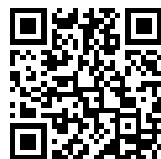


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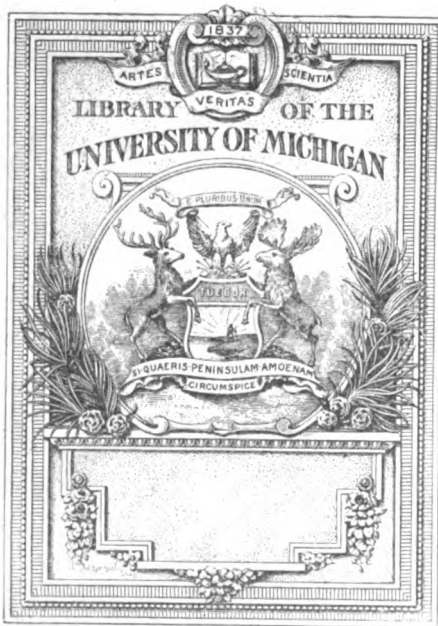
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**SECRET JOURNALS**



OF

**THE ACTS AND PROCEEDINGS**

OF

**CONGRESS,**

**FROM THE FIRST MEETING THEREOF TO THE DISSOLUTION  
OF THE CONFEDERATION, BY THE ADOPTION  
OF THE CONSTITUTION OF THE  
UNITED STATES.**

*U.S. Continental congress*

Published under the direction of the President of the United States, conformably to  
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**SECRET JOURNALS**  
**OF THE**  
**CONGRESS OF THE CONFEDERATION.**

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**FOREIGN AFFAIRS.**

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## SECRET JOURNAL.

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### FOREIGN AFFAIRS.

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JULY 27, 1781.

**T**HE honourable the minister of France transmitted to Congress a memorial, of which the following is a translation.

#### MEMOIRE.

Philadelphia, July 26, 1781.

The twenty-ninth article of the treaty of amity and commerce, between his most christian majesty and the United States, reserves to the two contracting powers "the liberty of having each in the ports of the other, "consuls, vice consuls, agents and commissaries, "whose functions shall be regulated by a particular "agreement." In consequence of this stipulation, the court of Versailles has caused a draft to be made of a convention, relative to the establishment of consuls, which the undersigned minister plenipotentiary of France has the honour to communicate to Congress. It is the desire of his majesty, that this draft

should be examined by Congress; and those points marked which admit of no difficulty; and that the others should be submitted to the examination of delegates appointed by both parties, who may make such observations as they shall judge proper, and propose such alterations as they may think convenient. These objects will require discussion in repeated conferences; and the undersigned intreats that Congress would determine in what manner these conferences shall be held. The proposed convention requires the most mature consideration of both parties; while at the same time it is equally the interest of both, with all speed, to introduce consistency and uniformity into their respective commercial establishments; and the undersigned is of opinion that Congress will think it necessary to prosecute this business with all possible despatch.

(Signed) LE CHEV. DE LA LUZERNE.

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

Le roi très chrétien, et les Etats Unis de l'Amérique Septentrionale, s'étant accordés, mutuellement, par l'article 29 du traité d'amitié et de commerce conclu entre eux, la faculté de tenir dans leurs états respectifs, des consuls, vice consuls, et des agens, et voulant en conséquence déterminer, et fixer d'une

manière réciproque et permanente les fonctions et prérogatives des dits consuls, vice consuls, et des agens respectifs, il a été convenu ce qui suit.

## ARTICLE I.

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

## ARTICLE II.

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

## ARTICLE III.

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

## ARTICLE IV.

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

## ARTICLE V.

Les consuls et vice consuls, les officiers du consulat, et généralement toutes les personnes attachées aux fonctions consulaires jouiront respectivement d'une pleine et entière immunité pour leurs personnes, leurs papiers, et leurs maisons. Ils seront exempts de tout

service personnel et offices publics, logement de gens de guerre, milice, guet, garde, tutelle, curatelle, ainsi que de tous droits, taxes, impositions, charges quelconques, hors les biens fonds, dont ils seront propriétaires, les quels seront assujettis aux taxes imposées sur les biens de tous autres particuliers. Ils pourront faire placer sur la porte extérieure de leur maison les armes de leur souverain, sans cependant que cette marque distinctive puisse donner à la dite maison le droit d'azile pour aucun malfaiteur ou criminel de manière que le cas arrivant où aucun malfaiteur ou criminel s'y refugierait il sera rendu sur le champ à la première réquisition et sans difficulté.

#### ARTICLE VI.

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

#### ARTICLE VII.

Dans tous les cas généralement quelconques concernant la police ou l'administration de la justice, où il

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

#### ARTICLE VIII.

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

## ARTICLE IX.

Les consuls, et vice consuls respectifs auront le droit exclusif de recevoir dans leur chancellerie, ou abord des bâtimens, les déclarations et tous les autres actes, que les capitaines, patrons, équipages passagers, et négocians, de leur nation, voudront y passer, même leur testamens et autres dispositions de dernière volonté, et les expéditions des dits actes dûment légalisées par les dits consuls ou vice consuls et munis du sceau de leur consulat feront foi, en justice, dans tous les tribunaux de France, et des Etats Unis. Ils auront aussi, et exclusivement, le droit de faire l'inventaire, la liquidation, et de procéder à la vente des effets mobiliers de la succession des sujets de leur nation qui viendront à mourir dans les états respectifs. Ils y procéderont avec l'assistance de deux négocians de leur dite nation, à leur choix, et feront déposer dans leur chancellerie les effets, et papiers, des dites successions, sans qu'aucun des officiers militaires, de justice, ou de police, du pays puissent les y troubler, ni y intervenir de quelque manière que ce soit : Mais les dits consuls et vice consuls ne pourront faire la délivrance, des successions et de leur produit aux héritiers légitimes ou à leurs mandataires, qu'après avoir fait acquitter toutes les dettes que les défunts auront pu avoir contractées dans le pays par jugement, par actes, ou par billets dont l'écriture et la signature seront reconnues et certifiées, par deux notables négocians de la nation des dits défunts, et dans tous autres cas le paiement des dettes ne pourra être ordonné



qu'en donnant, par le créancier, caution suffisante, et domiciliée de rendre les sommes induëment perçues, principal, intérêts, et frais, lesquelles cautions cependant, demeureront dûëment déchargées après une année en tems de paix, et deux en tems de guerre ; si la demande en décharge ne peut être formée avant ces délais contre les héritiers qui si présenteront. .

#### ARTICLE X.

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

#### ARTICLE XI.

Dans le cas ou par tempête, ou autre accident, des vaisseaux ou batimens François échöueront sur les côtes des Etats Unis, et des vaisseaux ou batimens des Etats Unis echöueront sur les côtes de France, le

consul ou le vice consul le plus proche du lieu de naufrage pourra faire tout ce qu'il jugera convenable tant pour sauver le dit vaisseau ou bâtiment, son chargement et appartenances, que pour le magasinage et la sureté des effets sauvés et marchandises : Il pourra en faire l'inventaire sans qu'aucun officiers militaires, des douanes, de la justice, ou de la police du pays puissent s'y immiscer autrement que pour faciliter aux consuls, et vice consuls, capitaine et équipage du vaisseau naufragé, ou échoué, tous les secours et faveurs qu'ils leur demanderont, soit pour la célérité et la sureté du sauvetage, et des effets sauvés, soit pour éviter les désordres qui n'accompagnent que trop souvent ces accidents. Pour prévenir même toute espèce de conflit et de discussion dans les dits cas de naufrage, il a été convenu, que lors qu'il ne se trouvera pas de consul ou de vice consul pour faire travailler au sauvetage, ou que la résidence du dit consul ou vice consul qui ne se trouvera pas sur le lieu du naufrage, sera plus éloignée du dit lieu que celle du juge territorial compétent, ce dernier y fera procéder sur le champ avec toute célérité, la sureté et les précautions prescrites par les loix respectives, sauf au dit juge territorial à se retirer ; le consul ou vice consul survenant, et à lui remettre les procédures par lui faites, dont le consul ou vice consul lui fera rembourser les frais. Les marchandises sauvées devront être déposées à la douane la plus prochaine avec l'inventaire qui en aura été dressé par le consul ou vice consul, ou en leur absence par le juge qui en aura connu ; pour, les dites marchandises, être ensuite délivrées, après le prélevement des frais et sans forme de procès aux proprie-

taires, qui munis de la main levée du consul ou vice consul le plus prochain les réclameront par eux mêmes ou par leur mandataires ; soit pour rapporter les marchandises, et dans ce cas elles ne payeront aucune espèce de droit de sortie ; soit pour les vendre dans le pays, si elles n'y sont pas prohibées, et dans ce cas, les dites marchandises se trouvant avariées on leur accordera une modération sur les droits d'entrée proportionnée au damage souffert, lequel sera constaté par le procès verbal dressé lors du naufrage et de l'échouement.

