol and take the command of col. Baylor's regiment.

A letter, of this day, from H. Beekman Livingston, col. of the 4th battalion of New-York forces, was read, requesting leave to resign his commission :

Ordered, That it be referred to the board of war.

A letter, of the 19th, from S. Deane, Esq; was read, enclosing a letter of July 22d, to him, from J. Williams, at Passy, near Paris.

According to order, brigadier-general Thompson attending, was called in, and the information and charge exhibited against him being read, and brigadier Thompson being called upon to answer, denied the charge ; whereupon he was ordered to withdraw, and accordingly withdrew.

Resolved, That Congress meet on Monday next, at 6 o'clock, P. M. to examine witnesses respecting the charge against brigadier Thompson :

That brigadier-general Thompson be directed to attend at that time with his witnesses :

That the secretary issue a summons to William Augustus Atlee, Esq; John Evans, Esq; col. Joseph Deane, capt. John Purviance, Mr. Thomas Bradford and Paul Fooks, Esq; respectively, to attend this house on Monday next, at 6 o'clock, P. M. to give evidence in the case above-mentioned.

A letter, of the 7th, and one of the 9th, from major-general Lincoln, at Williamsburgh, were read :

Ordered, That the letter of the 7th, and the last paragraph of the letter of the 9th, be referred to the board of treasury.

According to order, Congress was resolved into a committee of the whole, to consider farther the propositions referred to them, and after some time the president resumed the chair, and Mr. F. L. Lee reported,

that the committee have had under consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again :

Resolved, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

A memorial from the hon. the minister plenipotentiary of France, was read, respecting the publication of the treaties of commerce and alliance.

Adjourned to ten o'clock to-morrow.

SATURDAY, November 21, 1778.

A letter, of the 14th, from colonel Hartley, at Fort-Jenkins, on the north-east branch of Susquehannah, and one of the 16th, from gen. Washington, enclosing a copy of a letter of the 13th, from brigadier Hand, respecting an attack on col. Alden's regiment in Cherry-Valley ; also an other of the 16th, from gen. Washington, enclosing a memorial from brigadier du Portail, on a general system of fortification for the United States ; were read :

Ordered, That the last letter from gen. Washington be referred to the board of war, and that the memorial therein enclosed, be referred to the marine-committee.

Resolved, That Mr. Roberdeau be appointed a member of the marine-committee, for the state of Pennsylvania.

According to order, Congress was resolved into a committee of the whole, to consider farther the propositions referred to them, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the propositions referred to them, and have made some progress, but not having come to a conclusion, desire leave to sit again :

Resolved, That on Monday next, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to ten o'clock on Monday.

MONDAY, November 23, 1778.

A memorial from brigadier William Thompson was read ; whereupon a motion was made as follows :

A memorial from brigadier William Thompson having been read, and it appearing that the said memorial contains approbrious language against and scandalous reflections upon the character of a member present in Congress ; *Resolved*, that the said brigadier William Thompson has, by offering the said memorial, been guilty of an insult to the honor and dignity of this house, and a breach of privilege :

On which the previous question was moved,

And the yeas and nays being required by Mr. Ellery,

| | | | |
|---------------------------|----------------------|-----------|-------------|
| <i>New-Hampshire,</i> | <i>Mr. Whipple,</i> | <i>no</i> | } * |
| <i>Massachusetts-Bay,</i> | <i>Mr. S. Adams,</i> | <i>no</i> | |
| | <i>Mr. Gerry,</i> | <i>no</i> | } <i>no</i> |
| | <i>Mr. Lovell,</i> | <i>no</i> | |
| | <i>Mr. Holten,</i> | <i>no</i> | |

| | | | |
|------------------------|-----------------|----|------------|
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } divided. |
| | Mr. Collins, | no | |
| <i>Connecticut,</i> | Mr. Sherman, | no | } divided. |
| | Mr. Ellsworth, | ay | |
| <i>New-York,</i> | Mr. Lewis, | ay | } * |
| <i>New-Jersey,</i> | Mr. Scudder, | no | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | no | } no |
| | Mr. Clingan, | no | |
| <i>Delaware,</i> | Mr. McKean, | no | } no |
| <i>Maryland,</i> | Mr. Paca, | no | |
| | Mr. Carmichael, | ay | } ay |
| | Mr. Henry, | ay | |
| <i>Virginia,</i> | Mr. F. L. Lee, | no | } * |
| | Mr. M. Smith, | no | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| | Mr. Harnett, | ay | |
| | Mr. Williams, | no | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } no |
| | Mr. Drayton, | ay | |
| | Mr. Hutson, | no | |

So it passed in the negative.

The main question was then put,

And the yeas and nays being required by Mr. Paca,

| | | | |
|---------------------------|-----------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Whipple, | ay | } * |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } divided. |
| | Mr. Collins, | ay | |
| <i>Connecticut,</i> | Mr. Sherman, | ay | } divided. |
| | Mr. Ellsworth, | no | |
| <i>New-York,</i> | Mr. Lewis, | no | } * |
| <i>New-Jersey,</i> | Mr. Scudder, | ay | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } ay |
| | Mr. Clingan, | ay | |
| <i>Delaware,</i> | Mr. McKean, | ay | } ay |
| <i>Maryland,</i> | Mr. Paca, | ay | |
| | Mr. Carmichael, | no | } no |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | } * |
| | Mr. M. Smith, | ay | |
| <i>North-Carolina,</i> | Mr. Penn, | no | } no |
| | Mr. Harnett, | no | |
| | Mr. Williams, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Hutson, | ay | |

So it was resolved in the affirmative.

Six o'clock, P. M.

A report from the board of war was read ; whereupon,

Resolved, That the sum of 10,000 dollars be advanced to lieutenant-colonel Temple, of the 1st regiment of light-dragoons, to discharge the arrears of pay due to the said regiment, and to re-enlist such of the men whose times are about expiring :

That the men so re-enlisted in the said regiment, on being furnished with the usual state-bounty by the government of Virginia, shall be considered as a part of the quota of that state.

Resolved, That gen. Washington be empowered and directed to take such measures, with respect to the officers of the convention of Saratoga, who are subjects of major-general Heath's letter of the 2d inst. and of brigadier Hamilton's of Oct. 31st, enclosed in gen. Washington's letter of the 12th inst. as to him shall seem proper.

Another report from the board of war was read ; whereupon,

Ordered, That the sum of 98 half Johannes be paid by the treasurer to col. George Matthews, of the 9th Virginia regiment ; he to be accountable, it being monies advanced by him to the officers of the said regiment when prisoners with the enemy :

That the commissary-general of prisoners be informed hereof, and that he be directed to certify to the treasury-board the state of the officers accounts, and deduct so much from the said sum as may appear to be due to them.

According to order, brigadier William Thompson and the witnesses summoned, except Mr. Atlee, attending, were called in and examined ; after which brigadier Thompson, being heard, withdrew :

Ordered, That the consideration of this matter be postponed.

Adjourned to ten o'clock to-morrow.

TUESDAY, November 24, 1778.

A letter, of the 13th, from gen. Washington, was read, relative to the inspectorship under baron Steuben :

Ordered, That it be referred to the board of war.

A letter, of the 23d, from B. P. Smith, Thomas Edison and George Bond, clerks in the secretary's office ; also one of the 16th, from James Stevenson, Samuel Downe and Moses Emerson, commissioners of accounts ; were read :

Ordered, That they be referred to the board of treasury.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of lieutenant-colonel Benjamin Temple, for 377 dollars, to enable him to discharge the balances due on sundry purchases, and for making up clothing in pursuance of gen. Washington's orders of December 30th, 1777 ; the said lieutenant-colonel Temple to be accountable.

Mr. Vandyke, a delegate from the state of Delaware, attended, and took his seat in Congress.

Congress took into consideration the report of the committee of arrangement ; and thereupon came to the following resolutions :

Whereas 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 :

1. For determining rank in the continental line, between all colonels and inferior officers of different states, between like officers of infantry, and those of horse and artillery, appointed under the authority of Congress, by virtue of a resolution of Sept. 16th, 1776, or by virtue of any subsequent resolution prior to Jan. 1st, 1777, all such officers shall be deemed to have their commissions dated on the day last mentioned, and their relative rank with respect to each other, in the continental line of the army, shall be determined by their rank prior to the 16th day of September, 1776 : this rule shall not be considered to effect the rank of the line within any state or within the corps of artillery, horse, or among the 16 additional battalions, where the rank hath been settled ; but shall be the rule to determine the relative rank within the particular line of artillery, so far as the rank remains unsettled.

2. In the second instance preference shall be given to commissions in the new-levies and flying-camp.

3. In determining rank between continental-officers, in other respects equal, proper respect shall be had to their commissions in the militia, where they have served in the continental army for the space of one month.

4. All colonels and inferior officers appointed to vacancies since the 5th day of Jan. 1777, shall take rank from the right of succession to such vacancies.

5. In all cases where the rank between two officers of different states is equal, or between an officer of state troops and one of cavalry, artillery, or of the additional battalions, the precedence is to be determined by lot.

6. All officers who have been prisoners with the enemy, being appointed by their state, and again enter into the service, shall do it agreeably to the following rule, that is to say : All of the rank of captains, and under, shall enter into the same regiment to which they formerly belonged ; and if the regiment is dissolved or otherwise reduced, they shall be entitled to the first vacancy in any regiment of the state in their proper rank, after the officers belonging to such regiment have been provided.

7. The rules of rank above laid down between officers of different states, are to govern between officers of the same state, except in cases where the state have laid down a different rule or already settled their rank.

8. A resignation shall preclude any claim or benefit from former rank under a new appointment.

Whereas from the alteration of the establishment and other causes, many valuable officers have been and may be omitted in the new arrangement, as being supernumerary, who, from their conduct and services, are entitled to the honorable notice of Congress, and to a suitable provision until they can return to civil life with advantage :

Resolved therefore, That Congress gratefully acknowledge the faithful services of such officers, and that all supernumerary officers be en-

titled to one year's pay of their commissions respectively, to be computed from the time such officers had leave of absence from the commander in chief on this account. And Congress do earnestly recommend to the several states to which such officers belong, to make such farther provision for them as their respective circumstances and merits may entitle them to.

Resolved, That all officers who have been in the service, and, having been prisoners with the enemy, now are or hereafter may be exchanged or otherwise released, shall, if appointed by the authority of the state, be entitled, in case of vacancy, to enter into the service of their respective state in such rank as they would have had if they had never been captured; provided always, that every such officer do, within one month after his exchange or release, signify to the authority of the state to which he belongs, his release and his desire to enter again into the military service:

That every officer so released, and giving notice as aforesaid, shall, until entry into actual service, be allowed half-pay of the commission to which by the foregoing resolve he stands entitled; provided always, that, in case of his receiving any civil office of profit, such half-pay shall thenceforth cease.

Whereas it will be for the benefit of the service that some rule for promotion be established: therefore,

Resolved, That it be recommended to the several states to provide, that in all future promotions officers rise regimentally to the rank of captain, and thence in the line of the state to the rank of colonel, except in cases where a preference may be given on account of distinguished merit.

Resolved, That no brevets be for the future granted, except to officers in the line or in case of very eminent services.

Resolved, That a brigadier, out of brigadiers of the infantry, be appointed by general Washington to command the cavalry.

Resolved, That pay-masters, not being of the rank of captains, quarter-masters and adjutants be entitled to receive 20 dollars per month subsistence-money, in lieu of rations.

Resolved, That all officers and persons employed on the staff shall receive, for subsistence-money, one-third of a dollar for each extra ration heretofore allowed them.

Resolved, That lieutenant-colonel Stevens, of the artillery, now holding that rank by brevet, be appointed a lieutenant-colonel of artillery; and that his commission bear date from that of his brevet; and that he be entitled to take command on the first vacancy that may fall in the artillery.

Resolved, That adjutants, pay-masters and quarter-masters, taken from the line, be again admitted into the rank they would have been entitled to, had they continued in the line: and such adjutants, pay-masters, and quarter-masters, not taken from the line, may be admissible into the line, in such subaltern ranks as, by a signed certificate from the field-officers of their respective corps, they shall be deemed competent to.

Resolved, That the regiment commanded by col. Moses Hazen be continued on its original establishment; and that no new appointments

or promotions of officers be made therein until the farther order of Congress.

Ordered, That the committee of arrangement transmit to the board of war lists of the officers of the army, arranged by them in the several regiments and corps, specifying the time of their respective appointments or promotions to their present rank, to be registered in the war-office; and that commissions be issued to the said officers accordingly: and the secretary of the board of war is hereby ordered to transmit copies of the said arrangement to the commander in chief of the army.

Resolved, That the board of war be authorized to finish the arrangement of the army, agreeably to the resolutions of Congress, and that the committee of arrangement furnish the board with such papers and documents as they are possessed of respecting the same; and that all disputes about rank in the army be referred to the commander in chief, to be determined according to the rules of the army.

Ordered, That the board of war forthwith lay before Congress a list of the continental brigadiers and battalions, together with the states to which they respectively belong.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, November 25, 1778.

Mr. Roberdeau, Mr. Clingan and Mr. Searle, three delegates for Pennsylvania, attended, and produced the credentials of the delegates of that state, which were read, and are as follows:

“In General Assembly of Pennsylvania, Friday, November 20, 1778.

The order of the day being called for and read, the house proceeded by ballot to the election of delegates in Congress for the ensuing year, when the following gentlemen were chosen, viz. Daniel Roberdeau, William Clingan, Edward Biddle, John Armstrong, William Shippen the elder, Samuel Atlee, and James Searle, Esq;

Extract from the minutes,

JOHN MORRIS, Clerk of the General Assembly.”

Resolved, That Congress meet this afternoon, at six o'clock.

Ordered, That William Augustus Atlee be summoned to attend Congress at that hour, to give evidence on the charge against brigadier William Thompson; and that brigadier William Thompson be notified to attend.

A letter, of the 13th, from Charles Frederick Bedaulx, and one of the 2d, from major-general Sullivan, were read.

A letter, of the 18th, from general Washington, with sundry papers enclosed, relative to count Holkaufski, and a letter of the 9th, from major-general baron de Kalb, respecting major Rogers, were read:

Ordered, That they be referred to the board of war.

A letter, of the 22d, from C. Rodney, president of the state of Delaware, and one of October 23d, from Thomas Chittendon, were read.

Mr. Wither Spoon, a delegate from the state of New-Jersey, attended, and laid before Congress powers to the delegates of that state to ratify the confederation, which were read, as follows:

“(L. S.) By his excellency William Livingston, Esq; governor, captain-general, and commander in chief, in and over the state of New-Jersey and territories thereunto belonging, chancellor and ordinary in the same.

“TO ALL to whom these presents shall come greeting : know ye, that among the records in the secretary's office, in the state of New-Jersey, there is a certain instrument of writing purporting to be an act of the council and general assembly of the said state, which said act is contained in the words and tenor here following, to wit :

An act to authorize and empower the delegates of the state of New-Jersey in Congress, to subscribe and ratify the articles of confederation and perpetual union between the several states.

Whereas 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 Congress of the said states, by the hon. Henry Laurens, Esq; their president, have been laid before the legislature of this state, to be ratified by the same if approved : and whereas, notwithstanding the terms of the said articles of confederation and perpetual union are considered as in divers respects unequal and disadvantageous to this state, and the objections to several of the said articles lately stated and sent to the general Congress aforesaid, on the part of this state, are still viewed as just and reasonable, and sundry of them as of the most essential moment to the welfare and happiness of the good people thereof ; yet, under the full conviction of the present necessity of acceding to the confederacy proposed, and that every separate and detached state interest ought to be postponed to the general good of the union ; and moreover, in firm reliance that the candor and justice of the several states will, in due time, remove, as far as possible, the inequality which now subsists :

SECT. 1st. Be it enacted by the council and general assembly of this state, and it is hereby enacted by the authority of the same, that the hon. John Witherspoon, Abraham Clark, Nathaniel Scudder and Elias Boudinot, Esqrs; delegates, representing this state in the Congress of the United States, or any one or more of them, be, and they hereby are authorized, empowered and directed, on behalf of this state, to subscribe and ratify the said articles of confederation and perpetual union between the states aforesaid.

SECT. 2d. And be it further enacted by the authority aforesaid, that the said articles of confederation and perpetual union, so as aforesaid subscribed and ratified, shall thenceforth become conclusive as to this state, and obligatory thereon.

Council Chamber, November 19, 1778.

This bill, having been three times read in council,

Resolved, That the same do pass.

By order of the house,

W. LIVINGSTON, *President*.

House of Assembly, November 20th, 1778.

This bill, having been three times read in the house of assembly,

Resolved, That the same do pass. By order of the house,

CALEB CAMP, *Speaker pro tem*.

All which, by the tenor of these presents, I have caused to be exemplified.

In testimony whereof the great seal of the said state of New-Jersey is hereunto affixed, at Trenton, the 20th day of November, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independency of the United States of America.

WILLIAM LIVINGSTON.

By his excellency's command,
BOWES REED, *Secretary.*"

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration, the propositions to them referred, and made some farther progress, but not having yet come to a conclusion, desire leave to sit again :

Resolved, That to-morrow at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

—♦—
Six o'clock, P. M.

A letter, of the 15th, from admiral Gambier, was read, relative to an officer of the king his master's ship, wrecked, as he says, in carrying a flag :

Ordered, That it be referred to the committee on the letter of October 30th, from commissary Beatty.