## ARTICLE XII.

Les consuls et vice-consuls du roi très chrétien, établis dans les Etats Unis, et les consuls et vice consuls des Etats Unis établis en France, y exerceront la police sur tous les batimens de leurs nations respectives et auront abord des dits batimens tout pouvoir et juridiction dans toutes les discussions qui pourront y survenir. Ils auront une entière inspection sur les dits batimens, leurs équipages, les changemens, et les remplacements à y faire, ainsi que pour tout ce qui concernera leur navigation, et l'observation de leurs loix, ordonnances, réglemens respectifs. Ils pourront se transporter abord des batimens de leur nation arrivant dans les ports, havres ou rades respectifs, et ce aussi souvent qu'ils le jugeront apropos pour l'acquit de leur charge sans qu'aucun officiers des douanes, de police, ou autres puissent les en empêcher. Ils pourront faire arrêter tout bâtiment portant le pavillon de leur nation respective, le faire séquestrer, et même, le

renvoyer respectivement de France dans les Etats Unis et des Etats Unis en France, et faire arrêter sans difficulté tout capitaine, patron, matelot ou passager de leur dite nation respective. Ils pourront réclamer les matelots, déserteurs, et les vagabonds de leur nation respective, les faire arrêter et détenir dans le pays ou les renvoyer et faire transporter hors du pays. Il suffira que les consuls ou vice consuls respectifs, puissent justifier que ces matelots, déserteurs et vagabonds de telle nation qu'ils puissent être d'ailleurs, sont inscrits, sur leur registre ou portés sur le rôle de l'équipage, et l'une ou l'autre de ces deux pièces étant suffisantes pour fonder la validité de la réclamation, de la détention, et de la déportation des dits matelots, déserteurs, et vagabonds, aucun d'iceux, François ou Américain ne pourra dans les pays respectifs par lui même ou par autrui réclamer les loix ou l'autorité locale, interdisant sur ce toute connoissance à tous tribunaux, juges et officiers quelconques. Dans tous ces cas, les dits matelots, déserteurs et vagabonds seront remis aux réclamants, quelques soient leurs engagements, et ils ne pourront devenir engagés, retenus ou soustraits en aucune manière quelconque et par qui que ce soit, nationaux ou étrangers à la perquisition que les dits consuls ou vice consuls, en feront faire par personnes autorisées par eux et chargées d'une réquisition signée d'eux; et pour l'exécution de toutes les dispositions ce dessus les gouverneurs, commandans, chefs de la justice, les corps des tribunaux ou autres officiers des pays respectifs y ayant autorité, seront tenus et obligés de prêter main forte aux consuls et vice consuls respectifs et sur une simple réquisition signée d'eux, sauf

à faire arrêter, détenir et garder dans les prisons à la disposition et aux frais des dits consuls et vice consuls, les matelots, déserteurs, et les vagabonds réclamés jusqu'à ce qu'ils aient occasion de les faire embarquer et sortir du pays. Et si les dits matelots, déserteurs, et vagabonds dans la vue d'éviter leur renvoi allaient qu'ils veulent retourner à leur patrie pour devenir sujets de S. M. T. C. ou des Etats Unis, respectivement, on n'aura aucun égard à cette assertion.

#### ARTICLE XIII.

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

#### ARTICLE XIV.

Les consuls et vice consuls du roi T. C. établis dans les Etats Unis, et les consuls et vice consuls des Etats Unis établis en France, y connoîtront, à l'exclusion des tribunaux du pays, de tous les différens et procès, qui pourront naître à terre entre les capitaines, patrons, équipages, passagers et commerçans de leur nation respective. Ils les accorderont amiablement ou les jugeront sommairement, et sans frais, pour l'appel de leur jugemens être porté respectivement aux tribunaux de France et des Etats Unis, qui jugent en dernier ressort, et qui devront en connoître. Ils exerceront ces fonctions de justice, privée, ou de police nécessaire sans qu'aucun des officiers militaires, de

justice ou de police du pays, puissent s'y immiscer et y intervenir en aucune manière. Dans tous les cas ou il surviendra aussi entre les négocians François demeurant en France, et leur compatriotes établis sous la protection du roi très chrétien dans les Etats Unis, des différens procès pour raison de leur commerce, ainsi qu'il en surviendra de même entre les négocians Américains domiciliés dans les Etats Unis, et leurs compatriotes établis sous la protection des Etats Unis dans le royaume de France, pareillement pour raison de leur commerce, les dits différens et procès seront instruits et jugés, sommairement et sans frais, entre eux, chacun par le consul ou vice consul de leur nation respective et les appels du jugement portés aux tribunaux respectifs qui jugent en dernier ressort, soit en France, soit dans les Etats Unis. A l'égard des autres différens et procès, qui pourront naître entre les sujets du roi T. C. et ceux des Etats Unis, dans les états respectifs, soit comme demandeurs, soit comme défendeurs, les uns envers les autres tant à l'occasion des fournitures, marchés, trafics, qu'ils feront ensemble, et des soldes qui en résulteront, que des lettres de change, assurances, avaries, faillites et de toutes autres causes civiles, et criminelles, relatives au commerce, ils seront portés dans le pays devant les tribunaux que devront en connoître en première instance et par appel, sans que sous aucune prétexte les consuls et vice consuls respectifs puissent s'y immiscer en aucune manière.

## ARTICLE XV.

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

## ARTICLE XVI.

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

## ARTICLE XVII.

Toutes les stipulations ci dessus fondées sur une exacte réciprocité, serviront dorénavant de règles, fixes, et invariables pour tous les objets, sur lesquels elles portent; mais si quelque autre nation conserve ou acquiert à tel titre que ce soit, ou en vertu d'une convention quelconque, un traitement plus favorable soit en France, soit dans les Etats Unis, relativement aux consuls, vice consuls et agens, et à leur pré-éminences, pouvoirs, autorité et privilèges, les consuls, vice consuls et agens du roi très chrétien dans les Etats Unis, et les consuls, vice consuls et agens des Etats Unis en France, y participeront aux termes stipulés par l'article 11 du dit traité d'amitié et de commerce conclu entre le roi très chrétien et les Etats Unis.

## ARTICLE XVIII.

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

En foy de quoi, &c.

Conforme à l'original resté par devers nous.

LE CHEVALIER DE LA LUZERNE.

A Philadelphie le 24 Juillet, 1781.



JULY, 28, 1781.

Ordered, That the memorial from the honourable the minister plenipotentiary of France, and the plan of a convention for regulating the powers and privileges of consuls, vice consuls and agents, be referred to a committee of three.

The members—Mr. Randolph, Mr. Vandyke and Mr. Ellsworth.

AUGUST 19, 1781.

The committee to whom was referred the memorial from the honourable the minister plenipotentiary of France, together with the plan of a convention between the most christian king and the United States for the purpose of determining and fixing the functions and prerogatives of their respective consuls, vice consuls and agents, delivered a report, which being read,

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

## AUGUST 23, 1781.

A memorial from the honourable the minister of France was read.

Ordered, That it be referred to the committee on the proposed convention for determining and fixing the functions and prerogatives of consuls, &c.

## AUGUST 28, 1781.

The committee to whom was recommitted the plan of a convention for determining and fixing the functions and prerogatives of consuls, &c. delivered in a report.

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

## AUGUST 31, 1781.

The committee to whom was referred the memorial of the honourable the minister of France of the 23d, informing that the situation of affairs requires that M. Dèl' Etombe, consul general of France in the four New England states, should immediately repair to the place of his destination, delivered a report: Whereupon,

Resolved, that upon M. Dèl' Etombe's presenting to the United States in Congress assembled his commission as consul general of France, an act be thereupon passed recognizing him in his proper character.

That upon the delivery thereof the *exequatur*, or a publick notification of the quality of M. Del' Etombe, shall issue from the supreme executive authority, without fee or perquisite of office.

Resolved, That until the ratification of some convention respecting consular power, between his most christian majesty and the United States, the same mode of recognition be observed.

### SEPTEMBER 3, 1781.

A letter from his most christian majesty, received by the honourable John Laurens, was read.

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

The members—Mr. Duane, Mr. Randolph and Mr. Mathews.

A letter of the 2d, from the honourable John Laurens, was read, with sundry papers containing an account of the negotiation with which he was intrusted by the commission of the 23d of December, 1780.

Ordered, That they be referred to the foregoing committee.

### SEPTEMBER 5, 1781.

The committee to whom was referred the report of the honourable John Laurens, special minister of the United States to the court of Versailles, delivered in a report: Whereupon,

Resolved, That the conduct of lieutenant colonel J. Laurens, in his mission to the court of Versailles as

special minister of the United States, is highly agreeable to Congress, and entitles him to publick approbation.

Resolved, That lieutenant colonel John Laurens have leave to join the army, agreeably to his request.

SEPTEMBER 7, 1781.

A memorial from the honourable minister plenipotentiary of France was read, enclosing a commission of the sieur Philip Joseph Dèl' Etombe, consul general of France in the states of New Hampshire, Massachusetts, Rhode Island and Connecticut : Whereupon,

Ordered, That the said commission be registered ; and that the act of recognition be in the words following :

By the United States in Congress assembled it is hereby made known to all whom it may concern, that full credence and respect are to be paid to Philip Joseph Dèl' Etombe, as consul general of France for the states of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, and Connecticut, which states are called upon, respectively, by virtue of the power delegated by the confederation to the United States in Congress assembled, to furnish the said M. Dèl' Etombe with their exequatur or notification of his quality, delivering one copy thereof to the said M. Dèl' Etombe, and causing another to be published in one or more gazettes.

Done at Philadelphia, this seventh day of September, in the year of our Lord, 1781, and in the sixth year of our independence. By the United States in Congress assembled.

Signed, THOMAS M'KEAN, President.

Attest.

CHARLES THOMSON, Secretary.

Resolved, That the President inform the supreme executive power of the states aforesaid, that Congress recommend the following form of the *exequatur*, to wit :

To all whom it may concern. The sieur Philip Joseph Del' Etombe, having been recognised by the United States, in Congress assembled, as consul general of France in the state (or commonwealth) aforesaid, it is hereby declared that the privileges, pre-eminence and authority belonging to such character and quality are due to him.

#### SEPTEMBER 10, 1781.

A memorial from the honourable the minister plenipotentiary of France was read, enclosing a commission from his most christian majesty, appointing the sieur John Holker, consul general in the states of New York, New Jersey, Pennsylvania and Delaware : Whereupon,

Ordered, That the said commission be registered, and an act of recognition issued thereupon.

## SEPTEMBER 14, 1781.

On motion of Mr. Randolph, seconded by Mr. Sherman,

Resolved, That until the ratification of some convention between his most christian majesty and the United States, concerning vice consular power, every vice consul of his most christian majesty shall, upon the application of the consul appointing him to the supreme executive power of the state to which he may be sent, receive the exequatur in like form with the exequatur delivered to a consul, mutatis mutandis; and thereupon the same proceedings shall be had with respect to publication.

## SEPTEMBER 19, 1781.

The minister plenipotentiary of France, in a memorial dated the 18th, informs Congress, "that he has received despatches from his court, containing important details touching the communications that have taken place between the belligerent powers and the mediators;" and desires "that Congress would be pleased to appoint a committee to whom he may impart them, and with whom he may confer on the present situation of affairs. That he has also received orders from his court, relative to the advances made on account of the thirteen United States, and respecting their finances, which he will have the honour to communicate to Congress through the medium of a committee:" Whereupon,

Ordered, That two members be added to the committee on the letter from his most christian majesty,

and that the committee confer with the minister plenipotentiary of France, and receive the communications he has to make.

The members added—Mr. Boudinot and Mr. Sherman.

### SEPTEMBER 21, 1781.

The committee, consisting of Mr. Duane, Mr. Randolph, Mr. Mathews, Mr. Boudinot and Mr. Sherman, to whom was referred the memorial of the honourable the minister plenipotentiary of France, dated the 18th, requesting a conference, report,

That they have this day held a conference with the said minister plenipotentiary, and received the following communications contained in sundry despatches from count de Vergennes, minister for foreign affairs to his most christian majesty, viz.

*From a letter of 19th April.* That count de Vergennes had transmitted to the minister the details respecting the proposed mediation of the courts of Vienna and Petersburg.—(The minister observed, that this had already been communicated to Congress through a committee. He repeated, for our recollection, that the acceptance on the part of France of the proposed mediation depended entirely, at that time, on the concurrence of the United States; and that with respect to Spain, its conduct would be determined by the dissolution of the negotiation with Mr. Cumberland. That the court of Spain had informed the court of London, on the first proposal of the mediation of the imperial

courts, that as a direct negotiation with the king of Great Britain was opened through Mr. Cumberland, a mediation was unnecessary.)—That affairs since that time had taken a different turn. Mr. Cumberland has been recalled; and the catholick king, being now entirely at liberty, has accepted the mediation of the two imperial courts. That the king, our ally, had done the same; but that both kings had declared at the same time to the two mediators, that the mediation could not possibly have any activity without previously establishing some fundamental preliminaries. Of this observation the two mediating courts had already felt the propriety. That France was then (viz. 19th April) expecting the effect which this communication would produce on the court of London. That the first question proposed by France, related to *the admission of an American plenipotentiary*; and that the object of the second was to know, *upon what footing the king of England intended to treat with the United States*. The court of France, not knowing that the United States had agreed to accept the mediation, again invite us to it.—(The minister here observed that Congress would judge by the questions proposed to the mediating powers, by the king his master, of the principles by which his majesty was actuated with respect to the United States. He assured us that his majesty is invariably resolved to abide by those principles, and will enter into no negotiation whatever before he shall receive a satisfactory solution to those two questions. He added, that the French ministry trusted that this conduct would more and more convince the United States, and would cause them to imitate the example of the king, and to feel that their honour and their in-



terest call for their constant attachment, their friendship, and unreserved confidence towards him.)—The count de Vergennes observes, that it is plain from these circumstances, that the negotiation for peace will be full of difficulties, and that it will probably be necessary, in pretensions as well as proceedings, to be very cautious, and to act so as to remove those difficulties, and every thing which might increase the acrimony to which the English plenipotentiaries may be naturally inclined.

*From another letter of the same date.* That when this letter was written, the court had received information of the sentiments of the court of London with respect to the United States. The count de Vergennes mentions, that in the act by which the court of London accepts the mediation of Russia, and requests the mediation of the emperor, she declares that she is ready to make peace, *as soon as the league between France and her revolted subjects should be dissolved.* That this pretension had met from the court of France the contempt which it deserved. She on her part has declared, that if this proposition contained the last determination of England, it would be in vain to think of peace; and she has desired the English ministry to give a positive answer on the two questions above-mentioned. That this declaration had been exactly transmitted by the court of Vienna to that of London; and the result of the answer made by that court to the imperial majesty is, “*That in all points to be agitated in a future congress, England will behave with great equity and condescension; but the dependence of her*

*“rebel subjects in America must be pre-established, and that this matter must be left entirely to the care of Great Britain.”* That it is easily to be perceived, that while things remain in this situation there can be no possibility of a mediation or peace. The count de Vergennes remarks, that Congress will be finally convinced that it is only by arms and the most vigorous exertions that our independence can be extorted from the court of London, and not at all by negotiation or persuasion. That the court of France will transmit to the court of Vienna the sentiments of the king on the British answer. That if these sentiments should be forwarded to the court of London without any commentary, it is probable they would make but a slight impression : but it may be hoped from the justice of his imperial majesty that they will be supported by such reflections as to make a greater impression on the British court : although it is not to be expected, that the Austrian court will fully enter into the views of his most christian majesty, until the matter shall be more perfectly explained. The count nevertheless urges the necessity of sending forward proper instructions and powers for the mediation.

*From a letter of the 11th of May.* That the affair of the mediation has made no progress ; and that it is very probable that the mediators will not be soon enabled to begin the negotiation. That the admission of an American plenipotentiary presents the greatest difficulties : that the count however will take every measure in his power to have this admission decided in favour of the United States before the regular open-

ing of the mediation. The count urges the chevalier de la Luzerne to observe to Congress, that the best manner of removing these obstacles would be *a decisive victory* gained by the United States in the present campaign.

*From a letter of 27th of July.* Count de Vergennes observes on an opinion which prevailed in America respecting the friendly disposition of the powers of Europe towards the United States, that as yet not one court had taken the least step which manifests their disposition towards the United States. That the courts of Vienna and Petersburg, having assumed the character of mediators, cannot be too reserved. For by a different conduct they would become obnoxious to one or other of the belligerent powers, and lose the important and glorious part with which they are intrusted. That it results from these observations, that the United States ought to look upon themselves as being still separated from all other powers; and that they have but one professed friend, which is France; and that the United States ought to rely principally upon their own resources. The count de Vergennes observes, that he has talked circumstantially with Mr. Adams on these subjects, who appeared to be satisfied with what had been done in favour of his country. That he had communicated to Mr. Adams the preliminary overtures made by the two imperial courts, as well as the intended answer of his most christian majesty. That the great or only difficulty concerns America. That France will do all in her power to remove that obstacle, upon which depends the activity

of the mediation. That as soon as it shall be removed, or proved to be unsurmountable, proper instructions will be forwarded to the chevalier de la Luzerne, concerning the conduct which the state of affairs will require from Congress. That the court of France had received, with great satisfaction, information that Congress were disposed to trust their interest to the two mediating powers. The chevalier de la Luzerne is directed to inform Congress that no use shall be made of this disposition, in the present state of affairs; and that it shall be communicated only when it can be done consistently with the dignity of the United States.