Mr. Frost, a delegate from New-Hampshire, attended, and produced a resolution of the general assembly of that state as follows :

" State of New-Hampshire.

In the House of Representatives, October 31, 1778.

" Voted and resolved, that any one of the delegates from this state to the honourable continental Congress be, and hereby is authorized and empowered to represent this state in said Congress, at all times, in the absence of the other delegates from this state, until the articles of confederation of the United States shall be ratified by all the states.

Sent up for concurrence,

JOHN LANGDON, *Speaker.*

In Council, the same day, read and concurred,

E. THOMPSON, *Secretary.*

A true copy, examined by E. THOMPSON, *Secretary.*"

The hon. W. A. Atlee, one of the judges of the supreme court, being engaged on the bench in a trial in a capital case, could not attend agreeable to the summons : whereupon,

Adjourned to ten o'clock to-morrow.

—♦—
THURSDAY, November 26, 1778.

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

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again.

Resolved, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider further the propositions referred to them.

Adjourned to ten o'clock to-morrow.

FRIDAY, November 27, 1778.

A memorial from Abraham Whipple and others, commanders in the continental navy ; also a memorial from sundry officers of marines, and a copy of a memorial from 27 officers in the navy ; were read :

Ordered, That they be referred to the marine-committee.

A letter from the hon. J. Adams, Esq; was read, respecting the late lieutenant Baron's family :

Ordered, That it be referred to the marine-committee.

A letter, of the 21st, from general Washington, with sundry papers enclosed ; also one of the 26th, from baron Steuben, were read :

Ordered, That they be referred to the board of war.

A letter, of the 28th, from gov. Livingston, of New-Jersey, and one of the 20th, from colonel Hartley, at Sunbury, were read :

Ordered, That a copy of colonel Hartley's letter be sent to general Washington.

A petition of captain John Lightbourn, was read, setting forth the distresses of the inhabitants of Bermuda, and praying for liberty to carry thither bread, flour and Indian corn :

Resolved, That the prayer of the petition be not granted.

A letter, of the 20th, from general Washington, was read, with a paper enclosed, respecting a regiment raised under the command of colonel Bedel : whereupon,

Resolved, That the regiment under colonel Bedel, be disbanded.

A memorial from Eleazer Wheelock, was read :

Ordered, That it be referred to the board of treasury.

A letter and memorial from Thomas Galbreath, were read :

Ordered, That it be referred to the board of war.

The committee to whom was referred a motion respecting colonel Seth Warner's regiment, report,

That it appears by a resolution of Dec. 21st, 1776, that officers were to receive pay on the new establishment from the time of their being appointed by the states ; and by a letter of the 10th inst. which they have received from Mr. Palfrey, pay-master-general, and which accompanies this report, it appears that officers were paid accordingly ; the committee therefore are of opinion, that officers appointed by Congress to raise regiments, to serve for three years or during the war, previous to the 7th day of Oct. 1776, ought to receive additional pay from that time, and that the motion to them referred is proper, being as follows :

Whereas it is represented that the officers of col. Seth Warner's regiment, who engaged in the service for three years or during the war, previous to the 7th day of Oct. 1776, have not been allowed the additional pay made to the wages of officers by a resolution of Congress of that date, for the time between that day and the 1st day of Jan. 1777, the commanding-officer of the northern-department being then in doubt whether they were entitled to it by the said resolution :

Resolved, That if it shall be made to appear to the commanding-officer in the northern-department that the said officers, or others in like circumstances, have not received the said additional pay, he order the same to be paid.

Resolved, That Congress agree to the said report.

Resolved, That two members be added to the committee on the memorial of Mr. Penet:

The members chosen, Mr. F. L. Lee and Mr. Searle.

According to order, Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, and have made some further progress, but not having come to a conclusion, desire leave to sit again:

Resolved, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to ten o'clock to-morrow.

SATURDAY, November 28, 1778.

A letter, of this day, from Mr. de Francey, was read:

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

The members chosen, Mr. M. Smith, Mr. Ellery and Mr. Drayton.

An appeal from the judgment of a court of admiralty for the state of Pennsylvania, on a libel "Thomas Houston, versus sloop Active," was lodged with the secretary and referred to the committee on appeals.

A memorial from lieutenant Hele was read.

The committee to whom was referred the letter of the 15th, from admiral Gambier, respecting an officer, commander of the Hotham, &c. reported the draught of a letter in answer thereto, which was taken into consideration and agreed to as follows:

"SIR,

Your letter of the 15th inst. respecting the officers and crew of the Hotham sloop has been laid before Congress, and I am instructed to inform you, that as the manifestoes on board that vessel were of a seditious nature, and intended to open an unwarrantable correspondence, their being covered by a flag of truce is by no means an extenuation of the offence: that as no respect is due by the law of nations to a flag of truce when employed in illicit practices; so, when detected, all the rights of a flag are forfeited; nor does the accidental wreck of the vessel in question make any distinction in favour of those who navigated her: that the resolution of Congress, authorizing the seizure of the flag, being subsequent to the fact complained of in that resolution, requires no justification; the fact must necessarily precede the complaint, and the measures for preventing the consequences of the fact: that addressing the manifesto in the first instance to Congress does not prove that it was not seditious, since it was at the same time addressed to the several assemblies of the United States, to the clergy, to the officers of the American army, and to the people at large; which incontestably shews it to be seditious and unwarrantable: that, notwithstanding the implied threat, that had there been greater danger in it than there is, Congress

would nevertheless have adhered to such measures as are justified by reason and conducive to the general good.

I have the honor to be, &c."

Sundry reports from the board of treasury were laid before Congress; whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, in favour of major-general Thomas Mifflin, late quarter-master-general, for 50,000 dollars, for the use of his department; for which he is to be accountable:

On passing this order, the yeas and nays being required by Mr. Laurens,

| | | | |
|---------------------------|-----------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Whipple, | no | } no |
| | Mr. Frost, | no | |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | } ay |
| | Mr. Gerry, | ay | |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } divided. |
| | Mr. Collins, | ay | |
| <i>Connecticut,</i> | Mr. Sherman, | no | } divided. |
| | Mr. Ellsworth, | ay | |
| <i>New-York,</i> | Mr. Duane, | ay | } * |
| <i>New-Jersey,</i> | Mr. Scudder, | no | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | no | } ay |
| | Mr. Clingan, | ay | |
| | Mr. Searle, | ay | |
| <i>Maryland,</i> | Mr. Carmichael, | ay | } ay |
| | Mr. Henry, | ay | |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | } * |
| | Mr. M. Smith, | ay | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| | Mr. Harnett, | ay | |
| | Mr. Williams, | no | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } no |
| | Mr. Drayton, | no | |
| | Mr. Hutson, | ay | |

So it passed in the affirmative.

Ordered, That a warrant issue on John Lawrence, Esq; commissioner of the continental loan-office in the state of Connecticut, for 50,000 dollars, in favour of Isaac Forster, Esq; deputy director-general in the eastern-district, for the use of his department; for which he is to be accountable:

That another warrant issue on the treasurer in favour of Isaac Forster, Esq; deputy director-general in the eastern-district, for 25,000 dollars, to be paid to James Davidson, for the use of the said department; the said deputy director-general to be accountable:

That a warrant issue on Nathaniel Appleton, Esq; commissioner of the continental loan-office in the state of Massachusetts-Bay, for 300 dollars, in favour of David Mosely, it being advanced him on account of copper-plate printing; for which he is to be accountable:

That a warrant issue on the treasurer in favour of capt. Isaiah Johnston, for 5084 dollars, to answer two sets of exchange, No. 36, for 500 dollars, and No. 37, for 4584 dollars, drawn by the late William Kenyon, deceased, in favour of David Flowers, dated April 14th, 1777; and that the said sum of 5084 dollars be charged to the account of the said William Kenyon, deceased:

That a warrant issue on the treasurer in favour of Jonathan Dayton, Esq; for 10,000 dollars, in discharge of a bill drawn by William Paley, Esq; pay-master-general, for that sum, in favour of the said Jonathan Dayton, dated Oct. 18th, 1778, expressed to be for the use of the forces of the United States of America; the said pay-master-general to be accountable:

That a warrant issue on the treasurer in favour of John Bailey, for 1000 dollars, in payment of a draught of major-general R. Howe, dated Charestown, S. Carolina, August 24th, 1778, in favour of captain Rawleigh Downman, and endorsed by him for that sum, it being agreeable to a letter of advice of the same date from major-general R. Howe, who is to be accountable:

That a warrant issue on the treasurer in favour of col. John Cox, assistant quarter-master-general, for 3,500,000 dollars, for the use of the department of major-general Greene, quarter-master-general, who is to be accountable:

That a warrant issue on the treasurer in favour of major-general Lee, for 1000 dollars, advanced him; he to be accountable:

That a warrant issue on the treasurer in favour of capt. Richard Call, for 900 dollars, for the use of col. Benjamin Temple, to enable him to pay fundry balances due from the first battalion of light-dragoons, in consequence of the orders of gen. Washington of the 30th of Dec. last; the said col. Temple to be accountable:

That there be advanced to colonel Benjamin Flower, commissary-general of military-stores, 100,000 dollars, for the use of his department; for which he is to be accountable.

Resolved, That so much of the report as relates to a warrant on Thomas Smith in favour of J. Cox, and an advance to Isaac Melchior, be postponed.

Resolved, That the several managers of the United States lottery be allowed, for their services whilst acting in that department, four dollars a-day, previous to the 5th of February last; five dollars a-day from that to the present time; and that their allowance for future services be determined at the close of the drawing of the second class.

The committee on the treasury, to whom was referred a part of the memorial of Robert Yauncey, cornet, of the first regiment of light-dragoons, relating to 376 dollars lost on the sudden retreat of the troops from Bound-Brook, the 13th of April, and which was part of a sum put into his hands for the purpose of paying such regiment, brought in a report; whereupon,

Resolved, That the said sum of 376 dollars be allowed to Robert Yauncey, on the settlement of his account.

The committee to whom was referred the petition of George Rice, respecting a sum of public money lost at the battle of Brandywine, report, that they have taken the same into consideration, and having examin-

ed witnesses, they find that the material facts therein set forth are true, and therefore are of opinion,

That a warrant issue on the treasurer in favour of the said captain George Rice, for 565 dollars, in full for his loss aforesaid:

Resolved, That Congress agree to the said report.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to the following persons, for superintending the money-press, &c. as follows:

To John Biddle, from July 30th, to Nov. 5th, 1778, 594 dollars; to Isaac Snowden, for the same time, 594 dollars; to Peter Thomson, for the same time, 594 dollars; to Nathaniel Falconer, from Sept. 14th, to Nov. 5th, 1778, 318 dollars; to Isaac Howell, from Oct. 13th, to Nov. 5th, 1778, 144 dollars; to Isaac Harrison Free-nock & Co. for sundry articles supplied for the use of the printers, &c. $204\frac{30}{90}$ dollars; making in the whole, $2448\frac{30}{90}$ dollars; for which a warrant should issue in favour of John Biddle:

Ordered, That the said accounts be paid.

A memorial from the magistrates and the overseers of the poor of the city of Philadelphia was read, praying for a compensation for the use of the house of employment, occupied for a continental hospital:

Ordered to lie on the table.

A letter from Joseph March, of New-Hampshire, with a printed paper enclosed, was read:

Ordered to lie on the table.

The committee to whom was referred major-general Heath's letter of July 8th, with sundry papers relative to ensign Brown, brought in a report:

Ordered, That the consideration thereof be postponed to Tuesday next.

A letter, of this day, from Jonathan F. Morris, lieutenant in colonel Proctor's regiment, was read, requesting leave to resign his commission:

Resolved, That he have leave, and that his resignation be accepted.

Adjourned to ten o'clock on Monday.

MONDAY, November 30, 1778.

On motion, *Resolved*, That Congress meet on Wednesday evening, at six o'clock, to consider the proceedings of the courts-martial on the trials of major-general Lee, major-general Schuyler, and major-general St. Clair.

A letter, of the 23d, from general Washington, was read, enclosing a letter and memorial from major Whitcombe, together with sundry other papers relative to the attack on Cherry-Valley:

Ordered, That the memorial and letter from major Whitcombe be referred to the board of war.

Two affidavits, relative to the convention troops, were laid before Congress:

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

The members chosen, Mr. Duane, Mr. Carmichael and Mr. G. Morris.

A letter, of the 24th, from the board of war, was read, desiring an advance of 50,000 dollars:

Ordered, That it be referred to the board of treasury.

The board of war, to whom was referred the letter from R. Downman and G. Hancock, brought in a report ; whereupon,

Ordered, That the said letter be referred to the board of treasury.

A report from the board of war was read, respecting the quartering officers of the convention troops :

Ordered, That it be re-committed, and that the board be empowered and directed to give such orders in the premises as they in their judgment shall think most for the public interest and safety.

A letter, of the 26th, from the secretary of the board of war, was read, enclosing a list of the brigadiers and the regiments composing the several brigades :

Ordered, That it be re-committed.

A letter, of Oct. 20th, from the board of war, was read, enclosing a letter of the 11th of the same month, from gen. Washington, and a letter of Oct. 8th, from Samuel Nicholas, relative to the necessity of making provision for the clothing of the officers :

Ordered, That the letters enclosed be referred to the committee on the clothier's department.

Resolved, That Mr. Searle be added to the said committee.

The board of war having transmitted to Congress a copy of the agreement entered into with them by George Rice, for a tract of land, and erecting barracks for the convention troops in Virginia, together with a plan of the said barracks ;

Ordered, That a copy of the agreement and plan be lodged with the board of treasury.

A report from the board of war, on the letter of Oct. 26th, from major-general Sullivan, was read ; whereupon,

Resolved, That in all cases where forage is wanted for the troops, and cannot be purchased by the commissaries at reasonable rates, application be made to the executive and legislative authority of the state wherein the forage is required, or to some person or persons properly authorized by them for that purpose, for their interposition and assistance in procuring the necessary supplies :

That it be recommended to the governments of the states, wherein the army or any detachment or part thereof now is, or hereafter shall be, to take such measures, in aid of the forage-masters, who shall first use every endeavour to purchase the same, for the procuring sufficient quantities of forage, at reasonable rates, as shall, in their opinion, be effectual, and most likely to procure a speedy supply.

A report from the board of war was read, on a letter of Oct. 30th, from major-general Schuyler, on the subject of clothing in the store at Fort-Schuyler, directed to be sold to the friendly nations of Indians in the vicinity thereof : whereupon,

Resolved, That the clothing now in store at Fort-Schuyler, purchased for account of the United States, be either sold for such reasonable prices as shall be deemed satisfactory to the Indians, or distributed gratis among such of them as are and have been faithful and steady in their attachment to these states, in such proportion and in such manner as shall be thought proper by the commissioners of Indian affairs in the northern-department :

That the commissioners be directed to inform the Oneidas, our friends and allies, that Congress, ever mindful of their necessities, have ordered from France, a considerable time ago, and are in expectation of the speedy arrival of, a large assortment of Indian goods, suitable for and adequate to the supply of their wants: and that due notice will be given of the arrival of these goods, and proper places appointed for the disposal of them on reasonable terms to our brethern of the friendly nations:

That, in the mean time, it is expected that they will continue to bear, with us, with their accustomed fortitude and patience, the evils of this unjust war on the part of Britain, as they will enjoy with us all the benefits of that peace and security which will speedily be the result of our virtuous and successful endeavours.

A report from the board of war, on sundry letters and papers from brigadier M^cIntosh, was read:

Ordered, That the same be re-committed.

A letter, of Oct. 7th, from col. G. Morgan, was read, relative to damaged provisions in the magazine at Fort-Pitt:

Ordered to lie on the table.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again:

Resolved, That to-morrow at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to ten o'clock to-morrow.

TUESDAY, December 1, 1778.

Mr. Scudder, a delegate from N. Jersey, produced a letter dated Nov. 6th, directed to him from John Hart, chairman of a meeting of the council and general assembly of the state of N. Jersey, held for the election of delegates, informing him, that he the said Nathaniel Scudder, together with the hon. Dr. John Witherpoon, John Fell, John Neilson, and Frederick Frelinghuysen, Esqrs; were on that day elected delegates to represent that state in Congress.

A letter, of Nov. 11th, from Elisha Sheldon, col. Samuel Blackden, lieutenant-colonel, Benjamin Talmad, major, and Josiah Stoddard, captain, of the second regiment of light-dragoons, was read, representing, that lieutenant John Simonet de Valcour has served with reputation in the 2d regiment of cavalry since its first establishment: that the rupture between France and England beginning to grow serious and interesting, lieutenant Simonet is desirous of rejoining the army of his most Christian majesty, and therefore requesting that Congress would promote lieutenant Simonet to a captaincy in the cavalry, on condition of his leaving his present service, as an honorary compensation of his attachment and fidelity, with a saving to all his present senior officers their superiority of rank and command: whereupon,

Resolved, That lieutenant John Simonet de Valcour be promoted to the rank of captain by brevet, on the condition and with the saving in the above letter.

A letter, of Nov. 25th, from brigadier count Pulaski, was read, enclosing the commission of count Julius de Montfort, major in brigadier count Pulaski's corps of horse and foot, called the legion, and informing that he has giving him leave to quit the legion :

Resolved, That the commission of count Montfort be accepted.

A letter, of Nov. 25th, from gov. Livingston, respecting clothing for the N. Jersey troops, and one of the 29th of the same month, from G. Morgan, agent for Indian affairs, respecting lands purchased of the Indians on the west-side of the Ohio, were read :

Ordered, That they be referred to the board of war.

A letter, of November 28th, from baron Steuben, was read :

Ordered, That it be referred to the board of war, who are directed to pay an immediate and particular attention to the matter referred to in the letter, that the same may be carried into effect without delay.

A letter, of Nov. 29th, from lieutenant-colonel Fleury, was read :

Ordered, That a copy of the said letter be sent to gen. Washington, and that he be desired to express his sentiments thereon.

A letter, of Nov. 28th, from col. G. Morgan, was read ; whereupon, Congress took into consideration a report from the board of war of the 14th of August last, wherein the board sets forth,

That col. George Morgan, purchasing-commissary for the western-department, has represented to the board the necessity of preparing immediately for the laying up such magazines of provisions as shall be sufficient for the troops maintained for the defence of the western-frontiers : that for the supply of 1300 men for ten months, 617,500 lb. of flour, a like quantity of fresh beef, or 494,000 lb. of pork, will be necessary ; the cost of which, with 1500 gallons of whiskey, will amount to 204,000 dollars : that on account of the hostile Indians to the westward and the northern tribes, particularly the Senecas, the number of men above stated will be necessary, including 150 for garrisoning Fort-Randolph : whereupon,

Resolved, That col. George Morgan, commissary of provisions for the western-district, be furnished with 204,000 dollars, to enable him to form magazines of provisions for the use of that department the year ensuing.

A letter, of Nov. 30th, from S. Deane, Esq; was read ; whereupon,

Resolved, That after to-morrow Congress will meet two hours at least each evening, beginning at six o'clock, Saturday evening excepted, until the present state of our foreign affairs shall be fully considered.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, but not having yet come to a conclusion, desire leave to sit again :

Resolved, That to-morrow at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, December 2, 1778.

A letter, of Nov. 28th, from J. Baynton, pay-master to the troops on the western-frontiers, was read :

Ordered, That it be referred to the board of treasury.

A letter, of Oct. 27th, and one of Nov. 6th, from M. Weare, president of the council of N. Hampshire, were read, the latter enclosing the depositions of Samuel Davis and Ephraim Whitney, respecting a quantity of continental money said to be burned ; also a memorial of John Hagerman and Matthew Hollenbach, respecting sums of continental money said to be lost and burned ; were read :

Ordered, That the letter from Mr. president Weare, with the depositions enclosed, and the memorial of John Hagerman and Mr. Hollenbach, be referred to the board of treasury, and that the board report specially thereon.

A letter, of this day, from brigadier du Portail, was read :

Ordered, That it be referred to the board of war.

A letter, of Nov. 26th, from gen. Washington, respecting Mr. John Dodge, was read :

Ordered, That it be referred to the board of war.

A notification from the hon. the minister plenipotentiary of France, respecting the authentication of papers, was read.

A letter, of July 16th, from the hon. A. Lee, to the committee of foreign affairs, was laid before Congress, and read.

A memorial from baron Thulier was read ; whereupon,

Congress took into consideration a report of the committee on the memorial of marquis de Britigny and baron Thulier, and after debate,

Ordered, That it be re-committed.

Ordered, That the letter of the 25th, from count Palaski, be referred to the board of war.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their farther consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again :

Resolved, That to-morrow at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Congress took into consideration a report from the marine-committee respecting captain Barry, and after debate,

Ordered, That it be re-committed.

Congress took into consideration the report of the committee on the letter from major-general Heath, and the papers enclosed relative to ensign John Brown, and after debate,

Ordered, That the farther consideration thereof be postponed.

Six o'clock, P. M.

Congress took into consideration the proceedings of the court-martial on the trial of major-general Lee, and a motion was made,

That the sentence of the general court-martial upon major-general Lee be carried into execution :

On a question to postpone the consideration of that motion,

The yeas and nays being required by Mr. Drayton,

| | | | |
|---------------------------|------------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. <i>Whipple,</i> | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. <i>S. Adams,</i> | ay | |
| | Mr. <i>Lovell,</i> | ay | } ay |
| | Mr. <i>Holten,</i> | ay | |
| <i>Rhode-Island,</i> | Mr. <i>Collins,</i> | ay | } ay |
| <i>Connecticut,</i> | Mr. <i>Sherman,</i> | no | |
| | Mr. <i>Ellsworth,</i> | no | } no |
| <i>New-York,</i> | Mr. <i>Duane,</i> | no | |
| . | Mr. <i>G. Morris,</i> | ay | } no |
| | Mr. <i>Lewis,</i> | no | |
| <i>New-Jersey,</i> | Mr. <i>Scudder,</i> | no | } no |
| <i>Pennsylvania,</i> | Mr. <i>Clingan,</i> | no | |
| | Mr. <i>Searle,</i> | ay | } divided. |
| <i>Maryland,</i> | Mr. <i>Paca,</i> | ay | |
| | Mr. <i>Carmichael,</i> | ay | } ay |
| | Mr. <i>Henry,</i> | ay | |
| <i>Virginia,</i> | Mr. <i>F. L. Lee,</i> | ay | } * |
| <i>North-Carolina,</i> | Mr. <i>Penn,</i> | no | |
| | Mr. <i>Harnett,</i> | ay | } no |
| | Mr. <i>Williams,</i> | no | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | no | } no |
| | Mr. <i>Drayton,</i> | no | |
| | Mr. <i>Hutson,</i> | ay | |

So it passed in the negative.

After further debate,

Adjourned to ten o'clock to-morrow.

THURSDAY, December 3, 1778.

A letter, of Nov. 19th, from major-general Heath, enclosing a list of the convention troops, was read :

Ordered, That the same be referred to the board of war.

A letter, of Nov. 27th, from gen. Washington, was read :

A letter, of Nov. 20th, and a memorial from brigadier la Neuville, were read :

A letter, of Nov. 23d, from gen. Washington, enclosing a letter to him from J. Bowdoin, at Boston ; one of Nov. 29th, from gov. Livingston, of N. Jersey ; one of Nov. 3d, from the council of Massachusetts-Bay ; and one of Nov. 16th, from gov. Trumbull, of Connecticut ; all brought by and respecting John Temple ; were read.

The board of war, to whom was re-committed the returns of the brigadiers and regiments composing the brigades in the service of the United States, sent in another return, amended and explained.

Six o'clock, P. M.

Congress took into consideration the proceedings of the general court-martial, on the trial of major-general Schuyler ; whereupon,

Resolved, That the sentence of the general court-martial acquitting major-general Schuyler, with the highest honor, of the charges exhibited against him, be, and hereby is confirmed.

Ordered, That the proceedings of the said court-martial be published.

Ordered, That the above resolution be transmitted to the commander in chief.

Ordered, That the consideration of the proceedings of the general court-martial on the trial of major-general St. Clair be postponed.

Ordered, That the letter of the 15th, from admiral Gambier, with the answer thereto, be published.

Adjourned to ten o'clock to-morrow.

FRIDAY, December 4, 1778.

A letter, of the 23d, from major Aug. des Epiniers, was read, requesting leave of absence for a few months, on account of private business, which requires his return to France; whereupon,

Resolved, That major Aug. des Epiniers have leave of absence for six months.

Congress resumed the consideration of the letter from brigadier de la Neuville; whereupon,

Ordered, That a certificate be given by the president to Monf. de la Neuville in the words following:

Mr. de la Neuville having served with fidelity and reputation in the army of the United States, in testimony of his merit, a brevet commission of brigadier has been granted to him by Congress, and, on his request, he is permitted to leave the service of these states and to return to France.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under their further consideration the propositions referred to them, and made some progress, but not having come to a conclusion, desire leave to sit again:

Resolved, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Resolved, That lieutenant Henry P. Livingston be promoted to the rank of captain in the corps of general Washington's guards, in the room of captain Gibbs, lately promoted to the rank of major.

Six o'clock, P. M.

Congress resumed the consideration of the proceedings of the general court-martial on the trial of major-general Lee, and the motion made thereon: when the question was about to be put, the determination thereof was put off by the state of Georgia till to-morrow.

Adjourned to ten o'clock to-morrow.

SATURDAY, December 5, 1778.

A letter, of this day, from J. Connolly, was laid before Congress:

Ordered, That it be referred to the board of war.

A letter, of the 3d, from captain Cosmo Medici, was read:

Ordered, That it be referred to the commissioners of claims at the board of treasury.

A letter, of Nov. 23d, from brigadier count Pulaski, was read, together with a memorial from sundry inhabitants of the Minisinks, respecting the difficulty of procuring forage for the horses of the legion:

Ordered, That the same be referred to the board of war.

A letter, of the 1st, from major-general lord Stirling, was read:

A letter, of the 23d, from gov. Henry, of Virginia, was read:

Ordered, That it be referred to the marine-committee.

A letter, of Nov. 13th, from the council of Massachusetts-Bay, was read, respecting the eastern Indians:

Resolved, That the president write to the council of Massachusetts-Bay, and inform them, that it is the desire of Congress that they comply with the request of the Indians in sending them a priest.

Mr. Fell, a delegate from N. Jersey, attended, and produced the credentials of the delegates of that state, which were read as follows:

“New-Jersey, November 1778.

The council and assembly met at Trenton, and in joint meeting proceeded to the election of five delegates to represent this state in Congress, and the votes being taken, the hon. John Witherspoon, Nathaniel Scudder, Frederick Frelinghuysen, John Fell and John Neilson, Esqrs; were duly elected:

Resolved therefore, That the said John Witherspoon, Nathaniel Scudder, Frederick Frelinghuysen, John Fell and John Neilson, Esqrs; or any two or more of them, be empowered to represent and vote in behalf of this state in the Congress of the United States of North-America, from the first day of Dec. next, until the first day of Dec. in the year of our Lord one thousand seven hundred and seventy-nine, unless a new appointment shall sooner take place. It is nevertheless expected that three of the delegates do constantly attend in Congress, unless prevented by sickness or other accident.

The above is a true copy from the minutes of the joint meeting:

BOWES REED, *Secretary.*”

A letter, of Nov. 29th, from the marquis de la Fayette, was read:

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

The members chosen, Mr. Drayton, Mr. G. Morris and Mr. Lovell.

The president, at the request of the minister of France, laid before Congress an address of count d’Estaing to the inhabitants of Canada, which was read:

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

The members chosen, Mr. Drayton, Mr. G. Morris and Mr. Lovell.

A letter, of this day, from lieutenant John Carter, was read, informing, that he considers other officers much injured by his singular promotion, and that under those circumstances he imagines that he cannot continue in the service consistent with the principles of honor, and therefore desiring leave to resign his commission:

Resolved, That he have leave to resign, and that his resignation be accepted.

The committee to whom was referred the letter of Nov. 11th, from gen. Washington, brought in a report, which was read and agreed to.

A letter, of the 4th, from S. Deane, Esq; was read:

Ordered, That Monday evening be assigned for hearing Mr. Deane, and that he be notified to attend.

A letter, of Aug. 21st, from the hon. J. Adams, at Passy, was read.

A letter, of the 3d, from gov. Livingston, of N. Jersey, was read, covering a letter from the Dutch Synod of N. York and N. Jersey,

to the Classis of Amsterdam, which the said Synod desire leave to forward:

Ordered, That the letter from the Synod of New-York and New-Jersey be forwarded by the committee of foreign affairs.

The committee to whom was referred the memorial of the regimental-surgeons and assistants, brought in a report, which was read, and after debate,

Ordered, That it be referred to the medical-committee, who are directed to take into consideration the case of the hospital as well as regimental-surgeons, and report thereon.

A report from the board of war was read; whereupon,

Resolved, That the plan for raising the corps to be called the German Volunteers, be for the present laid aside:

That captains Fuhrer and Kleinsmit be informed, that it is inexpedient to employ them at this time, agreeably to the intention of Congress, expressed in their former resolution on this subject: that they settle their accounts with the auditors at Philadelphia, and be allowed a month's pay and subsistence each beyond what is now due to them, in consideration of any extraordinary expense they may have incurred in equipping themselves as intended officers of the corps of German Volunteers.

The board of war being applied to by captain Medici, of the N. Carolina dragoons, for directions for his future government, beg leave to state the case of the said troops;

That, from an impracticability to provide for them, they have been hitherto unemployed in the field, except about 40 who were lately completely fitted and sent to brigadier M^cIntosh under capt. Ashe, in expectation that the men whose times of service were near expiring, would agree to stay two months beyond their time; but on or soon after their arrival at Fort-Pitt, their times being expired, all but 14 quitted the service and went home: that capt. Medici having been sent about 18 months ago to Carolina, to purchase horses, sent on a few in June last; that being directed to come to Philadelphia, and settle his accounts, he is arrived, and informs, that by order of col. Bland he recruited 30 men for the term of three years, or during the war, and gave them orders to meet him at Halifax the beginning of this month: that he has eleven men at Philadelphia: that the whole of the said men are unprovided with clothing and accoutrements, except some may have been provided at Halifax by order of capt. Medici, and have but few horses:

That, from their not being annexed to any corps, they cannot, in the opinion of the board, be of much utility to the states, unless they can be employed to the southward under major-general Lincoln, and then much expense will accrue in fitting them for the field: whereupon,

Resolved, That as the United States have no farther occasion for the service of the troops of light-dragoons raised by and, when taken in continental pay, in the particular service of the state of N. Carolina, the said troops be paid up to the 1st day of Jan. and that after that day, they be no longer considered in the pay of the continent; and that they be returned to the government of the said state, to be retained in the pay thereof or discharged as they shall deem proper.

Ordered, That the board of war settle and pay the accounts of the said dragoons.

Ordered, That the board of war supply the said troops with such clothing as may be due to them.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, but not having come to a conclusion, desire leave to sit again :

Resolved, That on Monday, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

The determination of the motion, which was yesterday postponed by a state, was called for, and on the question,

The yeas and nays being required by Mr. Drayton,

| | | | |
|----------------------------|-------------------------|------------------|-------------------|
| <i>New-Hampshire</i> , | Mr. <i>Whipple</i> , | <i>no</i> | } <i>divided.</i> |
| | Mr. <i>Frost</i> , | <i>ay</i> | |
| <i>Massachusetts-Bay</i> , | Mr. <i>S. Adams</i> , | <i>no</i> | } <i>no</i> |
| | Mr. <i>Lovell</i> , | <i>no</i> | |
| | Mr. <i>Holten</i> , | <i>ay</i> | |
| <i>Rhode-Island</i> , | Mr. <i>Collins</i> , | <i>ay</i> | } <i>ay</i> |
| <i>Connecticut</i> , | Mr. <i>Sberman</i> , | <i>ay</i> | |
| | Mr. <i>Ellsworth</i> , | <i>ay</i> | } <i>ay</i> |
| <i>New-Jersey</i> , | Mr. <i>Scudder</i> , | <i>ay</i> | |
| | Mr. <i>Fell</i> , | <i>excused</i> , | } * |
| <i>Pennsylvania</i> , | Mr. <i>Searle</i> , | <i>ay</i> | |
| <i>Maryland</i> , | Mr. <i>Carmichael</i> , | <i>no</i> | } <i>divided.</i> |
| | Mr. <i>Henry</i> , | <i>ay</i> | |
| <i>Virginia</i> , | Mr. <i>F. L. Lee</i> , | <i>ay</i> | } * |
| | Mr. <i>M. Smith</i> , | <i>no</i> | |
| <i>North-Carolina</i> , | Mr. <i>Penn</i> , | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Harnett</i> , | <i>no</i> | |
| | Mr. <i>Williams</i> , | <i>ay</i> | |
| <i>South-Carolina</i> , | Mr. <i>Laurens</i> , | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Drayton</i> , | <i>ay</i> | |
| <i>Georgia</i> , | Mr. <i>Langworthy</i> , | <i>no</i> | } <i>no</i> |

So it was resolved, that the sentence of the general court-martial upon major-general Lee, be carried into execution.

Ordered, That the resolutions of Congress on the proceedings of the general court-martial on the trials of major-general Schuyler and major-general Lee be published.

A letter from J. Reed, president of Pennsylvania, was read :

Ordered, That it be referred to the board of war, and that the board take order on such part thereof as relates to the guards of the convention troops, and report on the remainder.

Adjourned to ten o'clock on Monday.

MONDAY, December 7, 1778.

Mr. Jay, a delegate for the state of N. York, attended, and produced the credentials of his appointment, which were read, as follows :

“The people of the State of New-York, by the grace of God free and independent, to all to whom these presents shall come, send greeting.

“Whereas our senate and assembly of our said state did, by their concurrent resolutions of the 21st day of October last, declare that a special occasion did then exist in which the chancellor and judges of the supreme court might be elected delegates to the general Congress, and that of the chancellor and judges one should be elected a delegate on such special occasion; and also by concurrent resolutions of the 4th day of this inst. month of Nov. did resolve to proceed severally to nominate in the mode prescribed in and by the 30th article of the constitution of this state, of the chancellor and judges of the supreme court, one as a delegate to represent this our state in the Congress of the United States of America, on such special occasion, to continue in office until the first day of March next, and did thereupon proceed to the said nomination, and did nominate and appoint, in the mode prescribed by the said article, John Jay, Esq; our chief justice of our supreme court of judicature, a delegate to represent this our state in the Congress of the United States of America, on the present special occasion: now therefore know ye, that, in pursuance of such nomination and appointment, we do, by these presents, commissionate the said John Jay, Esq; a delegate to represent this our state in the Congress of the United States of America, on the present special occasion; and do hereby authorize him to hold and exercise all the powers and authorities to the office or place of delegate belonging, by virtue of the said constitution and the nomination and appointment aforesaid; to have and to hold the said office or place of delegate upon the present special occasion, unto the said John Jay, Esq; for and during and until the first day of March next, and no longer. In testimony whereof we have caused these our letters to be made patent, and the great seal of this our state to be hereunto affixed. Witness our trusty and well-beloved George Clinton, Esq; our governor of our said state of New-York, general and commander in chief of all our militia, and admiral of the navy of the same, this tenth day of Nov. in the third year of our independence, and in the year of our Lord one thousand seven hundred and seventy-eight.