*From a letter of the 19th of April.* That Mr. Dana has communicated to count de Vergennes his appointment, and requested his advice concerning the conduct which circumstances demanded on his part. That it gave the count great pleasure to observe this proof of the confidence which Congress and their ministers reposed in the friendship and advice of his court. That the count informed Mr. Dana, that he would run the risk of exposing his person, and the dignity of the United States, if he assumed any character whatsoever in Russia, while the empress had not acknowledged the independence of the United States, and expected to act the part of a mediatrix, which demanded the most perfect impartiality. That Mr. Dana felt the propriety of the observation; and proposed to the count that he should appear in Russia in the character of a common traveller, keep his commission a secret, and avoid with the greatest care to

speak of business, unless requested so to do by the Russian ministry. That the count fully approved of this prudent scheme; and apprized Mr. Dana of all the difficulties he would meet with. He had him recommended to the marquis de Verac, envoy extraordinary at the court of Petersburg; and the chevalier de la Luzerne is directed to assure Congress that the marquis de Verac would do all in his power for Mr. Dana's best reception, and with pleasure assist him with his counsels as often as he should have recourse to them. That the marquis de Verac had communicated to the Russian ministry the resolution of Congress concerning the principle of the declaration made by the empress of Russia to the belligerent powers. That this envoy informs the count de Vergennes, that the contents of this resolution had afforded great satisfaction to count Panin, minister for foreign affairs, who intended to submit it without delay to the perusal of the empress. That the marquis de Verac did not doubt but that she would be pleased with the readiness of Congress to adopt that principle; and that correspondent resolutions will have been taken respecting the navigation of the neutrals.

*From a letter of the 29th of June.* That the accession of the state of Maryland to the general confederation, in the opinion of the court of France, presents very great advantages; among which is this, that Congress, having at last acquired that power which the act of confederation has assigned them, it is to be expected that their orders will be fully and exactly executed, and that they will take advantage of

the resources of their country to give to American patriotism new energy. The minister is directed to inform Congress of the satisfaction the king has received on that account, and to tell them, at the same time, that there is the most pressing necessity to take more effectual measures than heretofore to drive the British out of this continent. It is thought needless to enter into details about the circumstances which render this measure necessary. The king entreats the United States, *as his friends*, not to lose a moment in acting as vigorously as possible against the common enemy. That Congress cannot be particularly acquainted with the different burdens which France has upon her hands. She wishes to be in a situation to continue as effectual assistance to the United States as at this moment; but future events may happen in a manner different from what we may expect, though nothing can change her unalterable resolution to support the independence of her ally. The count de Vergennes observes, that he shall not speak any more of the non arrival of the second division, having reason to believe from the orders given to count de Grasse, that the delay will be judged of greater utility to the United States than if the announced reinforcement had been sent in the time expected. He adds, that the chevalier de la Luzerne had been already informed of the causes which had prevented a compliance with the expectation which he had been authorized to give.

*From a letter of the 11th of May.* That the count de Vergennes had been informed by the duke de la Vauguyon, ambassador to the United Provinces, of

the intention of Mr. Adams to display his character as a minister of the United States in Holland. That the duke gave him no assistance on that occasion, knowing the application would have no favourable issue. The chevalier de la Luzerne is directed to inform confidentially a committee, or Congress themselves, of these circumstances, in order that they may transmit to their said minister plenipotentiary such instructions as they may think proper. France is too much interested in the fate of the United States not to give them such counsels as would have for a principal object their advantage and their dignity.

SEPTEMBER 24, 1781.

The same committee reported: That since the communication which they laid before Congress on the 21st, they resumed the conference with the said minister; and that the substance of the further communication is as follows, viz.

*From a letter of the 19th April, 1781.* That count de Vergennes remarks, that on the application of chevalier de la Luzerne, and his representation of the distresses of the United States, measures had been taken for our aid when colonel Laurens arrived. That it being impossible for the king to comply with all colonel Laurens's demands, he took the resolution to offer his guaranty for ten millions of livres tournois, to be borrowed in Holland, for account of the United States. That the king was sensible of the wants and distresses

of Congress, and wished to relieve them; but that it ought to be considered, that the French squadron and troops are in America for our immediate assistance. That count de Grasse's expedition to America will occasion great expense;—and that all those things collected together would go far beyond even the expectation of Congress. That the most essential manner of showing the gratitude of the United States would be by making all the exertions in their power to cooperate in a glorious and effectual manner with the king's forces for their own speedy deliverance. The count de Vergennes observes, that a part of the six millions of livres would be employed in purchasing the different articles contained in a list delivered by Mr. Laurens. That three millions would be given by instalments to Dr. Franklin, for the payment of bills of exchange drawn by Congress. That a fourth million would be reserved for unforeseen emergencies, and particularly to pay for the supplies embarked on the ship *La Fayette*. That count de Vergennes had been Dr. Franklin's security for a part of those supplies, amounting to 417,000 livres. That he is unacquainted with the measures which had been taken to effectuate the loan of ten millions in Holland, that affair being in the province of Mr. Neckar, who probably would settle that matter with Mr. Laurens, or with Mr. Adams; who at that time was still in Holland to fill up a loan of a million florins, which he had opened several months before.

*From a letter of 11th May.* That count de Vergennes informs the chevalier de la Luzerne, that or-



ders had been given by the king to have the loan of ten millions on account of the United States negotiated: that the duke de la Vauguyon had received orders to propose it to the states of Holland; but met with insuperable difficulties, not only because the United States had *no credit in Holland*, but also because that province was afraid of exposing itself; and that indeed granting a loan to the United States would be the same thing as countenancing their independence, which would be contrary to the obligations entered into by the republic with the neutral powers: that in order to remove this difficulty, the king had presented himself as a *principal borrower*, and as being alone accountable for the sums which were to be furnished. The count adds, that he thinks these proceedings need no commentary; and that a mere exposition of them will be sufficient to excite the gratitude of the United States, and to engage them at last to make all the exertions in their power. The count flatters himself that the measures which have been taken by his court will enable Congress to put their finances in the best order. That the chevalier de la Luzerne had often written to him, that the most certain way to effectuate so happy an event would be to put Congress for a while out of their distressing situation, and to enable them, by an external relief, to take internal measures without precipitation, and with solidity. That these considerations determined the king; and that from affection he has done more for his ally than mere prudence would, perhaps, have suggested to him. That the council of the king have no doubt but this resolution will be productive of the good effects which the chevalier de la Luzerne

had announced. The count exhorts Congress to take hold of the present circumstances for the common advantage. He thinks it his duty freely and openly to declare, that the moment is come ; not to spend the time in expectation, deliberation, and useless exhortations : that though he would wish to avoid every disagreeable intimation, friendship and common interest oblige France to speak without reserve and with perfect sincerity : that the king has done on this occasion what he can do no more : that Congress, if well informed of the situation of his majesty's affairs, would be sensible that an exertion like the present cannot be repeated ; and that the court would feel the deepest concern, if it was under the disagreeable but indispensable necessity of refusing the demands of an ally whose cause is now become his own.

*From a letter of the 14th of May.* That count de Vergennes observes, that colonel Laurens had taken leave of the king, and that he ought to be satisfied with the success of his mission, although he had not obtained all that he demanded. That the court of France hopes these demands will not be renewed ; for how disagreeable soever to refuse allies whom the king sincerely loves, necessity would oblige him to reject pecuniary demands of any kind whatsoever.