Signed,

GEORGE CLINTON,

With the great seal appendant, and endorsed.

Passed the secretary's office, by the special command in writing of his excellency the governor, this 15th of November, 1778.

JOHN MORIN SCOTT, *Secretary of the State.*”

The president informed Congress, that on Saturday last he received two letters from the hon. R. Izard: that, like the former, these letters contain matters of public and private nature; but as the house have determined not to receive extracts of letters, he submitted them entire, being persuaded that it is Mr. Izard's desire that all public matters should be communicated to them:

Ordered, That the letters be received.

The letters were accordingly received and read, viz. one of July 25th, and the other of Sept. 12th, 1778, both dated at Paris, and en-

closing, No. 1. copy of a letter from the abbe Nicoli to Mr. Izard, dated July 28th, 1778; No. 2. Mr. Izard's answer, Paris, Sept. 1778; No. 3. Mr. Izard's letter to the plenipotentiaries at the court of France, Paris, August 25th; No. 4. the plenipotentiaries answer, August 25th and 27th; No. 5. copy of Mr. Izard's letter to count de Vergennes, Sept. 2d, 1778.

A letter from the hon. the minister plenipotentiary of France, was read :

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

The members chosen, Mr. Drayton, Mr. S. Adams, Mr. G. Morris, Mr. Paca and Mr. Jay.

A memorial from the hon. the minister plenipotentiary of France, was read, desiring to know the opinion of Congress respecting his offering a premium to owners of privateers that shall intercept masts and spars belonging to the enemy, coming from Halifax to New-York or Rhode-Island :

Ordered, That it be referred to the marine-committee.

A letter, of the 25th of July last, from R. Izard, at Paris; one of August 20th, from John Bonfield, at Bordeaux, and one of August 14th, from J. Adams, at Paris; were laid before Congress by the committee of foreign affairs, and read.

A letter, of the 6th, from lieutenant-colonel Fleury, was read :

Ordered, That it be referred to the board of treasury.

A letter, of Nov. 23d, from major-general Schuyler, was read :

Ordered, That a copy thereof be sent to general Washington.

A letter, of the 4th, from general Washington, was read :

Ordered, That it be referred to the board of war.

A petition of Frederick Vernor, was read :

Ordered, That it be referred to the board of war.

A letter, of Nov. 6th, from gov. Clinton, of New-York; one of the 4th inst. from major-general lord Stirling; and one of the 5th, from R. H. Harrison, were read.

Ordered, That the board of war furnish his excellency the president of the state of Pennsylvania with an abstract of the last general return of the army, so far as regards the troops of that state.

On motion, *Resolved*, That the hon. W. A. Atlee, be summoned to attend in Congress at half after six o'clock this evening, to give testimony relative to the charge against brigadier W. Thompson.

Ordered, That brigadier W. Thompson attend Congress on Monday the 21st instant.

The committee on the treasury brought in a report; whereupon,

Ordered, That a warrant issue on the treasurer in favour of capt. Baldesqui, pay-master to brigadier count Pulaski's legion, for 10,000 dollars, to enable him to discharge fundry accounts due from the said corps; brigadier count Pulaski to be accountable :

That a warrant issue on the treasurer in favour of Mr. Sherman, one of the delegates of Connecticut, for 1000 dollars; for which the said state is to be accountable :

That a warrant issue on the treasurer in favour of Mr. E. Langworthy, one of the delegates of the state of Georgia, for 1500 dollars; for which the said state is to be accountable :

That, upon the application of the board of war and ordnance, a warrant issue on the treasurer in favour of Joshua Messereau, commissary of prisoners in the state of Massachusetts-Bay, for 4000 dollars, to be charged to Elias Boudinot, Esq; late commissary-general of prisoners, agreeably to his letter of the 28th of November last :

That, upon application from the board of war and ordnance, another warrant issue on the treasurer in favour of the said Joshua Messereau, for 1697 $\frac{40}{100}$ dollars, to be charged to John Beatty, Esq; commissary-general of prisoners, agreeably to his letter of the 4th instant.

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to Edward Fox, for his pay as clerk to the board of treasury, from the 18th of May to the 17th of November, 1778, inclusive, and for sundry expenses and contingencies, 756 dollars :

That there is due to G. Reinhold, for blank-books for the use of Congress, 44 $\frac{45}{100}$ dollars :

Ordered, That the said accounts be paid.

An appeal from the judgment of a court of admiralty for the state of New-Jersey, on the libel "Griffin against the sloop George," was lodged with the secretary and referred to the committee on appeals.

Six o'clock, P. M.

Colonel Grayson was nominated by Mr. G. Morris as one of the commissioners of the board of war and ordnance, in the room of colonel R. H. Harrison, who has declined that office.

According to order, the hon. W. A. Atlee attended, and having given his evidence respecting the charge against brigadier W. Thompson, was ordered to withdraw, and accordingly withdrew.

Resolved, That Silas Deane, Esq; report to Congress in writing, as soon as may be, his agency of their affairs in Europe, together with any intelligence respecting their foreign affairs which he may judge proper :

That Mr. Deane be informed, that if he hath any thing to communicate to Congress in the interim, of immediate importance, he shall be heard to-morrow evening, at six o'clock.

Mr. Deane attending, was called in, and the foregoing resolutions read to him.

Adjourned to ten o'clock to-morrow.

TUESDAY, December 8, 1778.

A letter, of this day, from the board of war, was read :

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

The members chosen, Mr. Ellery, Mr. Fell and Mr. Searle.

A letter, of Nov. 28th, from gov. Henry, of Virginia, was read :

Ordered, That it be referred to the marine-committee.

A letter, from colonel Armand, marquis de Rouerie, was read, enclosing sundry letters and testimonials in his favour :

Ordered, That the same be referred to the board of war.

A letter, of November 19th, from president Wears, of New-Hampshire, in favour of John Temple, was read :

Ordered to lie on the table.

Resolved, That colonel Grayson be, and he is appointed one of the commissioners of the board of war and ordnance, in the room of lieutenant-colonel R. H. Harrison.

Mr. Thomas Lawrence being recommended by the committee on the treasury to be a manager of the United States lottery.

Resolved, That he be, and is appointed one of the managers of the United States lottery.

The committee to whom the memorial of sundry merchants of Philadelphia, respecting goods taken under the authority of Congress, for the public service, immediately after the evacuation of that city by the enemy, and other papers relative to the said goods, were referred, brought in a report, which was read.

An account of Edward M'Fedging, was read :

Ordered, That it be referred to the commissioners of claims at the treasury.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, but not having yet come to a conclusion, desire leave to sit again :

Resolved, That to-morrow, at one o'clock, Congress be resolved into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to ten o'clock to-morrow.

WEDNESDAY, December 9, 1778.

Congress being met, the president took the chair, but before any business was entered on he arose, and having assigned sundry reasons why he could not continue longer to execute the office of president, he resigned and immediately quitted the chair ; whereupon,

Ordered, That to-morrow be assigned for the election of a president.

Adjourned to ten o'clock to-morrow.

THURSDAY, December 10, 1778.

According to order, the house proceeded to the election of a president, and, the ballots being taken,

The hon. John Jay, Esq; was elected.

A letter, of the 3d, from brigadier count Pulaski, was read :

Ordered, That so much thereof as relates to the settlement of his accounts, be referred to the auditors of accounts, at the treasury ; and that the remainder be referred to the board of war.

A letter from J. Connolly was laid before Congress :

Ordered, That it be referred to the board of war.

A memorial from captain Jacobus Wincoop, commander of the vessels on the Lakes, was read :

Ordered, That it be referred to the marine-committee.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the board of war and ordnance, for 50,000 dollars, being advanced on their application to Congress, the 24th ult, for which they are to be accountable :

That a warrant issue on the treasurer in favour of the marine-committee, for 10,000 dollars, to enable them to pay a bill drawn on them by the navy-board in the eastern-district, in favour of John Langdon, Esq; dated 31st of October last, for the above sum; for which the said committee is to be accountable :

That a warrant issue on John Lawrence, Esq; commissioner of the continental loan-office in the state of Connecticut, for 1225 dollars, in favour of James Stevenson, Esq; commissioner of accounts in the eastern-district, being for his pay to the 4th of January next :

That a warrant issue on John Lawrence, Esq; commissioner of the continental loan-office in the state of Connecticut, for 1738 dollars, in favour of Samuel Downe, Esq; commissioner of accounts in the eastern-district, being for his pay to the 4th of January next :

That a warrant issue on the said John Lawrence, Esq; for 1670 dollars, in favour of Moses Emmerfon, Esq; commissioner of accounts in the eastern-district, being for his pay to the 4th of January next :

That a warrant issue on the treasurer in favour of lieutenant-colonel Fleury, for 1083 dollars, in full of his pay before he joined the army, and of all other charges made in the account exhibited by him :

That a warrant issue on the treasurer in favour of Mr. R. Sherman, a delegate of the state of Connecticut, for 166 $\frac{9}{10}$ dollars ; for which the said state is to be accountable.

Resolved, That the 12 months pay allowed to supernumerary officers of the army, by the resolution of the 24th of November last, be made up in the pay-rolls of the regimental pay-masters, and drawn from them by the said officers respectively.

In consequence of an adjustment by the commissioners of claims, at the treasury, the auditor-general reports,

That there is due to lieutenant Ephraim Pennington's company of militia, raised at York-town, Pennsylvania, for guarding the public offices to Philadelphia, &c. their pay for part of June, July and August, 1778, with subsistence for the officers, 637 dollars :

That there is due to Paul Fooks, his pay as interpreter of languages, from the 2d of June to the first of Dec. 1778, inclusive, 600 dollars :

That there is due to John Fulton, for 31,250 sheets of paper, for loan-office certificates, 3162 $\frac{3}{10}$ dollars :

That there is due to Peter Shentz, for freight of provisions and necessaries from Monmouth county, in N. Jersey, to N. York, for the use of American prisoners there, between April 1777, and July 1778, 321 $\frac{3}{10}$ dollars :

That there is due to capt. Isaac Craig, for his subsistence when attending the laboratory at Carlisle, by order of brigadier Knox, from March 1st to July 13th, 1778, 408 dollars :

That there is due to capt. Francis Proctor, for subsistence on the same command, from March 1st to June 14th, 1778, 315 dollars :

That there is due to Benjamin Town, for printing 3000 copies of an address to the inhabitants of the United States, dated Dec. 10th, 1776, 32 dollars :

That there is due to Edward M'Fedging, his pay as a private in col. Richardson's battalion of Maryland flying-camp, from August 2d, 1776, to May 19th, 1777, a great part of which time he was prisoner with the enemy, 64 $\frac{4}{10}$ dollars :

Ordered, That the said accounts be paid.

A report from the board of war was read ; whereupon,

Resolved, That major Nicholas Rogers, who came from France with Mr. du Coudray, has served as aid-de-camp to major-general de Kalb, and has obtained honourable testimonies of his conduct, but from the situation of his private affairs, is obliged to leave the army, be promoted to the rank of lieutenant-colonel by brevet, as a reward for his services.

Resolved, That count Kolkaufski have the rank of captain in gen. Pulaski's legion, with the pay of a lieutenant, in which latter capacity he is willing to do duty in the corps.

Resolved, That Mr. Charles Frederick Bedaulx be appointed lieutenant-colonel of the legion commanded by gen. Pulaski, agreeably to the recommendation of general count Pulaski.

The marine-committee, to whom was referred the memorial from the hon. minister plenipotentiary of France, brought in a report ; whereupon,

Resolved, That the president be directed to inform the minister of France, that Congress highly approve his wise attention to the depriving the common enemy of the naval-stores they stand in need of, by giving a premium to privateers for the purposes mentioned in his memorial.

Resolved, That such continental vessels of war as shall capture any of the enemy's vessels, laden with masts or any other naval-stores, bound from any part of Nova-Scotia to R. Island or N. York, shall be entitled to the whole of the capture.

Six o'clock, P. M.

There not being a sufficient number of states to proceed to business, Adjourned to ten o'clock to-morrow.

FRIDAY, December 11, 1778.

A letter, of Nov. 27th, from the marquis de la Fayette, in favour of the chevalier de Soutivieaux ; another of the same date, in favour of Mons. des Inars ; and a third of the same date, in favour of the chevalier de Treuffon ; were read :

Ordered, That they be referred to the board of war.

Resolved, That two members be added to the committee on the memorial from lieutenant-colonel Oswald :

The members chosen, Mr. Duane and Mr. Smith.

The board of war reported a new form of a commission to officers in the army of the United States, which was agreed to as follows :

The United States of America in Congress Assembled,
To

We, reposing special trust and confidence in your patriotism, valour, conduct and fidelity, do, by these presents, constitute and appoint you to be _____ in the army of the United States ; you are therefore carefully and diligently to discharge the duties of _____ by doing and performing all manner of things thereunto belonging. And we do strictly charge and require all officers and soldiers under your command to be obedient to your orders as _____ and _____

Elizabeth Wright; a petition of Mary Werts; and a memorial of the Rev. Adam Boyd; were read:

Ordered, That they be referred to the board of treasury.

A memorial of Margaret York, and a memorial of capt. Cad Jones, were read:

Ordered, That they be referred to the board of war.

A petition of John Gallard, was read:

Ordered, That it be referred to the marine-committee.

The committee appointed to report a proper allowance for the hon. gentlemen who have been or may be elected presidents of Congress, brought in a report, which was read.

The committee to whom the report of the committee on the memorials of marquis de Brignyn and baron Thuliers, was re-committed, brought in a report:

Ordered, That Monday next be assigned for taking the same into consideration.

Congress was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. F. L. Lee reported, that the committee have had under consideration the propositions referred to them, and had come to sundry resolutions thereon, which he was ready to report:

Ordered, That the report be now received.

The report was accordingly received and read:

Ordered, That the same be taken into consideration on Monday next, at one o'clock.

Adjourned to ten o'clock on Monday.

Monday, December 14, 1778.

Mr. W. Hill and Mr. Burke, two delegates from N. Carolina, attended, and took their seats in Congress.

A letter, of the 4th, from count Pulaski, and one of Nov. 29th, from brigadier Varnum, requesting leave to resign his commission, were read:

Ordered, That they be referred to the board of war.

A letter, of the 8th, from Samuel Curson, was read, praying for a settlement of his accounts and discharge of the debt due to him by the United States.

Ordered, That it be referred to the committee of commerce, and that they settle Mr. Curson's accounts and report the balance due thereon.

A memorial from the hon. the minister plenipotentiary of France, enclosing a declaration, was laid before Congress:

Ordered, That the declaration be translated and delivered to the marine-committee, and that they take order thereon.

A paper of information, signed Edward Leger, and dated December 14th, 1778, was read; whereupon,

Ordered, That a committee of three be appointed to confer with his excellency the president of the state of Pennsylvania, and to take proper measures for detecting and securing persons of suspicious characters in Philadelphia:

The members chosen, Mr. M'Kean, Mr. Drayton and Mr. Duane.

Ordered, That the paper of information be referred to the said committee.

A letter, of Nov. 14th, from gov. Johnston, of Maryland, was read :
Ordered, That it be referred to the marine-committee.

A letter, of the 5th, from R. H. Lee, was read, enclosing a letter of Nov. 12th, from W. Cabell, with fundry depositions relative to the purchase of tobacco by Mr. Carter Braxton and Mr. Gabriel Penn.

Resolved, That a new committee of commerce be appointed, to consist of five members :

That any three of the members be empowered to transact business :
 That the said committee be empowered to employ clerks and book-keepers, and that they take charge of all the books and papers of the secret-committee and the late committee of commerce ; and that they be empowered to call to account the said committees, and all other persons entrusted with public monies for commercial purposes ; and in general to conduct the commercial affairs of the United States :

The members chosen, Mr. Laurens, Mr. M. Smith, Mr. Lewis, Mr. Searle and Mr. Fell.

Ordered, That the letter from Mr. R. H. Lee, and the papers accompanying it, be referred to the said committee.

The committee on the treasury brought in a report ; whereupon,

Ordered, That there be advanced to col. Isaac Melchior, barrack-master-general, 50,000 dollars, for the use of his department, and for which he is to be accountable :

That a warrant issue on the treasurer in favour of Jeremiah Wadsworth, commissary-general of purchases, for 2,000,000 of dollars :

Another warrant in his favour on Thomas Harwood, Esq; commissioner of the continental loan-office in the state of Maryland, for 200,000 dollars ; and another warrant in his favour on Thomas Smith, Esq; commissioner of the continental loan-office in the state of Pennsylvania, for 200,000 dollars ; all which sums, amounting to 2,400,000 dollars, are for the use of the said commissary-general's department, and for which he is to be accountable :

That a warrant issue on the treasurer in favour of John Baynton, pay-master in the western-district, for 50,000 dollars, for the use of his department, and for which he is to be accountable.

Resolved, That 10,000,100 dollars, in bills of credit, be emitted under the direction of the board of treasury and on the faith of the United States :

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 26th day of September, and be numbered from the last number in each denomination progressively, and consist of the following denominations, viz.

| | | |
|-----------------|-----------------|-----------|
| 45,455 bills of | 60 dollars each | 2,727,300 |
| 45,455 do. | 50 | 2,272,750 |
| 45,455 do. | 40 | 1,818,200 |
| 45,455 do. | 30 | 1,363,650 |
| 45,455 do. | 20 | 909,100 |
| 45,455 do. | 8 | 363,641 |
| 45,455 do. | 7 | 318,185 |
| 45,455 do. | 5 | 227,275 |

10,000,100

In consequence of an adjustment by the commissioners of claims, the auditor-general reports,

That there is due to capt. Henry Antis and capt. Stephen Chambers, for their own and Mr. Moffet's expenses from Northumberland county, Pennsylvania, to Philadelphia and while detained in this city, having been sent on public service to the board of war, $153\frac{3}{10}$ dollars :

That there is due to Andrew Paul, for his pay as corporal in capt. James Willing's company at New-Orleans, up to Dec. 12th, 1778, and for his expenses from New-Orleans to Philadelphia, with dispatches to Congress, $426\frac{7}{10}$ dollars :

That there is due to the Rev. Mr. Lotbinier, his pay and subsistence as chaplain to col. Jame Livingston's regiment, from Nov. 11th, to December 10th, inclusive, 60 dollars :

Ordered, That the said accounts be paid.

A motion being made for clothes for the battalion of N. Carolina forces, commanded by colonel Hogan ;

Ordered, That it be referred to the board of war, and that they report specially thereon.

Adjourned to ten o'clock to-morrow.

TUESDAY, December 15, 1778.

Mr. Dyer and Mr. Root, two delegates from Connecticut, attended, and produced the credentials of the delegates of that state, which were read as follows :

" State of Connecticut.

At a General Assembly of the Governor and Company of the State of Connecticut, holden at Hartford by adjournment, on the 21st of October, Anno Domini 1778.

Resolved by this assembly, that Roger Sherman, Titus Hosmer, Eliphalet Dyer, Samuel Huntington, Oliver Ellsworth, Andrew Adams and Jesse Root, Esqrs; be, and they are hereby appointed delegates to represent this state in the Congress of the United States of America, for the year ensuing, the 1st day of Nov. next, not less than two of the said delegates to represent this state in Congress, and not more than four to attend at a time, on the charge of this state ; and the said delegates are hereby invested with full power and authority to deliberate, counsel and resolve upon all matters that shall come before Congress, agreeable to the articles of confederation, or in the manner hitherto used, until the same shall be completely settled, and to transmit authentic copies of their resolutions, from time to time, to this assembly : and the delegates appointed last October, are hereby desired and empowered to continue to represent this state in Congress, until two or more of those now elected shall arrive and take their seats there.

A true copy of record :

GEORGE WYLLYS, *Secretary.*"

A letter, of Nov. 30th, from Jonathan Trumbull, jun. was read, signifying his acceptance of the office of comptroller, provided his attendance can be dispensed with till some time in January :

Ordered, That it be referred to the board of treasury.

A petition from Mr. Samuel Inglis, and a memorial of captain Sutton, were read :

Ordered, That they be referred to the board of treasury.

A letter, of the 12th, from John Millar, was read, enclosing a draught of major-general R. Howe, in favour of Rawleigh Downman, for 1000 dollars :

Ordered, That it be referred to the board of treasury.

An affidavit of John Kennon, pay-master to the 6th Virginia regiment, was read, respecting money lost :

Ordered, That it be referred to the board of treasury.

A memorial of lieutenant Calhone, was read :

Ordered, That it be referred to the board of war.

A letter, of the 4th, from gov. Henry, of Virginia, directed to the delegates of that state, was laid before Congress, and read :

Ordered, That it be referred to the marine-committee.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the board of war and ordnance, for 6300 dollars, to enable them to advance 4000 dollars to col. Hartley, for the use of his regiment, and 2300 dollars to captain George Rice, who is building the barracks for the convention troops ; the said board to be accountable.

On motion, *Resolved*, That the thanks of Congress be given to the hon. Henry Laurens, Esq; late president, for his conduct in the chair, and in the execution of public business.

Six o'clock, P. M.

There not being a sufficient number of states to proceed to business, Adjourned to ten o'clock to-morrow.

WEDNESDAY, December 16, 1778.

A memorial from the hon. the minister plenipotentiary of France, was read, respecting the purchase of rice :

Ordered, That it be referred to the marine-committee.

A letter, of November 26th, from captain Stoddard, was read :

Ordered, That it be referred to the marine-committee.

A letter, of this day, from colonel Armand, was read :

Ordered, That it be referred to the board of war.

A letter, of this day, from Mr. Laurens, was read, returning his most grateful thanks for the resolution of yesterday in his favour :

Ordered, That the resolution for returning thanks to the hon. H. Laurens, Esq; late president, together with his letter of this day, be published.

Ordered, That Mr. Harnett, Mr. Williams and Mr. Sherman have leave of absence.

Congress took into consideration the report of the committee appointed to report a proper allowance for the hon. gentlemen who have been or may be elected presidents of Congress, to defray the expenses incidental to the office : whereupon,

Resolved, That the representatives of the hon. Mr. Randolph, deceased, the hon. Mr. Middleton, the hon. Mr. Hancock, and the hon. Mr. Laurens, formerly presidents of Congress, be requested to lay be-

fore the board of treasury accounts of their expenditures in support of their households while they respectively exercised the office of president, in order to their being adjusted and paid out of the public treasury.

Resolved, That a convenient furnished dwelling-house be hired, and a table, carriage and servants provided, at the public expense, for the president of Congress for the time being :

That the committee on the treasury appoint and agree with a steward, who shall have the superintendance of the household of the president, and of the necessary expenditures, and be accountable for such monies as shall, from time to time, be advanced for the purpose aforesaid.

The committee on the treasury brought in a report ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. C. Harnett, one of the delegates of N. Carolina, for 2000 dollars, advanced upon his application ; for which the said state is to be accountable.

That a warrant issue on the treasurer in favour of Mr. J. Williams, one of the delegates of the state N. Carolina, for 1700 dollars, advanced on his application ; for which the said state is to be accountable.

A letter, of this day, from sundry merchants and traders of the city of Philadelphia, was read ; whereupon,

Ordered, That to-morrow be assigned for taking into consideration the report of the committee respecting goods taken for the public service, immediately after the evacuation of that city.

Congress took into consideration the report of the committee of the whole ; whereupon,

Resolved, That the resolution heretofore passed, relative to raising 10,000,000 of dollars by taxes, during the ensuing year, be re-considered, and that that sum be augmented to the sum of 15,000,000 of dollars.

Resolved, That it is necessary to take the following bills out of circulation, viz. the whole emissions of May 20th, 1777, and April 11th, 1778 :

On the question to agree to this resolution,

The yeas and nays being required by Mr. Burke,

| | | | |
|----------------------------|------------------|----|------|
| <i>New-Hampshire</i> , | Mr. Whipple, | ay | } ay |
| | Mr. Frost, | ay | |
| <i>Massachusetts-Bay</i> , | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | } ay |
| <i>Rhode-Island</i> , | Mr. Ellery, | ay | |
| <i>Connecticut</i> , | Mr. Sherman, | ay | } ay |
| | Mr. Dyer, | ay | |
| | Mr. Ellsworth, | ay | } ay |
| | Mr. Root, | ay | |
| <i>New-York</i> , | Mr. Jay, | ay | } ay |
| | Mr. Duane, | ay | |
| | Mr. Lewis, | ay | } ay |
| <i>New-Jersey</i> , | Mr. Witherspoon, | ay | |
| | Mr. Fell, | ay | } ay |
| <i>Pennsylvania</i> , | Mr. Roberdeau, | ay | |
| | Mr. Searle, | ay | } ay |
| <i>Delaware</i> , | Mr. McKean, | ay | |

| | | | |
|------------------------|------------------------|-----------|------|
| <i>Maryland,</i> | <i>Mr. Henry,</i> | <i>ay</i> | } * |
| <i>Virginia,</i> | <i>Mr. F. L. Lee,</i> | <i>ay</i> | |
| | <i>Mr. M. Smith,</i> | <i>no</i> | } * |
| <i>North-Carolina,</i> | <i>Mr. Hill,</i> | <i>no</i> | |
| | <i>Mr. Burke,</i> | <i>no</i> | } no |
| <i>South-Carolina,</i> | <i>Mr. Laurens,</i> | <i>ay</i> | |
| | <i>Mr. Drayton,</i> | <i>ay</i> | } ay |
| <i>Georgia,</i> | <i>Mr. Langworthy,</i> | <i>no</i> | |

So it was resolved in the affirmative.

Resolved, That the remainder of the report be postponed.

—+—
Six o'clock, P. M.

Congress took into consideration the memorial of the hon. the minister plenipotentiary of France ; and thereupon,

Resolved, That the president be desired to inform the hon. sieur Gerard, that Congress approve his proposal of substituting 6000 barrels of rice in the room of the same quantity of flour, for supplying the fleet of his most Christian majesty :

That they are well satisfied with his employing such persons as he shall think proper, and in whom he can confide, to make the purchase ; and that Congress will always be ready to give him every assistance in their power to facilitate the purchase and exportation of supplies for his most Christian majesty's fleet :

That the president be desired to write to the president of S. Carolina, and inform him of the necessity of sending the said supply of rice to the fleet of his most Christian majesty, in the West-Indies, and request him to give every assistance in his power to the agent whom the hon. the minister plenipotentiary of France shall appoint to purchase and export the same for the purpose above-mentioned.

Ordered, That the marine-committee be discharged from proceeding on the aforesaid memorial.

A report from the board of war was read ; whereupon,

Resolved, That col. Hartley's regiment and the four independent companies raised in the state of Pennsylvania, commanded by captains Doyle, Wilkie, Steel and Calkerwood, and also the remains of col. Patton's regiment, except capt. M^cLane's company, be incorporated into one regiment, and added to the Pennsylvania line, as an eleventh regiment ; and that capt. M^cLane's company be annexed to the Delaware regiment.

Congress took into consideration the proceedings of the general court-martial on the trial of major-general St. Clair ; whereupon a motion was made,

That the sentence of the general court-martial, acquitting major-general St. Clair, with the highest honor of the charges exhibited against him, be, and is hereby confirmed :

To which an amendment was moved in the words following :

The sentence of the general court-martial acquitting major-general St. Clair, with the highest honor, of the charges exhibited against him, having been transmitted to Congress and considered ; resolved, that he be accordingly discharged from his present arrest :

The question being put on the amendment,

The yeas and nays were required by Mr. Langworthy,

| | | | |
|---------------------------|-------------------------|-----------|-------------------|
| <i>New-Hampshire,</i> | Mr. <i>Whipple,</i> | <i>no</i> | } <i>no</i> |
| <i>Massachusetts-Bay,</i> | Mr. <i>S. Adams,</i> | <i>ay</i> | |
| | Mr. <i>Gerry,</i> | <i>no</i> | } <i>ay</i> |
| | Mr. <i>Lovell,</i> | <i>ay</i> | |
| <i>Rhode-Island,</i> | Mr. <i>Collins,</i> | <i>ay</i> | } <i>ay</i> |
| <i>Connecticut,</i> | Mr. <i>Sberman,</i> | <i>ay</i> | |
| | Mr. <i>Dyer,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Ellsworth,</i> | <i>ay</i> | |
| | Mr. <i>Root,</i> | <i>ay</i> | } <i>ay</i> |
| <i>New-York,</i> | Mr. <i>Jay,</i> | <i>no</i> | |
| | Mr. <i>Duane,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Lewis,</i> | <i>no</i> | |
| <i>New-Jersey,</i> | Mr. <i>Witberspoon,</i> | <i>ay</i> | } <i>divided.</i> |
| | Mr. <i>Fell,</i> | <i>no</i> | |
| <i>Pennsylvania,</i> | Mr. <i>Roberdeau,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Searle,</i> | <i>no</i> | |
| <i>Maryland,</i> | Mr. <i>Carmichael,</i> | <i>no</i> | } <i>no</i> |
| | Mr. <i>Henry,</i> | <i>no</i> | |
| <i>Virginia,</i> | Mr. <i>M. Smith,</i> | <i>no</i> | } * |
| <i>North-Carolina,</i> | Mr. <i>Hill,</i> | <i>no</i> | |
| | Mr. <i>Burke,</i> | <i>no</i> | } <i>no</i> |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>ay</i> | |
| | Mr. <i>Hutson,</i> | <i>no</i> | } <i>divided.</i> |
| <i>Georgia,</i> | Mr. <i>Langworthy,</i> | <i>no</i> | |

So it passed in the negative.

The main question being put, resolved in the affirmative.

Ordered, That this resolution be transmitted to the commander in chief.

Adjourned to ten o'clock to-morrow.

— ❖ —

THURSDAY, December 17, 1778.

A letter, of the 13th, from general Washington, was read :

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

The members chosen, Mr. Laurens, Mr. M. Smith, Mr. G. Morris, Mr. S. Adams and Mr. Burke.

Another letter of the 13th, from general Washington, was read, respecting Mr. Fleury :

Ordered, That it be referred to the foregoing committee.

Another letter of the 13th, from general Washington, was read.

A letter, of this day, from lieutenant-colonel Bedaulx, and a memorial from F. Hopkinson, were read :

Ordered, That they be referred to the board of treasury.

A letter, of the 14th, from brigadier W. Thompson, at Carlisle, was read.

A petition from Claver Taylor, of Providence, in the state of Rhode-Island, &c. was read :

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

The members chosen, Mr. Collins, Mr. T. Adams and Mr. Dyer.

On motion, *Ordered,* That the resolutions of the 9th of Sept. and

21st of Oct. last, in favour of the marquis de la Fayette, together with the letters written by the president in consequence thereof, and the marquis's answer, be published.

A report from the board of war, was read, relative to the purchase of horses for re-mounting col. Baylor's regiment; after debate,

Ordered, That the further consideration thereof be postponed.

Congress resumed the consideration of the report of the committee of the whole, and after debate,

Resolved, That the farther consideration thereof be postponed.

Six o'clock, P. M.

There not being a sufficient number of states to proceed to business, Adjourned to ten o'clock to-morrow.

FRIDAY, December 18, 1778.

A letter, of the 17th, from J. Reed, president of Pennsylvania, enclosing a letter of Nov. 29th, from Curson & Gouverneur, of St. Eustatia, with a bill of lading therein for six boxes, containing 3000 pair of woollen stockings, for account and risque of the United States, was read:

Ordered, That the same be referred to the committee of commerce.

A petition and representation of Evan Malbone, senior, and Evan Malbone, jun. was read:

Ordered, That it be referred to the committee on the petition of Claver Taylor.

A letter, of the 17th, from major-general Lee, was read, desiring to be indulged with a copy of the minutes of Congress, relative to his trial.

A report from the board of treasury was read; whereupon, Congress came to the following order and resolution:

Whereas Dr. Wheelock has incurred expence in supporting a number of Indian youths, of the Caghawaga tribe, at his school, which in times past has been the means of conciliating the friendship of that tribe:

Ordered, That a warrant issue on the treasurer in favour of lieutenant-colonel Wheelock, for 925 dollars, for the use of the said Dr. Eleazer Wheelock.

Whereas it is represented to Congress, that it will be more agreeable to adventurers in the lottery of the United States, to have the blanks drawn as well as the prizes; and that the public will thereby have an opportunity, during the time of drawing, to purchase the tickets which may remain unfold at the commencement: therefore,

Resolved, That the managers be directed to draw the blanks, as well as the prizes, of the second class of the said lottery.

The committee to whom was referred gen. Washington's letter of the 13th, brought in a report; whereupon,

Resolved, That gen. Washington be directed to attend Congress immediately after he shall have put the army in such order as to admit of his absence from it a few days.

A memorial from the managers of the United States lottery, to the board of treasury, was laid before Congress, and read; whereupon,

A motion was made, that the drawing of the second class of the said lottery be deferred to the first day of April next :

Question put, passed in the negative.

Congress resumed the consideration of the report of the committee of the whole :

The second proposition being read, viz.

That they be brought in for that purpose in the manner hereafter provided, by the first day of June next, and not afterwards redeemable.

Sundry amendments were moved and set aside by the previous question ; after which, a division was called for, and the question being put on the first clause, as far as the word " next," inclusive, the yeas and nays were required by Mr. M. Smith,

| | | | |
|---------------------------|--------------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Whipple, | ay | } ay |
| | Mr. Frost, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | } ay |
| | Mr. Gerry, | ay | |
| | Mr. Lovell, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| | Mr. Collins, | ay | |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } ay |
| | Mr. Ellsworth, | ay | |
| | Mr. Root, | ay | |
| <i>New-York,</i> | Mr. Jay, | ay | } ay |
| | Mr. Duane, | ay | |
| | Mr. Lewis, | ay | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } ay |
| | Mr. Fell, | ay | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } ay |
| | Mr. Searle, | ay | |
| <i>Delaware,</i> | Mr. M ^c Kean, | ay | } ay |
| <i>Maryland,</i> | Mr. Carmichael, | ay | |
| | Mr. Henry, | ay | } * |
| <i>Virginia,</i> | Mr. M. Smith, | no | |
| <i>North-Carolina,</i> | Mr. Hill, | no | } no |
| | Mr. Burke, | no | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Hutson, | ay | |

So it was resolved in the affirmative.