*From a letter of 27th July.* That the chevalier de la Luzerne observed, that in March last he informed Congress that the court no longer pay the bills drawn upon France ; upon which declaration he believes Congress stopped all drafts on Dr. Franklin : that

he informed the court of that resolution of Congress. The court in the mean time had resolved to grant a subsidy of six millions, to be employed in purchasing arms, ammunition and clothing to be sent from France to the United States; and the remainder of the sum to be employed in paying the drafts of Congress or any person they might appoint. Mr. Morris being appointed superintendent, the minister, according to his instructions, authorized him to draw for half a million of livres, and informed Mr. Neckar of this measure; accordingly funds were prepared for a regular payment. The chevalier de la Luzerne had agreed with the superintendent, that he might draw in the whole for a million and a half, including the half million abovementioned; of all which he had informed count de Vergennes. Colonel Laurens being in the mean while arrived in France, it was found from his representation that the mode of drawing was prejudicial to Congress, and that if the specie was imported there would be no loss: and it was agreed, that he should bring over two millions and a half out of the six millions in specie. In consequence of this measure, count de Vergennes acquaints the chevalier de la Luzerne that he hopes the superintendent will not have drawn more than the before mentioned half million of livres. He wishes it the more earnestly as bills for a greater sum would embarrass the finances of France in a great degree, the goods delivered to colonel Laurens exceeding already the sum remaining out of the six millions, and the goods taken on board the Marquis la Fayette being not yet replaced.

For a fuller explanation, the chevalier de la Luzerne communicated to the committee an account of the sums already furnished, and to be furnished from this time to the end of the present year for the service of the United States. That he had orders to take hold of this opportunity to repeat to Congress, that the king for the next year cannot continue any supplies to the United States, even of a much less nature. That it is time for them to relieve his majesty from the heavy burdens in a war which he had undertaken and carries on for their sakes. That the count de Vergennes expects that Congress will not have drawn more bills of any kind after the first day of April last: that relying firmly on this, he had engaged the king to procure the necessary sums to answer the bills drawn before that period, and desired Dr. Franklin to accept no more, if he had no other means of paying them: that this resolution could not be altered by any circumstances whatever. The count de Vergennes proceeds to state how far the abuse of the king's benevolencé had been carried, he supposes against the will and instructions, and without the knowledge of Congress. That the bills drawn upon Mr. Jay, Mr. Adams, and Mr. Laurens, had been sent back to Dr. Franklin, that is, in effect, to the court of France. That the republick of Holland had been unwilling to hear of any loan even under the guaranty of the king, when it was known that the money was intended for the use of the United States; and that to remove this obstacle, as he had before observed, the king was induced to present himself as the principal borrower. The court was still unacquainted with the effect of that proposition.

The chevalier de la Luzerne then presented to the committee a paper entitled "List of the sums that have been furnished by the king, and that are to be furnished hereafter in the course of this year for the service of the United States of America;" and also a paper explanatory of the said account; both of which are delivered in with this report.

The Paper entitled List of the sums, &c.

To Dr. Franklin.

1. For paying the bills of exchange drawn by Congress on Dr. Franklin,	3,000,000
2. For paying a part of the clothing on board the ship Marquis la Fayette,	416,000
3. Supplement for paying new bills of exchange drawn by Congress,	800,000
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	4,216,000

To Mr. Laurens.

1. Carried with him in specie	2,500,000
2. Furnished upon Holland,	1,500,000

N. B. This last sum has been retained by Dr. Franklin for paying new bills of exchange which he had accepted.

3. Several articles of arms, ammunition, clothing, furnished by the departments of war and marine and sent to America,	2,289,109	6,289,109
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Carried forward		10,505,109

Brought forward	19,805,109
Sums that are to be furnished—	
1. To Dr. Franklin to pay the bills which he may accept, drawn before the 1st April,	2,000,000
2. Supplement of articles demanded by colonel Laurens,	397,000
3. To replace the articles that were on board the ship Marquis de la Fayette,	2,297,392
	<hr/> 4,694,392
Total,	15,193,501
There is to be added to this sum the amount of bills drawn by Mr. Morris on Messrs. le Coulteux,	500,000
	<hr/> 15,693,501
To be deducted this sum which the king has granted to the United States,	6,000,000
	<hr/> 9,693,501
By deducting farther from this sum the three million four hundred and sixteen thousand, furnished to Dr. Franklin, and which are to be added to the advances formerly made to Congress,	3,416,000
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There remains due to the king  
to be deducted from the loan  
opened in Holland the sum  
of 6,277,501

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There is in the above calculation a mistake of six thousand, which is likewise in the original received by the minister of France from his court, of which this is a copy officially communicated.

Second Paper, 1781.

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| 1. Remis à Monsr. Franklin, pour acquitter des traites du Congrès   | 3,000,000 |
| 2. Remis pour payer de nouvelles traites du même  | 800,000   |
| 3. Remis au même pour payer de nouvelles traites la somme qui avait été envoyée en Hollande                                   | 1,500,000 |
| 4. On doit lui remettre, pour acquitter d'autres traites qu'il aura acceptées et qui seront antérieures au premier Avril, dr. | 2,000,000 |
| 5. Somme tirée par Mr. Morris sur Mr. Le Couteux  | 500,000   |
| N. B. Si Mr. Morris a négocié au delà de cette somme on payera avec exactitude.   |           |
| 6. Remis pour partie des draps chargés sur le marquis de la Fayette à Mr. Franklin ci   | 416,000   |

7. Il faudra fournir pour le remplacement des effets chargés sur ce navire par aperçu	2,297,392
8. Il a été remis à Mr. Laurens en argent comptant qu'il a apporté à Boston ci	2,500,000
9. Diverses fournitures faites au même Mr. Laurens en armes munitions, vêtements pour les départmens de la guerre, et de la marine, les quelles fourniture ont été expédiées	2,289,109
10. Il faudra que le roi avance pour supplément d'effets, demandés par Mr. Laurens	397,000

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Total de sommes fournies et à fournir en 1781 pour le compte du Congrès	15,699,501
Il faut en déduire les 6 millions donnés par le roi aux Etats Unis	6,000,000
Reste à payer par le roi du compte du Congrès, ci	9,699,501
Il faut encore déduire de cette somme celle de 3,416,000 fournies a Mr. Franklin, et qui doit être jointe aux avances précédement faites au Congrès, ci	3,416,000

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Il restera donc dû pour acquitter les engagements ci dessus enoncés	6,283,501
Plus les lettres de changes tirées par M. Morris ensus et au dela de 500,000 mentionnées ci dessus montant à la	



somme de laquelle somme sera prelevée sur l'emprunt ouvert en Hollande, du quel le succès est encore incertain ; mais que le roi a promis d'avancer au Congrès en cas que la Hollande ne puisse le fournir ci 10,000,000

Il restera donc à la disposition du Congrès après les sommes ci dessus acquittées, ci

L'époque à la quelle l'emprunt de la Hollande sera rempli est incertaine ; mais s'il ne l'est point, le roi a promis d'y, suppléer des ses fonds le plutôt qu'il sera possible ; cette expression ne permet pas de juger quand cette somme pourra être à la disposition du Congrès, le chevalier de la Luzerne ne perdra pas de tems à s'en informer et à savoir de quelle manière elle parviendra au Congrès. Il prie le comité de vouloir bien lui communiquer les sentimens du Congrès sur cette matière.

Ordered, That this communication, together with that formerly made by the said committee, be referred back to them to report thereon.

OCTOBER 5, 1781.

Resolved, that a consul be appointed to reside in France, in the room of William Palfrey.

Congress proceeded to an election ; and the ballots being taken, Thomas Barclay was elected, having been previously nominated by Mr. Montgomery.

**N. B.** In consequence of the above appointment, a commission was made out in the form of that to W. Palfrey, *mutatis mutandis*.

OCTOBER 15, 1781.

The committee to whom were recommitted their reports of the conferences with the honourable minister plenipotentiary of France, delivered in a report: Whereupon,

Ordered, That so much of the report of the honourable John Laurens, of his mission to the court of Versailles, and of the late conferences between the minister of France and the committee of Congress, and also of the several letters of the honourable John Jay, and the honourable John Laurens, as relates to the finances of the United States, be referred to the superintendent thereof, to be transmitted to the several states in such manner as he shall think proper.

OCTOBER, 18, 1781.

The committee to whom were recommitted their reports of the conferences with the minister of France, reported the draft of a letter to his most christian majesty, which was agreed to as follows :

The United States in Congress assembled—To their great, faithful and beloved Friend and Ally, Lewis the sixteenth, King of France and Navarre.

**GREAT, FAITHFUL AND BELOVED FRIEND AND ALLY,**

We feel an additional obligation to your majesty for your friendly reception of our late special minister, lieutenant colonel John Laurens. By him we received your majesty's letter, containing new assurances of what the United States have been long convinced, your majesty's affectionate patronage of American independence. His report, while it proves that our attachment has not been misplaced, will increase our gratitude. We have charged our minister plenipotentiary at your court to render to your majesty more particular acknowledgments for your zeal for the re-establishment of peace, upon principles coinciding with the liberty and sovereignty of the United States, and for the important succours lately administered to our necessities. We shall also instruct him to inform your majesty of the arrangements which have taken place for calling forth the resources of the United States with decision and effect against the common enemy.

We pray God that he will keep your majesty, our great, faithful and beloved friend and ally, in his holy protection.

Done at Philadelphia, the eighteenth of October, in the year of our Lord one thousand seven hundred and eighty-one, and in the sixth year of our independence. By the United States in Congress assembled. Your faithful friends and allies.

(Signed) THOS. M'KEAN, President.

CHAS. THOMSON, Sec'y.

OCTOBER 23, 1781.

Resolved, That the superintendent of finance be and hereby is authorized to correspond with the several foreign ministers of these United States, as often as there shall be occasion, upon subjects relating to his department.

OCTOBER 24, 1781.

A letter of the 19th from general Washington, was read, giving information of the reduction of the British army under the command of the earl of Cornwallis on the 19th instant, with a copy of the articles of capitulation.

Ordered, That the secretary of foreign affairs communicate this intelligence to the honourable the minister plenipotentiary of France.

OCTOBER 29, 1781.

The thanks of Congress were given to general Washington, count de Rochambeau, and to count de Grasse.

It was also resolved, That two stands of the colours taken from the British army, under the capitulation of York, be presented to general Washington; and that two pieces of field ordnance taken under the said capitulation be presented to count de Rochambeau.

And it is further resolved, That the secretary of foreign affairs be directed to acquaint the minister plenipotentiary of his most christian majesty, that it is the wish of Congress that the count de Grasse may be permitted to accept a testimony of their approbation similar to that to be presented to count de Rochambeau.

#### OCTOBER 30, 1781.

A letter of 29th from Robert R. Livingston, secretary of foreign affairs, was read, requesting to be admitted to examine and copy from such books of a secret nature in the secretary's office as may in any wise relate to the department of foreign affairs: Whereupon,  
Resolved, That his request be granted.

#### NOVEMBER 23, 1781.

On the report of a committee, consisting of Mr. Carroll, Mr. Madison and Mr. Cornell, to whom was referred a letter of 22d, from major general the marquis de la Fayette,

Resolved, That major general the marquis de la Fayette have permission to go to France; and that he return at such time as shall be most convenient to him.

That he be informed, that on a review of his conduct throughout the past campaign, and particularly

during the period in which he had the chief command in Virginia, the many new proofs which present themselves of his zealous attachment to the cause he has espoused, and of his judgment, vigilance, gallantry and address in its defence, have greatly added to the high opinion entertained by Congress of his merits and military talents.

That he make known to the officers and troops whom he commanded during that period, that the brave and enterprising services with which they seconded his zeal and efforts, and which enabled him to defeat the attempts of an enemy far superiour in numbers, have been beheld by Congress with particular satisfaction and approbation.

That the secretary of foreign affairs acquaint the ministers plenipotentiary of the United States, that it is the desire of Congress that they should confer with the marquis de la Fayette, and avail themselves of his information relative to the situation of publick affairs in the United States.

That the secretary of foreign affairs further acquaint the minister plenipotentiary at the court of Versailles, that he will conform to the intention of Congress by consulting with and employing the assistance of the marquis de la Fayette, in accelerating the supplies which may be afforded by his most christian majesty for the use of the United States.

That the superintendent of finance, the secretary for foreign affairs, and the board of war, make such communication to the marquis de la Fayette, touching the affairs of their respective departments, as will best

enable him to fulfil the purpose of the two resolutions immediately preceding.

That the superintendent of finance take order for discharging the engagement entered into by the marquis de la Fayette with the merchants of Baltimore, referred to in the act of the 24th May last.

That the superintendent of finance furnish the marquis de la Fayette with a proper conveyance to France.

That the secretary of foreign affairs report a letter to his most christian majesty, to be sent by the marquis de la Fayette.

#### NOVEMBER 29, 1781.

The secretary of foreign affairs reported the draft of a letter to his most christian majesty ; which, being amended, was agreed to as follows :

The United States in Congress assembled, to their great, faithful and beloved friend and ally, Lewis the sixteenth, king of France and Navarre.

GREAT, FAITHFUL AND BELOVED FRIEND AND ALLY,

At a period so glorious to the arms of France, both by sea and land, and so favourable to the fortunes of America, it is with particular satisfaction that we congratulate the monarch, whose wise counsels and generous support have so largely contributed to events illustrious in themselves, and promising consequences truly important.

We wish to convey to your majesty our sense of the victory obtained by the count de Grasse over the ene-

my's fleet on our coast, and the subsequent reduction of the British armament in Virginia; and we repeat our grateful acknowledgments, for the various aids so seasonably extended to us. From the benevolence and magnanimity which has hitherto interested your majesty in the welfare of these states, we are convinced that you will on this occasion feel an equal pleasure with ourselves, whose immediate advantage is the result of such fortunate exertions.

We mention with great pleasure the zeal and ability manifested by the count de Rochambeau, commanding your majesty's forces in the allied army. His conduct, and that of his officers under him, merit our fullest approbation; and we are made further happy by the perfect harmony and affection which has subsisted between the troops of the two nations.

The distress occasioned to the common enemy by combined operations, will, we trust, point out to both nations the utility of similar measures in future; and whilst it induces your majesty to supply that naval force which the situation of our country renders necessary, will urge the United States to every effort which their particular interests, added to their desire of seconding your majesty's views, can call forth to ensure the complete success of attacks upon the enemy's strong holds.

It is with great pleasure that the United States continue to number some of your majesty's subjects amongst their most able, spirited and faithful officers. It affords the world a striking proof of the intimate connexion which subsists between the allied nations,



at the same time serves to cement the union which it manifests.

Major general the marquis de la Fayette has in this campaign so greatly added to the reputation he had before acquired, that we are desirous to obtain for him, on our behalf, even notice, in addition to that favourable reception which his merits cannot fail to meet with from a generous and enlightened sovereign; and in that view we have directed our minister plenipotentiary to present the marquis to your majesty.

We pray God, great, faithful and beloved friend and ally, always to keep your majesty in his holy protection.

Done at Philadelphia, the twenty-ninth day of November, in the year of our Lord one thousand seven hundred and eighty-one, and in the sixth year of our independence. By the United States in Congress assembled. Your faithful friends and allies.

(Signed) JOHN HANSON, President.

CHARLES THOMSON, Secretary.

JANUARY 2, 1782.

On the report of the committee, consisting of Mr. Randolph, Mr. Lovell and Mr. Montgomery, to whom was referred a letter of 18th November, 1781, from the secretary of foreign affairs,

Ordered, That the secretary for foreign affairs lay before Congress an estimate of the expenses which will probably be incurred by the ministers of the

United States, respectively, at foreign courts, and their secretaries.

That the superintendent of finance take order for supplying the ministers of the United States at foreign courts, their secretaries, and the publick agents, with their respective salaries.

A report of a committee, consisting of Mr. Randolph, Mr. Sherman and Mr. Clymer, to whom was referred a plan of a convention between his most christian majesty and the United States of America, for regulating the powers and duties of consuls and vice consuls, was agreed to by nine states as follows :

Resolved, That the minister plenipotentiary of the United States at the court of Versailles be authorized and instructed to enter into a convention with his most christian majesty, on the part of the United States, for the establishment of consular powers and privileges, according to the scheme hereto subjoined.

#### ARTICLE I.

It shall be the duty of the consuls of his most christian majesty to present their commissions in the first instance to the United States in Congress assembled, by whom an act shall be made recognising them as such. This act shall be delivered by the consuls to the supreme executive power of the state or states to which they may be sent. Two copies of the exequatur, that is, a publick notification of the quality of the consuls, shall thereupon issue from the supreme executive power, without any fee or perquisites of office, one to be retained by the consuls, the other to be pub-

lished in one or more gazettes. This being done, the pre-eminences, authority and privileges stipulated in this convention shall be allowed to them, in all places, before all tribunals, and by all persons.

#### ARTICLE II.

The consuls of his most christian majesty may appoint any number of vice consuls within their department. Upon the notification of their appointment by the consuls, to the supreme executive power of the state to which they may be sent, the exequatur shall be applied for and delivered by the several states to them in the same manner as to consuls ; and thereupon the pre-eminences, authority and privileges, stipulated in this convention in favour of vice consuls, shall be allowed in all places, before all tribunals, and by all persons.

#### ARTICLE III.

Consuls and vice consuls shall be subjects or citizens of the power appointing them, and interdicted from all traffick or commerce for their own or another's benefit.

#### ARTICLE IV.

Consuls may also appoint any number of agents within their department, who may be of their own nation, or not, at pleasure. They shall receive a commission from the consul appointing. They shall not

assume any pre-eminence, authority or privileges herein granted to consuls and vice consuls, nor exact any fees or reward, under any pretence whatever. But they shall confine themselves wholly to the assisting of merchants, mariners and vessels, and giving information respecting them to the nearest consul or vice consul.