On the question to agree to the second clause,

The yeas and nays being required by Mr. M. Smith,

| | | | |
|---------------------------|----------------|----|------|
| <i>New-Hampshire,</i> | Mr. Whipple, | ay | } ay |
| | Mr. Frost, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | } ay |
| | Mr. Gerry, | ay | |
| | Mr. Lovell, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| | Mr. Collins, | ay | |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } ay |
| | Mr. Ellsworth, | ay | |
| | Mr. Root, | ay | |

| | | | |
|------------------------|--------------------------|----|------|
| <i>New-York,</i> | Mr. Jay, | no | } no |
| | Mr. Duane, | ay | |
| | Mr. Lewis, | no | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } ay |
| | Mr. Fell, | ay | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } ay |
| | Mr. Searle, | ay | |
| <i>Delaware,</i> | Mr. M ^c Kean, | ay | } ay |
| <i>Maryland,</i> | Mr. Carmichael, | no | |
| | Mr. Henry, | no | } no |
| <i>Virginia,</i> | Mr. M. Smith, | no | |
| <i>North-Carolina,</i> | Mr. Hill, | no | } * |
| | Mr. Burke, | no | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } no |
| | Mr. Drayton, | ay | |
| | Mr. Hutson, | ay | |

So it was resolved in the affirmative.

The third proposition was then read, viz.

That they be received for debts and taxes into the continental treasury, and into the state treasuries for continental taxes, until the first day of June next:

A motion was made to strike out "for continental taxes;"

And on the question, that they stand part of the report,

The yeas and nays being required by Mr. Burke,

| | | | |
|---------------------------|--------------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Whipple, | ay | } ay |
| | Mr. Frost, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | } ay |
| | Mr. Gerry, | ay | |
| | Mr. Lovell, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| | Mr. Collins, | ay | |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } ay |
| | Mr. Ellsworth, | ay | |
| | Mr. Root, | ay | |
| <i>New-York,</i> | Mr. Jay, | no | } no |
| | Mr. Duane, | ay | |
| | Mr. Lewis, | no | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } ay |
| | Mr. Fell, | ay | |
| <i>Pennsylvania,</i> | Mr. Searle, | ay | } ay |
| <i>Delaware,</i> | Mr. M ^c Kean, | ay | |
| <i>Maryland,</i> | Mr. Carmichael, | no | } no |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. M. Smith, | no | } * |
| <i>North-Carolina,</i> | Mr. Hill, | no | |
| | Mr. Burke, | no | } no |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | |
| | Mr. Drayton, | ay | } ay |
| | Mr. Hutson, | ay | |

So it was resolved in the affirmative.

The main question being then put, resolved in the affirmative.

Ordered, That the farther consideration of the report be postponed till to-morrow.

Six o'clock, P. M.

There not being a sufficient number of states to proceed to business, Adjourned to ten o'clock to-morrow.

SATURDAY, December 19, 1778.

Resolved, That a committee of five be appointed to confer with the commander in chief and the principal officers of the staff, on ways and means of retrenching the expenses of the army :

The members chosen, Mr. Duane, Mr. Laurens, Mr. Ellsworth, Mr. Gerry and Mr. M. Smith.

Congress resumed the consideration of the report of the committee of the whole, when the fourth proposition was read, viz.

That they be received into the continental loan-offices, either for loan-office certificates or in order to be exchanged for other bills of like tenor to be provided, at the election of the owners, until the first day of June next :

To which an amendment was moved ; after debate,
Adjourned to ten o'clock on Monday.

MONDAY, December 21, 1778.

Congress resumed the consideration of the report of the committee of the whole, when the following amendment was moved, in lieu of the fourth proposition,

That such bills be received into the treasury in order to be exchanged for bills of equal value, to be provided for the purpose of exchanging them on or before the first day of June next ;

On the question to agree to the amendment,

The yeas and nays being required by Mr. Burke,

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Whipple, | no | } no |
| | Mr. Frost, | no | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | } no |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | no | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } no |
| | Mr. Collins, | no | |
| <i>Connecticut,</i> | Mr. Dyer, | no | } no |
| | Mr. Ellsworth, | no | |
| | Mr. Root, | no | |
| <i>New-York,</i> | Mr. Jay, | no | } no |
| | Mr. G. Morris, | no | |
| | Mr. Lewis, | ay | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | } no |
| | Mr. Fell, | no | |
| <i>Pennsylvania,</i> | Mr. Searle, | no | } no |
| <i>Maryland,</i> | Mr. Carmichael, | ay | |
| | Mr. Henry, | ay | } ay |

| | | | | |
|------------------------|------------------------|-----------|---|-----------|
| <i>Virginia,</i> | Mr. <i>F. L. Lee,</i> | <i>no</i> | } | * |
| | Mr. <i>M. Smith,</i> | <i>ay</i> | | |
| <i>North-Carolina,</i> | Mr. <i>Hill,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Burke,</i> | <i>ay</i> | | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Drayton,</i> | <i>ay</i> | | |
| | Mr. <i>Hutson,</i> | <i>no</i> | | |
| <i>Georgia,</i> | Mr. <i>Langworthy,</i> | <i>ay</i> | } | <i>ay</i> |

So it passed in the negative.

A motion was then made to strike out the words " office certificates," and change " for " into " on : "

Question put, resolved in the affirmative.

A motion was then made to strike out the words " either on loan or ; "

And on the question, that they stand part of the report,

The yeas and nays being required by Mr. Ellery,

| | | | | |
|---------------------------|--------------------------------|-----------|---|-----------|
| <i>New-Hampshire,</i> | Mr. <i>Whipple,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Frost,</i> | <i>ay</i> | | |
| <i>Massachusetts-Bay,</i> | Mr. <i>Gerry,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Lovell,</i> | <i>ay</i> | | |
| <i>Rhode-Island,</i> | Mr. <i>Holten,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Ellery,</i> | <i>ay</i> | | |
| <i>Connecticut,</i> | Mr. <i>Collins,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Dyer,</i> | <i>ay</i> | | |
| | Mr. <i>Ellsworth,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Root,</i> | <i>ay</i> | | |
| <i>New-York,</i> | Mr. <i>Jay,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>G. Morris,</i> | <i>ay</i> | | |
| | Mr. <i>Lewis,</i> | <i>ay</i> | } | <i>ay</i> |
| <i>New-Jersey,</i> | Mr. <i>Witherspoon,</i> | <i>ay</i> | | |
| | Mr. <i>Fell,</i> | <i>ay</i> | } | <i>ay</i> |
| <i>Pennsylvania,</i> | Mr. <i>Searle,</i> | <i>ay</i> | | |
| <i>Delaware,</i> | Mr. <i>M^r Kean,</i> | <i>ay</i> | } | <i>ay</i> |
| <i>Maryland,</i> | Mr. <i>Carmichael,</i> | <i>ay</i> | | |
| | Mr. <i>Henry,</i> | <i>ay</i> | } | <i>ay</i> |
| <i>Virginia,</i> | Mr. <i>F. L. Lee,</i> | <i>no</i> | | |
| | Mr. <i>M. Smith,</i> | <i>ay</i> | } | * |
| <i>North-Carolina,</i> | Mr. <i>Hill,</i> | <i>no</i> | | |
| | Mr. <i>Burke,</i> | <i>no</i> | } | <i>no</i> |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>no</i> | | |
| | Mr. <i>Drayton,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Hutson,</i> | <i>ay</i> | | |
| <i>Georgia,</i> | Mr. <i>Langworthy,</i> | <i>no</i> | } | <i>no</i> |

So it was resolved in the affirmative.

An amendment being made by tranposition, and the question put on the proposition as amended,

Resolved, That they be received until the first day of June next, into the continental loan-offices, either on loan or to be exchanged, at the election of the owners, for other bills of the like tenor, to be provided for that purpose.

Resolved, That the bills lodged in the said offices, to be so exchan-

ged, be there registered, and indented certificates thereof given to the owners by the respective commissioners of the said offices :

On the question to agree to this resolution,

The yeas and nays being required by Mr. Jay,

| | | | |
|---------------------------|------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Whipple, | ay | } ay |
| | Mr. Frost, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| | Mr. Collins, | ay | |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } ay |
| | Mr. Ellsworth, | ay | |
| | Mr. Root, | ay | |
| <i>New-York,</i> | Mr. Jay, | no | } no |
| | Mr. G. Morris, | no | |
| | Mr. Lewis, | ay | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } ay |
| | Mr. Fell, | ay | |
| <i>Pennsylvania,</i> | Mr. Searle, | ay | } ay |
| <i>Delaware,</i> | Mr. McKean, | ay | |
| <i>Maryland,</i> | Mr. Carmichael, | no | } no |
| | Mr. Henry, | no | |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | } * |
| | Mr. M. Smith, | no | |
| <i>North-Carolina,</i> | Mr. Hill, | no | } no |
| | Mr. Burke, | no | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Hutson, | ay | |
| <i>Georgia,</i> | Mr. Langworthy, | no | } no |

So it was resolved in the affirmative.

Adjourned to ten o'clock to-morrow.

TUESDAY, December 22, 1778.

The president informed the house that brigadier W. Thompson, agreeably to order, attended yesterday, and that he had signified a wish to be indulged till Wednesday, as he is desirous of having some witnesses examined : whereupon,

Ordered, That to-morrow evening be assigned for proceeding on the charge against brigadier W. Thompson, and that he be notified to attend with his witnesses at 5 o'clock.

Ordered, That the secretary summon Mr. Samuel Smith, jun. and notify Mr. Searle to attend Congress at 5 o'clock on Wednesday evening, to give evidence on the charge against brigadier W. Thompson.

On motion, *Resolved,* That the secretary furnish major-general Lee with such extracts from the journal as relate to the proceedings of the the general court-martial on his trial, and to the confirmation of the sentence.

A letter, of Nov. 24th, from major-general R. Howe, was read,

enclosing one of the 21st of the same month, from col. White, in Georgia, informing, that the enemy have invaded that state, and are advancing with about 1100 men.

A letter, of the 20th, from col. Armand, marquis de Rouerie, was read :

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

The members chosen, Mr. Duane, Mr. Ellery and Mr. Carmichael.

A letter, of the 21st, from Mr. S. Deane, was read, informing Congress that he has committed to writing as particular an account of his agency of their affairs in Europe as his situation will permit him, and that he waits the pleasure of Congress to lay the same before them :

Ordered, That Mr. Deane be informed that Congress will meet this evening at 6 o'clock, to receive his information, and that he attend at that time.

A letter, of the 16th, from gen. Washington, was read, enclosing a report of the commissioners by him appointed, to meet commissioners from sir Henry Clinton, and other papers respecting the meeting ; and informing that an exchange of prisoners has not taken place : whereupon,

Resolved, That Congress approve the proceedings of the commander in chief and the commissioners appointed by him in the negotiations at Amboy for exchange of prisoners :

Ordered, That so much of gen. Washington's letter as relates to the said negotiations, together with the papers enclosed, be published.

A letter, of the 19th, from Mr. de Francey, was read :

Ordered, That to-morrow be assigned for considering it.

A letter, of the 18th, from the board of war, was read :

Ordered, That it be referred to the board of treasury.

A letter, of this day, from the marquis of Britigny, was read :

Ordered, That Thursday next be assigned for taking into consideration the report on the memorial of the marquis of Britigny.

A letter, of the 19th, from H. Laurens, late president, was read :

Ordered, That it be referred to the board of treasury.

A letter, of the 12th, from gen. Mifflin, and one of the 15th, from Caesar Rodney, president of Delaware, were read.

A memorial from Elizabeth Preston was read :

Ordered, That it be referred to the board of war.

Resolved, That a member be appointed to the board of war, in the room of Mr. Sherman :

The ballots being taken, Mr. J. Root was elected.

A memorial from Thomas Mumford was read.

The committee on the treasury, to whom was re-committed their report on the memorial of Ephraim Blaine, deputy commissary-general of purchases, with direction to state the facts specially, report,

That it appears by a letter from the said E. Blaine to Congress, dated the 27th of March last, that he had purchased goods from George Kennedy, between the 3d of Oct. 1777, and the 9th of Feb. following, to the amount of 6000 dollars, for which he had engaged him to take payment in loan-office certificates, on condition that such certificates should be procured for him before the 1st of March, 1778 :

That Kennedy applied to the commissary-general before that day,

but because Blaine's accounts were unsettled he could not get a draught on the loan-office for these certificates :

That Kennedy was yet willing to take certificates to bear date as above :

That there were other claimants under the like circumstances who had not yet applied :

That the said letter being referred to the committee on the treasury, they gave their opinion that it was by no means proper to ante-date loan-office certificates for the payment of a balance due from the public, and circumstanced as the case mentioned in the said letter :

That Mr. Blaine, on the 30th day of May following, presented a memorial to Congress, setting forth, that he contracted with George Kennedy and others, for articles for the use of the army, in the months of Oct. Nov. Dec. and Jan. then last, to the amount of 17,500 dollars, for which he had promised them loan-office certificates in payment ; he therefore prayed for warrants on the loan-office for certificates to that amount, to be dated on the first day of Jan. then last, to enable him to fulfil his contract :

That the said memorial being referred to the board of treasury, they reported that they continued of the opinion they had before given on Mr. Blaine's letter, that it was by no means proper to ante-date loan-office certificates for the payment of those debts :

That upon the said report being read in Congress, it was re-committed :

That they have therefore a third time taken the subject of the letter and memorial into consideration, and after mature reflection retain the opinion that they have repeatedly given, that ante-dated certificates ought not to be issued to satisfy the said demand :

The report being read and considered,

Resolved, That Congress agree to the same.

Another report from the board of treasury was read ; whereupon,

Resolved, That William Geddes, Esq; commissioner of one of the chambers of accounts, be empowered and requested to act as one of the commissioners of claims until the chamber of accounts can proceed to business.

Resolved, That the remainder of the report respecting the memorial of captain John Sutton, be re-committed.

Another report from the board of treasury was read ; whereupon,

Ordered, That a warrant issue on the treasurer in favour of the marine-committee, for 20,000 dollars, for the use of the navy-board in the middle-department ; the said committee to be accountable :

That a warrant issue on the treasurer in favour of John Millar, for 1000 dollars, in payment of a draught of major-general Howe, dated Charlestown, S. Carolina, August 24th, 1778, in favour of capt. Rawleigh Downman, and endorsed by him for that sum ; it being agreeable to a letter of advice of the same date from major-general Howe, who is to be accountable.

Resolved, That the remainder of the report, respecting an additional allowance, beyond the established price, to be made to officers who have purchased horses for the cavalry, be postponed to Monday next.

Six o'clock, P. M.

The committee to whom were referred sundry letters from major-general Mifflin, late quarter-master-general, brought in a report, which was read :

Ordered, That the consideration thereof be postponed.

The committee to whom was referred the letter of the 13th, from general Washington, relative to lieutenant-colonel Fleury, brought in a report, which was read :

Ordered, That the consideration thereof be postponed until the report of the board respecting brigadier du Portail, and the engineers who accompanied him, be taken up, and that both be considered together.

According to order, Mr. Deane attending, was called in, and proceeded to read his written information, but not having time to finish,

Ordered, That he attend to-morrow at ten o'clock, and proceed in his information.

Adjourned to ten o'clock to-morrow.



WEDNESDAY, December 23, 1778.

A letter, of the 22d, from col. W. Grayson, was read, informing, that he has been duly notified of his appointment to the board of war, and expressing a desire to decline the same.

A letter, of the 1st, from Gossinus Erkelins, was read, and also one of Nov. 29th, from col. G. Derick, informing Congress of his intention, on his arrival in Holland, to correspond with the hon. Dr. Franklin, at Paris, and desiring that the president would mention his name to Dr. Franklin in his next letter :

Ordered, That his desire be complied with.

According to order, Mr. Deane attending, was called in, and proceeded in his information, and having gone through what he had written, he produced sundry letters and papers, which he desired might be read ; upon a letter of April 7th, from Dr. Franklin, to him, being read, Mr. Deane desired leave to say something in explanation of the last clause of the said letter, which respects a negociator, " who, as the letter mentions, is gone back apparently much chagrined at his little success, and in which Dr. Franklin says he has promised him faithfully, that since his propositions could not be accepted, they should be buried in oblivion : and therefore earnestly desires that Mr. Deane would put that paper immediately in the fire, on the receipt of the letter, without taking or suffering to be taken any copy of it, or communicating its contents : "

As he was proceeding to explain this matter, a motion was made, that Mr. Deane withdraw :

Mr. Deane accordingly withdrew.

A motion was then made, that Mr. Deane be called in and informed, that if he has any thing further to report, he lay it before Congress in writing :

In lieu of which it was moved as an amendment,

That Mr. Deane be permitted to proceed in his verbal explanation, referred to, and that it be afterwards reduced to writing, if Congress shall judge it necessary :

The amendment being received, a division was called for, and on the question to agree to the first clause,

The yeas and nays being required by Mr. Ellery,

| | | | |
|---------------------------|--------------------------------|-----------|-------------------|
| <i>New-Hampshire,</i> | Mr. <i>Whipple,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Frost,</i> | <i>ay</i> | |
| <i>Massachusetts-Bay,</i> | Mr. <i>S. Adams,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Gerry,</i> | <i>ay</i> | |
| | Mr. <i>Lovell,</i> | <i>ay</i> | |
| | Mr. <i>Holten,</i> | <i>ay</i> | |
| <i>Rhode-Island,</i> | Mr. <i>Ellery,</i> | <i>no</i> | } <i>divided.</i> |
| | Mr. <i>Collins,</i> | <i>ay</i> | |
| <i>Connecticut,</i> | Mr. <i>Dyer,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Ellsworth,</i> | <i>ay</i> | |
| | Mr. <i>Root,</i> | <i>ay</i> | |
| <i>New-York,</i> | Mr. <i>Jay,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Duane,</i> | <i>ay</i> | |
| <i>New-Jersey,</i> | Mr. <i>Witherspoon,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Fell,</i> | <i>ay</i> | |
| <i>Pennsylvania,</i> | Mr. <i>Roberdeau,</i> | <i>ay</i> | <i>ay</i> |
| <i>Delaware,</i> | Mr. <i>M^r Kean,</i> | <i>ay</i> | <i>ay</i> |
| <i>Virginia,</i> | Mr. <i>F. L. Lee,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>M. Smith,</i> | <i>no</i> | |
| | Mr. <i>Griffin,</i> | <i>ay</i> | |
| <i>North-Carolina,</i> | Mr. <i>Penn,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Williams,</i> | <i>ay</i> | |
| | Mr. <i>Hill,</i> | <i>ay</i> | |
| | Mr. <i>Burke,</i> | <i>ay</i> | |
| <i>South-Carolina,</i> | Mr. <i>Laurens,</i> | <i>no</i> | } <i>ay</i> |
| | Mr. <i>Drayton,</i> | <i>ay</i> | |
| | Mr. <i>Hutson,</i> | <i>ay</i> | |
| <i>Georgia,</i> | Mr. <i>Langworthy,</i> | <i>ay</i> | <i>ay</i> |

So it was resolved in the affirmative.

On the question to agree to the second clause,

The yeas and nays being required by Mr. Ellery,

| | | | |
|---------------------------|-------------------------|-----------|-------------|
| <i>New-Hampshire,</i> | Mr. <i>Whipple,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Frost,</i> | <i>ay</i> | |
| <i>Massachusetts-Bay,</i> | Mr. <i>S. Adams,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Gerry,</i> | <i>ay</i> | |
| | Mr. <i>Lovell,</i> | <i>ay</i> | |
| | Mr. <i>Holten,</i> | <i>ay</i> | |
| <i>Rhode-Island,</i> | Mr. <i>Ellery,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Collins,</i> | <i>ay</i> | |
| <i>Connecticut,</i> | Mr. <i>Dyer,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Ellsworth,</i> | <i>ay</i> | |
| | Mr. <i>Root,</i> | <i>ay</i> | |
| <i>New-York,</i> | Mr. <i>Jay,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Duane,</i> | <i>ay</i> | |
| <i>New-Jersey,</i> | Mr. <i>Witherspoon,</i> | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Fell,</i> | <i>ay</i> | |
| <i>Pennsylvania,</i> | Mr. <i>Roberdeau,</i> | <i>ay</i> | <i>ay</i> |

| | | | |
|-----------------|--------------------------|----|------|
| Delaware, | Mr. M ^c Kean, | ay | } ay |
| Virginia, | Mr. F. L. Lee, | ay | |
| | Mr. M. Smith, | ay | } ay |
| | Mr. Griffin, | no | |
| North-Carolina, | Mr. Penn, | ay | } ay |
| | Mr. Williams, | ay | |
| | Mr. Hill, | ay | |
| | Mr. Burke, | ay | |
| South-Carolina, | Mr. Laurens, | ay | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Hutson, | ay | |
| Georgia, | Mr. Langworthy, | no | } no |

So it was resolved in the affirmative.

Ordered, That the secretary inform Mr. Deane that Congress will give him notice of the time when he shall attend again, which will probably be this evening.

Six o'clock, P. M.

A letter, of Sept. 10th, from Jonathan Williams, at Nantes, was read, with a number of papers accompanying it :

Ordered, That the same lie on the table, for the perusal of the members.

According to order, brigadier W. Thompson attending, was called in, and the witnesses being examined, he withdrew.

Ordered, That brigadier W. Thompson be called in and informed; that if he has any thing to offer in his defence, the house is ready to hear him, but that if he requires time to make his defence, it will be allowed him.

Brigadier Thompson being called in and informed of the order of the house, desired that the paper he had in his hand might be read :

The same being read, and he having nothing further to offer, gen. Thompson was ordered to withdraw, and accordingly he withdrew.

Adjourned to ten o'clock to-morrow.

THURSDAY, December 24, 1778.

Mr. Samuel Atlee, a delegate from Pennsylvania, attended, and took his seat in Congress.

The president informed Congress, that gen. Washington was arrived in town, pursuant to their orders : whereupon,

Resolved, That the commander in chief be introduced to Congress and informed from the chair, that Congress have directed his attendance in order, among other things, to confer with him on the operations of the next campaign, and that a committee will be appointed for that purpose.

Ordered, That the secretary present the commander in chief with the foregoing resolution, and acquaint him that Congress are now ready to receive him.

In pursuance of the foregoing order, the commander in chief attended, and being informed by the president of the end for which Congress has desired his attendance, and that a committee will be appointed agreeably to the foregoing resolution, he withdrew.

Congress proceeded to the election of a committee :

The members chosen, are Mr. Duane, Mr. Root, Mr. M. Smith, Mr. G. Morris and Mr. Laurens.

Congress took into consideration the charge against brigadier W. Thompson ; and the defence being read,

A motion was made, that the apology made by brigadier-general Thompson be accepted as satisfactory :

The charge and depositions were then called for, and a motion was made, that the examination of Mr. justice Atlee, and the deposition of col. Noarth, the one offered to support the charge against brigadier-general Thompson, and the other in his exculpation, be rejected, the same being taken *ex parte* :

To which an amendment was moved, by way of substitute,

That the examination of Mr. justice Atlee, taken before Congress on Monday the 7th inst. in support of the charge against brigadier Thompson, be rejected, and that the deposition of col. Noarth, produced last night by brigadier Thompson in his own exculpation from the charge, be also rejected :

A question was taken, whether, consistent with order, the latter proposition can be offered as an amendment to the former ?

On which the yeas and nays being required by Mr. Laurens,

| | | | | |
|--------------------|--------------------------|----|---|----------|
| New-Hampshire, | Mr. Whipple, | ay | } | ay |
| Massachusetts-Bay, | Mr. S. Adams, | ay | | |
| | Mr. Gerry, | ay | } | ay |
| | Mr. Lovell, | ay | | |
| | Mr. Holten, | ay | | |
| Rhode-Island, | Mr. Ellery, | ay | } | ay |
| Connecticut, | Mr. Dyer, | ay | | |
| | Mr. Ellsworth, | ay | } | ay |
| | Mr. Root, | ay | | |
| New-York, | Mr. Jay, | no | | |
| | Mr. Duane, | no | } | no |
| | Mr. G. Morris, | ay | | |
| New-Jersey, | Mr. Witherspoon, | ay | } | divided. |
| | Mr. Fell, | no | | |
| Pennsylvania, | Mr. Roberdeau, | ay | } | ay |
| | Mr. Atlee, | ay | | |
| Delaware, | Mr. M ^c Kean, | ay | } | ay |
| Maryland, | Mr. Carmichael, | ay | | |
| | Mr. Henry, | ay | } | ay |
| North-Carolina, | Mr. Penn, | ay | | |
| | Mr. Hill, | no | | |
| South-Carolina, | Mr. Laurens, | ay | } | ay |
| | Mr. Drayton, | ay | | |
| | Mr. Hutson, | ay | } | ay |
| Georgia, | Mr. Langworthy, | ay | | |

So it was resolved to be in order.

The question being put on the amendment, passed in the negative.

The main question was then divided, and on the question, that the examination of Mr. justice Atlee be rejected :

The yeas and nays were required by Mr. Duane,

| | | | |
|---------------------------|------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Whipple, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | } ay |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } ay |
| | Mr. Ellsworth, | ay | |
| | Mr. Root, | ay | } ay |
| <i>New-York,</i> | Mr. Jay, | ay | |
| | Mr. Duane, | ay | } ay |
| | Mr. G. Morris, | ay | |
| | Mr. Lewis, | ay | } ay |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | |
| | Mr. Fell, | ay | } ay |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | |
| | Mr. Atlee, | ay | } ay |
| <i>Delaware,</i> | Mr. McKean, | ay | |
| <i>Maryland,</i> | Mr. Carmichael, | ay | } ay |
| | Mr. Henry, | ay | |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | } ay |
| | Mr. M. Smith, | ay | |
| | Mr. Griffin, | ay | } ay |
| <i>North-Carolina,</i> | Mr. Penn, | ay | |
| | Mr. Hill, | ay | } ay |
| <i>South-Carolina,</i> | Mr. Laurens, | no | |
| | Mr. Hutson, | ay | } divided. |
| <i>Georgia,</i> | Mr. Langworthy, | ay | |

So it was resolved in the affirmative.

The question was then put, that the deposition of col. Noarth be rejected:

Resolved in the affirmative.

The question was put, whether the words "the same having been taken, *ex parte*" shall stand?

On which the yeas and nays being required by Mr. F. L. Lee,

| | | | |
|---------------------------|----------------|----|------|
| <i>New-Hampshire,</i> | Mr. Whipple, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | |
| | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | } ay |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } ay |
| | Mr. Ellsworth, | no | |
| | Mr. Root, | ay | } ay |
| <i>New-York,</i> | Mr. Jay, | ay | |
| | Mr. Duane, | ay | } ay |
| | Mr. G. Morris, | ay | |
| | Mr. Lewis, | ay | } ay |

| | | | |
|-----------------|--------------------------|----|------------|
| New-Jersey, | Mr. Witherspoon, | ay | } ay |
| | Mr. Fell, | ay | |
| Pennsylvania, | Mr. Roberdeau, | ay | } ay |
| | Mr. Atlee, | ay | |
| Delaware, | Mr. M ^c Kean, | no | } no |
| Maryland, | Mr. Carmichael, | ay | |
| | Mr. Henry, | ay | } ay |
| Virginia, | Mr. F. L. Lee, | no | |
| | Mr. M. Smith, | ay | } ay |
| | Mr. Griffin, | ay | |
| North-Carolina, | Mr. Penn, | ay | } ay |
| | Mr. Hill, | ay | |
| South-Carolina, | Mr. Laurens, | no | } divided. |
| | Mr. Hutson, | ay | |
| Georgia, | Mr. Langworthy, | ay | } ay |

So it was resolved in the affirmative.

The question being taken on the whole,

Resolved, That the examination of Mr. justice Atlee, and the deposition of col. Noarth, the one offered to support the charge against brigadier W. Thompson, and the other in his exculpation, be rejected, the same having been taken *ex parte*.

The proceedings on the journal relative to brigadier Thompson, the charge and the deposition of witnesses, were then read : whereupon a motion was made, that brigadier-general Thompson is guilty of a breach of privilege :

On this question the yeas and nays being required by Mr. Laurens,

| | | | |
|--------------------|----------------------------------|----|------------|
| New-Hampshire, | Mr. Whipple, | ay | } ay |
| | Mr. S. Adams, | ay | |
| Massachusetts-Bay, | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | } no |
| Rhode-Island, | Mr. Ellery, | no | |
| Connecticut, | Mr. Ellsworth, | ay | } ay |
| | Mr. Root, | ay | |
| New-York, | Mr. Jay, | no | } divided. |
| | Mr. Duane, | ay | |
| | Mr. G. Morris, | no | } divided. |
| | Mr. Lewis, | ay | |
| New-Jersey, | Mr. Witherspoon, | ay | } divided. |
| | Mr. Fell, | no | |
| Pennsylvania, | Mr. Roberdeau, | ay | } divided. |
| | Mr. Atlee, | no | |
| Delaware, | Mr. M ^c Kean, excused | | } no |
| Maryland, | Mr. Carmichael, | no | |
| | Mr. Henry, | no | } no |
| Virginia, | Mr. F. L. Lee, | ay | |
| | Mr. M. Smith, | ay | } ay |
| | Mr. Griffin, | no | |
| North-Carolina, | Mr. Penn, | no | } no |
| | Mr. Hill, | no | |

| | | | |
|------------------------|-----------------|----|------|
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } ay |
| | Mr. Drayton, | no | |
| | Mr. Hutson, | ay | |
| <i>Georgia,</i> | Mr. Langworthy, | ay | } ay |

So it was then resolved in the affirmative.

It was then moved, that gen. Thompson's apology is satisfactory :

On which the yeas and nays being required by Mr. Laurens,

| | | | |
|---------------------------|--------------------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Whipple, | ay | } ay |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | |
| | Mr. Lovell, | no | } no |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| <i>Connecticut,</i> | Mr. Ellsworth, | ay | |
| | Mr. Root, | no | } divided. |
| <i>New-York,</i> | Mr. Jay, | ay | |
| | Mr. Duane, | ay | } ay |
| | Mr. G. Morris, | ay | |
| | Mr. Lewis, | ay | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | } divided. |
| | Mr. Fell, | ay | |
| <i>Pennsylvania,</i> | Mr. Robrdeau, | ay | } ay |
| | Mr. Atlee, | ay | |
| <i>Delaware,</i> | Mr. M ^c Kean, | ay | } ay |
| <i>Maryland,</i> | Mr. Carmichael, | ay | |
| | Mr. Henry, | ay | } ay |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | |
| | Mr. M. Smith, | ay | } ay |
| | Mr. Griffin, | ay | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| | Mr. Hill, | ay | |
| <i>South-Carolina,</i> | Mr. Laurens, | no | } ay |
| | Mr. Drayton, | ay | |
| | Mr. Hutson, | ay | |
| <i>Georgia,</i> | Mr. Langworthy, | ay | } ay |

So it was resolved in the affirmative.

Adjourned to ten o'clock on Saturday.

— SATURDAY, December 26, 1778.

A letter, of the 21st, from Abraham Clarke, of N. Jersey, was read, enclosing affidavits respecting the conduct of brigadier Maxwell in resisting a writ of Habeas Corpus :

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

The members chosen, Mr. Duane, Mr. Burke and Mr. Fell.

A memorial from Josiah Smith, surgeon, and others, late of the Revenge cutter, captain Cunningham, was read :

Ordered, That it be referred to the marine-committee.

Congress resumed the consideration of the report of the committee of the whole on the subject of finance, when the 6th proposition was read, viz.

6. That proper bills be provided and ready to be delivered out at

the said offices, to complete the said exchanges as soon as possible, and that due notice be given to all parties by public advertisements, as soon as the same shall be ready :

A motion was made to strike out the words " as soon as possible," and what follows to the end, and to insert in place thereof " by the first day of June next."

Another motion was made, to substitute the following resolution :

That the commissioners of the loan-offices make returns to the treasury-board immediately after the 1st day of June next, of the amount of the bills received into their respective offices, to be exchanged as aforesaid, and that proper bills to exchange the same be furnished and ready to be delivered out at their said offices within sixty days from and after the said first day of June :

To which it was moved to add as follows :

And that the proprietors of bills brought into the loan-offices shall be entitled to and receive an interest on the sums respectively brought in as aforesaid, at the rate of six per centum per annum, from the 1st of June aforesaid, to the day on which they shall be exchanged :

On the question to agree to this addition,

The yeas and nays being required by Mr. Laurens,

| | | | | |
|---------------------------|------------------|----|---|----------|
| <i>New-Hampshire,</i> | Mr. Whipple, | no | } | no |
| | Mr. Frost, | no | | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | no | } | no |
| | Mr. Lovell, | no | | |
| | Mr. Holten, | no | | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } | no |
| | Mr. Dyer, | no | | |
| <i>Connecticut,</i> | Mr. Ellsworth, | no | } | no |
| | Mr. Root, | no | | |
| <i>New-York,</i> | Mr. Jay, | no | } | ay |
| | Mr. Duane, | ay | | |
| | Mr. Lewis, | ay | | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | no | } | no |
| | Mr. Fell, | no | | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | no | } | no |
| | Mr. Atlee, | no | | |
| <i>Maryland,</i> | Mr. Carmichael, | ay | } | ay |
| | Mr. Henry, | ay | | |
| <i>Virginia,</i> | Mr. M. Smith, | no | } | * |
| | Mr. Griffin, | ay | | |
| <i>North-Carolina,</i> | Mr. Penn, | no | } | divided. |
| | Mr. Williams, | ay | | |
| | Mr. Hill, | ay | | |
| | Mr. Burke, | no | | |
| <i>South-Carolina,</i> | Mr. Laurens, | ay | } | ay |
| | Mr. Langworthy, | no | | |

So it passed in the negative.

The amendment being adopted, on the question to agree to the same,
The yeas and nays being required by Mr. Burke,

| | | | |
|---------------------------|------------------|----|-------|
| <i>New-Hampshire,</i> | Mr. Whipple, | ay | } ay, |
| | Mr. Frost, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. Gerry, | ay | } ay |
| | Mr. Lovell, | ay | |
| | Mr. Holten, | ay | } no |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } ay |
| | Mr. Ellsworth, | ay | |
| | Mr. Root, | ay | } ay |
| <i>New-York,</i> | Mr. Jay, | no | |
| | Mr. Duane, | ay | } ay |
| | Mr. Lewis, | ay | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } ay |
| | Mr. Fell, | ay | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } ay |
| | Mr. Atlee, | ay | |
| <i>Maryland,</i> | Mr. Carmichael, | ay | } ay |
| | Mr. Henry, | ay | |
| <i>Virginia,</i> | Mr. M. Smith, | no | } * |
| | Mr. Griffin, | no | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } no |
| | Mr. Williams, | no | |
| | Mr. Hill, | no | |
| | Mr. Burke, | no | } no |
| <i>South-Carolina,</i> | Mr. Laurens, | no | |
| <i>Georgia,</i> | Mr. Langworthy, | no | } no |

So it was resolved in the affirmative.