#### ARTICLE V.

Besides consuls, vice consuls and agents, there may be attached to the consulate, at the will of the consuls within their departments, any number of persons. Neither the papers nor houses of consuls or vice consuls shall be searched. Consuls and vice consuls shall enjoy full and entire immunities for their persons, and be exempt from personal service, publick offices, finding quarters for soldiers, militia duty, watch, ward, guardianship, attorneyship, committeeship, and from all duties, taxes and imposts whatsoever on moveable property, but shall be liable in respect of real and landed property, in the same manner as the subjects or citizens of the country. The arms of his most christian majesty, or of the United States, as the case may be, shall be placed upon the outer door of their house; and being so placed, shall entitle the house to the exemptions aforesaid: but no asylum shall thereby be obtained for malefactors or criminals, who shall be delivered up immediately on demand. The same privileges and immunities, as those granted in this fifth article to consuls and vice consuls, shall be granted to persons attached to the consulate, and living under

the same roof with the consuls or vice consuls ; provided approbation shall be given of their number and appointment by the supreme executive power of the state to which they may belong.

ARTICLE VI.

Consuls, and vice consuls in places where there are no consuls, may have a chapel in their own houses for the celebration of divine service according to their religious profession: and his most christian majesty and the United States shall cause particular care to be taken that no obstacle or hindrance be thrown in the way of the funeral obsequies or ceremonies observed towards the deceased of either nation.

ARTICLE VII.

In all cases in which it may be necessary that the consuls or vice consuls should perform any juridical or official act, the publick bodies, or the persons in publick authority who shall require such act, shall either inform them thereof in writing, or send a military or civil officer with a verbal message respecting it ; and the consuls or vice consuls shall, on their part, readily and bona fide do whatsoever may be demanded of them on these occasions.

ARTICLE VIII.

The consuls and vice consuls respectively may establish a chancery as a depository of the consular acts

and deliberations, of the effects left by the dead, or saved from shipwreck, of testaments, obligations, contracts, and all other acts and things done by or between people of their nation. They may appoint the officers of the chancery, administer to them an oath of office, intrust to them the keeping of the seal and the right of affixing the same to commissions, judgments and other consular acts, and empower them to discharge the functions of notaries and registers.

ARTICLE IX.

The consuls and vice consuls respectively shall have the exclusive right of receiving in their chancery, or on board vessels of their nation, all the declarations and other acts which the captains, masters, seamen, passengers and merchants of their nation shall think proper to make or lodge therein: and last wills and testaments, and copies of any act duly authenticated by the consuls or vice consuls, and under the seal of their consulate, shall receive full faith and credit in all courts of justice, as well in France as in the United States. They shall also have the exclusive right of inventorying the effects of those of their nation who may die within their consulate, liquidating their accounts, and selling their moveable property. They shall call to their assistance in this business two merchants of their own nation, and of their own choice; and cause to be deposited in the chancery the effects and papers of the deceased of their own nation, without being interrupted therein by any officer, military, judiciary, or of the police. But neither the consuls nor vice

consuls shall deliver the effects of the deceased, or the produce of their sales, over to the heir or lawful successor, or his representative or attorney, until all the debts which the deceased shall have contracted by judgment, act or bill, shall be discharged, the signature or hand writing, and genuineness thereof, being first certified by two merchants of the same nation with the deceased, and of reputation. In all other cases, payment of no debts shall be made, unless the creditor shall first enter into a bond, with one sufficient surety at least, who is resident on the spot, for the return of all moneys unduly received, as well the principal as interest and cost. The surety shall not be bound beyond one year in time of peace, and two years in time of war. If, however, within those terms, the creditor shall call upon the lawful representative or successor to the property of the deceased, by a proper legal process, and prove his title to the money so received, the surety shall stand discharged.

#### ARTICLE X.

The consuls and vice consuls, respectively, shall receive the declarations, consulate or other consular acts, of all captains and masters of their respective nations, for damages received at sea by leakage or throwing of goods overboard; and all consulate or other consular acts, made by them in foreign ports for accidents during the voyage, shall be lodged in the chancery aforesaid. If a subject of France and a citizen of the United States be jointly interested in the cargo, the damage shall be settled by the tribunals of

the country, not by the consuls or vice consuls. But where subjects or citizens of their own nation are alone interested, the consul or vice consul shall then choose experienced persons of their respective nation to settle the same.

ARTICLE XI.

In every case of a wreck, the nearest consul or vice consul may exercise his discretion in saving the vessel wrecked, with her cargo and appurtenances, and in storing and securing what is saved; and may also take an inventory thereof. In this business no officers of the customs, of justice, of the police, or naval officer shall interfere, but upon application made to them for their assistance, in which case they shall exert themselves in the most effectual manner. To prevent all clashing of jurisdictions in case of shipwreck, it is agreed, that where there shall be no consul or vice consul, or they may be more distant from the place of the accident than the judge of the country having authority, in such cases this judge shall immediately proceed to the exercise of his authority according to law; but shall retire upon the coming of a consul or vice consul, into whose hands he shall put the whole business, rendering an account of his transactions, and receiving from the consul or vice consul reimbursement for all expenses. Whatsoever is saved shall be lodged in the nearest customhouse or naval office, or where there is no customhouse or naval office, in the nearest place of security, with an inventory prepared



by the consul, vice consul, or in their absence, by the judge of the country as aforesaid. Upon the order of the nearest consul or vice consul, and without any fees or perquisites for storage when lodged in publick stores, the owners may reclaim the property thus saved, in person or by attorney; and they may either re-export the same free from all duties of exportation, or sell it in the country, if goods of such a quality be not prohibited. In this latter case, of a sale of unprohibited goods, there shall be an abatement of the duties on importation, in proportion to the damages sustained by the shipwreck, to be determined by the account taken by the consul, vice consul, or judge of the country, or any other competent officer at the time of the accident.

#### ARTICLE XII.

The consuls or vice consuls shall have, on board of the vessels of their respective nations, all powers and jurisdiction in matters of a civil nature. They shall have the power of causing the laws, regulations, and ordinances of their respective nations, respecting navigation, to be observed on board their said vessels. For this purpose they shall freely, and without molestation or hindrance from any officer or other person, visit the said vessel. They may cause to be arrested and sequestered every vessel carrying the flag of their respective nations, and even send them back to France, or the United States, as the case may be, as well as arrest any captain, master, seaman or passenger of their respective nations. They may cause to be ar-

rested and detained in the country, sailors or deserters of their respective nations, or cause them to be transported therefrom. It shall be sufficient evidence of the sailors and deserters belonging to their respective nations, if their names appear in the registers of their vessels, or the rolls of their crew. Proof being thus made concerning sailors and deserters, all tribunals, judges and officers whatsoever shall be interdicted and disabled from taking cognizance in any manner of complaints exhibited by such sailors, or deserters; but they shall be delivered up to an order signed by the consuls or vice consuls, without being detained, engaged, or withdrawn in any manner. That these powers, vested in consuls and vice consuls, may be completely executed, all persons in authority shall assist them; and upon a simple requisition made by the consuls or vice consuls in writing, shall cause to be kept in prison, at the disposal and cost of the consuls and vice consuls, the sailors and deserters so arrested, until an opportunity shall be presented of sending them out of the country.

## ARTICLE XIII.

All offences committed in France, by citizens of the United States against a subject of his most christian majesty, shall be inquired into and punished according to the laws of France; and those committed in any one of the United States, by a subject of his most christian majesty against a citizen of the United States, shall be inquired into and punished according to the

laws of such state. But offences committed in France, by a citizen of the United States against a citizen of the United States, or committed in any one of the United States, by a subject of his most christian majesty against a subject of his most christian majesty, shall be subject to the jurisdictions of the consuls of France, or of the United States, as the case may be.

#### ARTICLE XIV.

All differences and disputes between subjects of his most christian majesty in the United States, or between the citizens of the United States in France, and all differences and disputes, concerning commerce, between the subjects of his most christian majesty, one party being resident in France or elsewhere, and another in the United States, or between the citizens of the United States, one party being resident in the United States or elsewhere, and another in France, shall be heard, tried, and decided on, by the consuls of their respective nations, either by referring to arbitrators, or by making a decree summarily and without costs. No officer, civil or military, shall intermeddle or interpose herein in any respect. All appeals shall be carried to such courts as may be appointed by his most christian majesty, and the United States, respectively. No disputes or differences between a subject of his most christian majesty and a citizen of the United States shall be determined or taken up in any manner by the consuls or vice consuls, but shall be decided by the courts of the country in which the defendant shall be found, but according to the laws of

the country in which such dispute or difference shall have originated.