The 7th proposition was then read, and agreed to as follows :

7. That the first mentioned bills, as they are brought into the treasury and loan-offices, be immediately crossed and struck through with a circular punch of one inch diameter, to be afterwards examined and burned, as Congress shall direct.

Ordered, That Mr. Deane be notified to attend Congress on Monday next, at ten o'clock, A. M.

Adjourned to ten o'clock on Monday.

MONDAY, December 28, 1778.

There not being a sufficient number of states to proceed to business,
Adjourned to ten o'clock to-morrow.

TUESDAY, December 29, 1778.

Mr. Scudder, a delegate from N. Jersey, attended, and took his seat.

A letter, of this day, from J. Morgan, was read ; whereupon,

Resolved, That a member be added to the committee on the memorial from Dr. Morgan, in the room of Mr. Harvie :

The member chosen, Mr. M. Smith.

A letter, of the 17th, from G. Clinton, gov. of N. York, was read :

A letter, of the 15th, from col. Malcolm, was read, enclosing a return of the military-stores and garrison of forts Clinton and Constitution :

Ordered, That the same be referred to the board of war.

Resolved, That two brigadiers be appointed for the troops of North-Carolina :

Colonel Jethro Sumner and col. Thomas Clarke are nominated for brigadiers by the delegates of North-Carolina.

Resolved, That a committee of three be appointed to enquire into the state of the Pennsylvania troops, and report whether an additional brigadier is wanting for the troops of that state :

The members chosen, Mr. M^cKean, Mr. Burke and Mr. Atlee.

Resolved, That an additional brigadier be appointed for the troops of South-Carolina.

Colonel Isaac Huger is nominated by the delegates of S. Carolina.

Congress proceeded to consider the subject of finance, and a set of resolutions relative thereto being read,

Ordered, That the further consideration thereof be postponed till to-morrow.

A motion was made as follows :

Whereas a report hath circulated in divers parts of America, that Congress would not redeem the bills of credit issued by them to defray the expenses of the war, but would suffer them to sink in the hands of the holder, whereby the value of the said bills hath, in the opinion of many of the good people of these states, depreciated ; and least the silence of Congress might give strength to the said report ;

Resolved, That the said report is false and derogatory to the honour of Congress.

A motion was made, that the consideration thereof be postponed :

On which the yeas and nays being required by Mr. Drayton,

| | | | | |
|---------------------------|--------------------------|----|---|----|
| <i>New-Hampshire,</i> | Mr. Whipple, | ay | } | ay |
| | Mr. Frost, | ay | | |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | } | ay |
| | Mr. Gerry, | ay | | |
| | Mr. Holten, | ay | | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } | ay |
| | Mr. Collins, | ay | | |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } | ay |
| | Mr. Ellsworth, | ay | | |
| | Mr. Root, | ay | | |
| <i>New-York,</i> | Mr. Jay, | no | } | no |
| | Mr. Duane, | no | | |
| | Mr. Morris, | no | | |
| <i>New-Jersey,</i> | Mr. Witherspoon, | ay | } | no |
| | Mr. Scudder, | no | | |
| | Mr. Fell, | no | | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | no | } | no |
| | Mr. Atlee, | no | | |
| | Mr. Searle, | no | | |
| <i>Delaware,</i> | Mr. M ^c Kean, | no | } | no |
| <i>Maryland,</i> | Mr. Carmichael, | no | | |
| <i>Virginia,</i> | Mr. Henry, | ay | | |
| | Mr. F. L. Lee, | ay | } | * |
| | Mr. M. Smith, | no | | |

| | | | |
|------------------------|--------------|----|------|
| <i>North-Carolina,</i> | Mr. Penn, | no | } no |
| | Mr. Hill, | no | |
| | Mr. Burke, | ay | |
| <i>South-Carolina,</i> | Mr. Drayton, | no | } no |

So it passed in the negative.

After debate the previous question was moved ;

On which the yeas and nays being required by Mr. Drayton,

| | | | |
|---------------------------|--------------------------|----|------|
| <i>New-Hampshire,</i> | Mr. Whipple, | ay | } ay |
| | Mr. Frost, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | ay | } ay |
| | Mr. Gerry, | ay | |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | ay | } ay |
| | Mr. Collins, | ay | |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } ay |
| | Mr. Ellsworth, | ay | |
| | Mr. Root, | ay | |
| <i>New-York,</i> | Mr. Jay, | no | } no |
| | Mr. Duane, | no | |
| | Mr. G. Morris, | no | |
| <i>New-Jersey,</i> | Mr. Scudder, | no | } no |
| | Mr. Fell, | no | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } no |
| | Mr. Atlee, | no | |
| | Mr. Searle, | no | |
| <i>Delaware,</i> | Mr. M ^c Kean, | ay | } ay |
| <i>Maryland,</i> | Mr. Carmichael, | no | } * |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | } ay |
| | Mr. M. Smith, | ay | |
| <i>North-Carolina,</i> | Mr. Penn, | no | } no |
| | Mr. Hill, | no | |
| | Mr. Burke, | ay | |
| <i>South-Carolina,</i> | Mr. Drayton, | no | } no |

So the states were equally divided.

The main question being then put,

And the yeas and nays being required by Mr. Drayton,

| | | | |
|---------------------------|----------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Whipple, | no | } divided. |
| | Mr. Frost, | ay | |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | } ay |
| | Mr. Gerry, | ay | |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } no |
| | Mr. Collins, | no | |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } no |
| | Mr. Ellsworth, | no | |
| | Mr. Root, | no | |
| <i>New-York,</i> | Mr. Jay, | ay | } ay |
| | Mr. Duane, | ay | |
| | Mr. G. Morris, | ay | |

| | | | |
|------------------------|--------------------------|----|------|
| <i>New-Jersey,</i> | Mr. Scudder, | ay | } ay |
| | Mr. Fell, | ay | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | ay | } ay |
| | Mr. Atlee, | ay | |
| | Mr. Searle, | ay | } ay |
| <i>Delaware,</i> | Mr. M ^c Kean, | ay | |
| <i>Virginia,</i> | Mr. F. L. Lee, | ay | } * |
| | Mr. M. Smith, | no | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| | Mr. Hill, | ay | |
| | Mr. Burke, | no | } ay |
| <i>South-Carolina,</i> | Mr. Drayton, | ay | |

So it was resolved in the affirmative.

On the question to agree to the preamble,

The yeas and nays being required by Mr. Ellery,

| | | | |
|---------------------------|----------------|----|------------|
| <i>New-Hampshire,</i> | Mr. Frost, | no | } no |
| <i>Massachusetts-Bay,</i> | Mr. S. Adams, | no | |
| | Mr. Gerry, | ay | } ay |
| | Mr. Holten, | ay | |
| <i>Rhode-Island,</i> | Mr. Ellery, | no | } divided. |
| | Mr. Collins, | ay | |
| <i>Connecticut,</i> | Mr. Dyer, | ay | } no |
| | Mr. Ellsworth, | no | |
| | Mr. Root, | no | } ay |
| <i>New-York,</i> | Mr. Jay, | ay | |
| | Mr. Duane, | ay | } ay |
| | Mr. G. Morris, | ay | |
| <i>New-Jersey,</i> | Mr. Scudder, | ay | } ay |
| | Mr. Fell, | ay | |
| <i>Pennsylvania,</i> | Mr. Roberdeau, | no | } ay |
| | Mr. Atlee, | ay | |
| | Mr. Searle, | ay | } no |
| <i>Virginia,</i> | Mr. M. Smith, | no | |
| <i>North-Carolina,</i> | Mr. Penn, | ay | } ay |
| | Mr. Hill, | ay | |
| <i>South-Carolina,</i> | Mr. Drayton, | ay | } ay |

So it was resolved in the affirmative.

Adjourned to nine o'clock to-morrow.

WEDNESDAY, December 30, 1778.

There not being a sufficient number of states to proceed to business,
Adjourned to ten o'clock to-morrow.

THURSDAY, December 31, 1778.

A letter, of the 30th, from Mr. Deane, was read, informing, that he waits the orders of Congress, and that he has received letters which he is desirous to communicate personally, which relate to parts of his narration : whereupon,

Ordered, That Mr. Deane be notified to attend immediately.

A letter, of the 3d, from major-general Gates, at Boston, was read,

enclosing a letter of the 1st to him from major-general Philips, proposing to enter into a negotiation with him for a release of the troops of the convention of Saratoga :

Ordered, That the letter from major-general Philips lie on the table, and that the president inform major-general Gates that Congress approve his conduct.

A letter, of the 16th, from B. Harrison, deputy pay-master-general in Virginia, was read, enclosing his monthly account :

Ordered, That the same be referred to the board of treasury.

A memorial from R. Patton, messenger, and one from W. Hurrie, door-keeper, were read : whereupon,

Resolved, That the sums deducted from the former accounts of the memorialists, by the commissioners of claims, be paid them as a reward for extraordinary service ; and that they be paid what is now due to them at the rate of three dollars a-day ; and that they be paid for the future at the rate of four dollars a-day.

A letter, of Nov. 30th, from major-general Gates, was read, enclosing a memorial from brigadier du Portail, respecting the fortifying the harbour at Boston :

Ordered, That the same be referred to the marine-committee.

Mr. Deane attending, was called in, and gave further information in writing, and having finished,

Ordered, That he withdraw into the next room.

Accordingly he withdrew : whereupon, a motion was made,

That a day be now assigned for Mr. Deane to attend Congress, that such questions may be asked as the house shall think proper, to elucidate the subject of his narrative :

Question put, passed in the negative.

Ordered, That Mr. Deane be called in and informed, that he has leave to withdraw, and that Congress will notify to him their future orders :

Mr. Deane being called in, was informed of the foregoing order, and withdrew.

Congress proceeded to the subject of finance ; and thereupon,

7. *Resolved*, That, in addition to the 15,000,000 of dollars to be paid the year ensuing, the states be called on to pay in their quotas of 6,000,000 dollars, annually, for 18 years, commencing with the year 1780, as a fund for sinking the loans and emissions of these United States to the 31st day of December, 1778, inclusive :

8. That if the continuance and circumstances of the war shall make any further emissions necessary the year ensuing, they shall be sunk in the manner and within the period aforesaid :

9. That any of the bills of credit, emitted by order of Congress prior to the year 1780, and no others, be received in payment of the said quotas :

On the question to agree to this resolution,

The yeas and nays being required by Mr. Burke,

| | | | |
|----------------------------|-----------------------|-----------|-------------|
| <i>New-Hampshire</i> , | Mr. <i>Whipple</i> , | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Frost</i> , | <i>ay</i> | |
| <i>Massachusetts-Bay</i> , | Mr. <i>S. Adams</i> , | <i>ay</i> | } <i>ay</i> |
| | Mr. <i>Gerry</i> , | <i>ay</i> | |
| | Mr. <i>Holten</i> , | <i>ay</i> | |

| | | | | |
|------------------------|-------------------------------|-----------|---|-----------|
| <i>Rhode-Island,</i> | Mr. <i>Ellery,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Collins,</i> | <i>ay</i> | | |
| <i>Connecticut,</i> | Mr. <i>Dyer,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Ellsworth,</i> | <i>ay</i> | | |
| <i>New-York,</i> | Mr. <i>Root,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Jay,</i> | <i>no</i> | | |
| | Mr. <i>Duane,</i> | <i>ay</i> | | |
| <i>New-Jersey,</i> | Mr. <i>Lewis,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Witberspoon,</i> | <i>ay</i> | | |
| | Mr. <i>Scudder,</i> | <i>ay</i> | | |
| <i>Pennsylvania,</i> | Mr. <i>Fell,</i> | <i>ay</i> | } | <i>ay</i> |
| | Mr. <i>Roberdeau,</i> | <i>ay</i> | | |
| | Mr. <i>Atlee,</i> | <i>ay</i> | | |
| <i>Delaware,</i> | Mr. <i>M^cKean,</i> | <i>no</i> | } | <i>no</i> |
| <i>Maryland,</i> | Mr. <i>Henry,</i> | <i>no</i> | | |
| <i>Virginia,</i> | Mr. <i>M. Smith,</i> | <i>no</i> | } | * |
| | Mr. <i>Griffin,</i> | <i>no</i> | | |
| <i>North-Carolina,</i> | Mr. <i>Hill,</i> | <i>no</i> | } | <i>no</i> |
| | Mr. <i>Burke,</i> | <i>no</i> | | |
| <i>South-Carolina,</i> | Mr. <i>Drayton,</i> | <i>no</i> | } | <i>no</i> |

So it was resolved in the affirmative.

10. That the bills received on the said quotas be applied, first, to the payment of the interest, secondly, of the principals of loans made by these United States prior to the year 1780; and that the residue of the said bills, together with the 15,000,000 of dollars for the year ensuing, be not re-issued but burned or destroyed, as Congress shall direct:

Ordered, That the committee of the treasury select from the journal the resolutions respecting the calling in certain emissions, and providing a fund for sinking bills of credit emitted by Congress, and prepare a proper preamble.

Adjourned to ten o'clock to-morrow.



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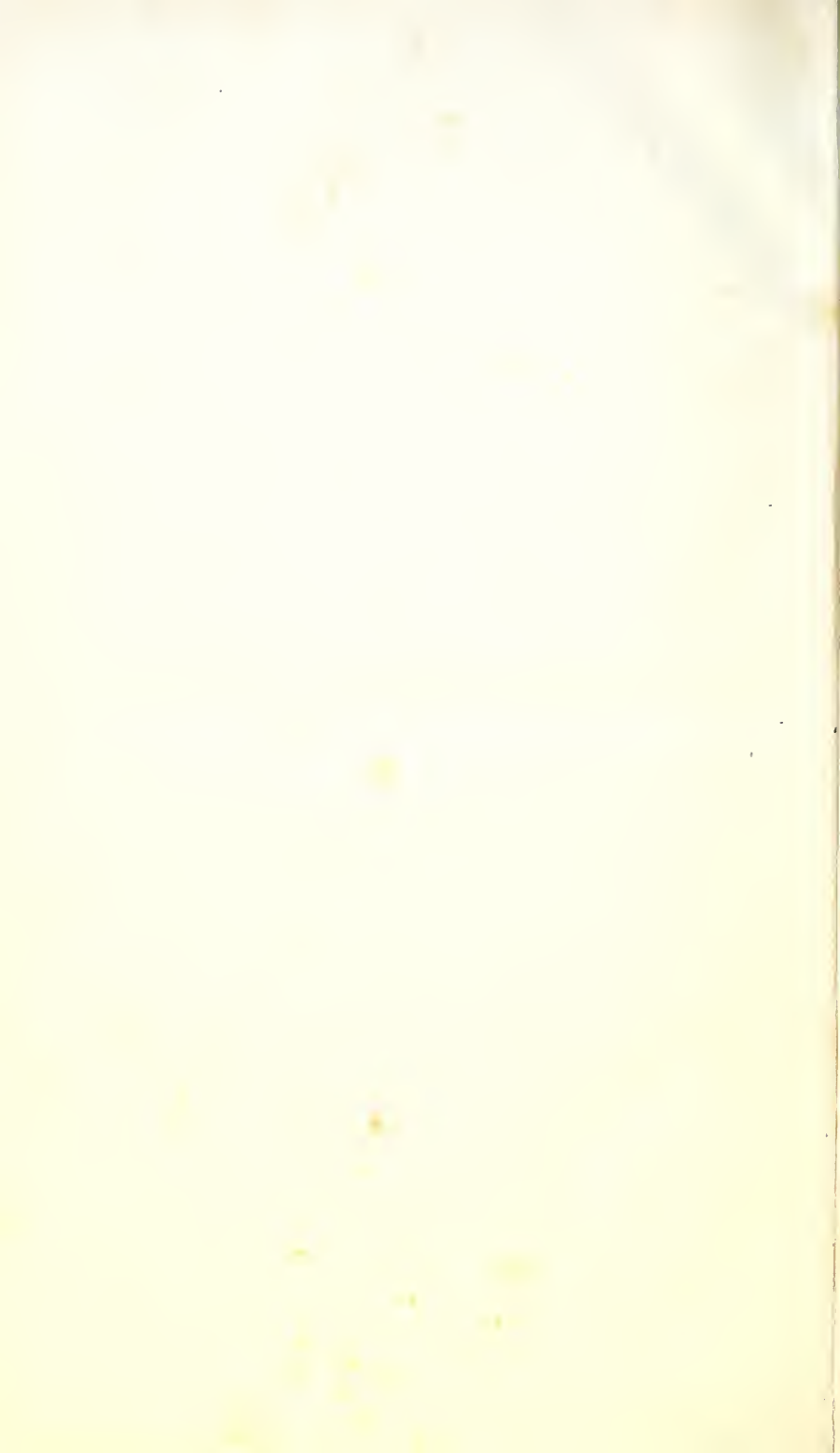
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