ARTICLE XV.

The advantages to commerce having caused the erection of certain tribunals in France, and particular forms for the speedy determination of commercial matters, the merchants of the United States shall enjoy the benefits of those establishments in France; and the United States in Congress assembled will recommend to the legislatures of the several states to establish equal advantages in the speedy decision of causes in favour of the French merchants in matters of the same nature.

ARTICLE XVI.

The subjects of his most christian majesty and the citizens of the United States shall be exempt from all personal services in the place of their residence, either in France or the United States, as the case may be.

ARTICLE XVII.

Conformably to the third and fourth articles of the treaty of commerce between his most christian majesty and the United States, if any other nation, by virtue of any convention whatsoever, shall receive greater indulgence, either in France or in the United States, with regard to consular powers, privileges, or authority, the consuls, vice consuls and agents of France and

of the United States, as the case may be, shall participate therein.

Resolved, That the said minister plenipotentiary of the United States use his discretion as to the words or arrangement of this convention, confining himself to the matter thereof in all respects, except as to so much of the sixth article as relates to the erection of a chapel; taking care that reciprocal provisions be made for the recognition of consuls, vice consuls and consular agents of the United States, and for the admission of persons attached to the consulate to the privileges stipulated in the fifth article, in a manner most conducive to expedition and freest from difficulty.

Resolved, That it be recommended to the several legislatures to provide by law for the establishment of a speedy mode of administering justice between subjects of his most christian majesty and citizens of the United States, and for vesting persons in the neighbourhood of the seacoast with powers to secure wrecked property in the most effectual manner.

Ordered, That the committee who brought in the report communicate the same, as agreed to, to the honourable the minister plenipotentiary of France.

#### JANUARY 17, 1782.

Two letters, one directed to "Barnabas Deane, esquire, merchant, Wethersfield, Connecticut," the other to "Thomas Mumford, esquire, merchant, Groton, Connecticut," being brought to Congress with the seals unbroken; and it appearing from the seal, and the hand writing of the superscription, as well as

from the declaration of the person who brought them from France, that they came from Silas Deane; and, from sundry concurrent circumstances, there being just grounds to suspect that they contained matters injurious to the publick, it was

Ordered, That the President open the said letters; and if, upon examination, he find they are merely of a private nature, that he seal and forward them; but if, on the contrary, he find the contents are of such a nature as ought to be made known to Congress, that he lay them before Congress.

The President reported, That he had opened, and examined the letters, and finds that they are of such a nature as ought to be known: Whereupon the letters were read. That directed to Barnabas Deane, being dated at Paris, September 26, 1781, and that to Thomas Mumford, dated at Paris, September 24, 1781, both signed Silas Deane, and appearing to be all in his hand writing.

On motion of Mr. Carroll, seconded by Mr. Bee,

Ordered, that the said letters be referred to the secretary for foreign affairs; and that he be instructed to take measures, by the oath of the person who brought them from France, and such other means as he may judge proper, to authenticate their coming from Silas Deane, and being written by him; and that he communicate the contents of such parts thereof as he thinks proper to the ministers of these United States at the court of Versailles, and Madrid, also to the honourable the minister plenipotentiary of France, and the superintendent of finance.

On motion of Mr. Wolcott, seconded by Mr. Carroll,

Ordered, That the secretary for foreign affairs transmit a certified copy of the letters aforesaid, with the proofs respecting them, to the governour of Connecticut.

#### JANUARY 21, 1782.

On motion of the committee appointed to communicate to the minister of France the plan of a convention respecting the powers and privileges of consuls, &c.

Resolved, That the said plan be reconsidered, for the purpose of admitting certain amendments.

#### JANUARY 25, 1782.

The plan of a convention respecting consular powers being reconsidered and amended, was read over, together with instructions to the minister plenipotentiary of the United States respecting it, and the same was agreed to by nine states as follows:

Resolved, That the minister plenipotentiary of the United States at the court of Versailles be and he is hereby authorized and instructed, to enter into a convention with his most christian majesty, on the part of the United States, for the establishment of consular powers and privileges, according to the scheme hereto subjoined; unless it should be deemed by his most christian majesty more expedient that the same should be executed in the United States.

That the said minister plenipotentiary use his discretion as to the words or arrangement of the convention, confining himself to the matter thereof in all respects, except as to so much of the sixth article as relates to the erection of a chapel; taking care that reciprocal provisions be made for the recognition of the consuls and vice consuls of the United States, and for the admission of persons attached to the consulate to the privileges stipulated in the fifth article, in a manner most conducive to expedition and freest from difficulty.

**The Draft of a Convention between his Most Christian Majesty and the United States of North America, for defining and regulating the functions and privileges of Consuls, Vice Consuls, Agents and Commissaries.**

The most christian king and the United States of North America, having, by the twenty-ninth article of the treaty of amity and commerce concluded between them, granted mutually the liberty of having each in the ports of the other, consuls, vice consuls, agents and commissaries, and being willing, in consequence thereof, to determine and fix in a reciprocal and permanent manner the functions and prerogatives of the said consuls, vice consuls, agents and commissaries, respectively, have agreed as follows :

**ARTICLE I.**

It shall be the duty of the consuls of his most christian majesty to present their commissions, in the first



instance, to the United States in Congress assembled, by whom an act shall be made recognising them as such. This act shall be delivered by the consuls to the supreme executive power of the state or states to which they may be sent. Two copies of the exequatur, that is, a publick notification of the quality of the consuls, shall thereupon issue from the supreme executive power, without fees or perquisites of office, one to be retained by the consuls, the other to be published in one or more gazettes. This being done, the pre-eminences, authority and privileges, stipulated in this convention, shall be allowed to them in all places, before all tribunals, and by all persons.

#### ARTICLE II.

The consuls of his most christian majesty and of the United States may appoint any number of vice consuls within their respective departments. Upon the notification of their appointment, by the consuls, to the supreme executive power of the state to which they may be sent, the exequatur shall be applied for and delivered by the several states to them, in the same manner as to the consuls ; and thereupon all the pre-eminences, authority and privileges stipulated in this convention in favour of vice consuls, shall be allowed in all places, before all tribunals, and by all persons.

#### ARTICLE III.

Consuls and vice consuls shall be subjects or citizens of the power appointing them, and interdicted

from all traffick or commerce for their own or another's benefit.

#### ARTICLE IV.

Consuls may also appoint any number of agents within their departments, who may be of their own nation, or not, at pleasure. They shall receive a commission from the consul appointing. They shall not assume any pre-eminence, authority and privilege herein granted to consuls and vice consuls, nor exact any fees or reward under any pretence whatever. But they shall confine themselves wholly to the assisting of merchants, mariners and vessels, and giving information respecting them to the nearest consul or vice consul.

#### ARTICLE V.

There may be attached to the consulate, at the will of the consuls within their departments, any number of persons. Neither the papers nor houses of consuls or vice consuls shall be searched. Consuls and vice consuls shall enjoy full and entire immunities for their persons, and be exempt from personal services, public offices, finding quarters for soldiers, militia duty, watch, ward, guardianship, attorneyship, committee-ship, and from all duties, taxes and imposts whatsoever, on moveable property ; but shall be liable in respect of real and landed property in the same manner as the subjects or citizens of the country. The arms of his most christian majesty or of the United States, as the

case may be, shall be placed upon the outer door of their house ; and being so placed, shall entitle the house to the exemptions aforesaid. But no asylum shall be thereby obtained for malefactors or criminals, who shall be delivered up immediately on demand. The same privileges and immunities as those granted in this fifth article to consuls and vice consuls, shall be granted to persons attached to the consulate and living under the same roof with the consuls or vice consuls ; provided approbation shall be given of their number and appointment, by the supreme executive power of the state to which they may belong.

#### ARTICLE VI.

Consuls, and vice consuls in places where there are no consuls, may have a chapel in their houses for the celebration of divine service, according to their religious profession. And his most christian majesty and the United States shall cause particular care to be taken that no obstacle or hindrance be thrown in the way of the funeral obsequies or ceremonies observed towards the deceased of either nation.

#### ARTICLE VII.

In all cases in which it may be necessary that the consuls or vice consuls should perform any juridical or official act, the publick bodies, or the persons in publick authority who shall require such act, shall either inform them thereof in writing, or send a military or civil officer with a verbal message respecting it :

and the consuls or vice consuls shall, on their part, readily and bona fide do whatsoever may be demanded of them on these occasions.

ARTICLE VIII.

The consuls and vice consuls respectively may establish a chancery as a depository of the consular acts and deliberations, of the effects left by the dead or saved from shipwreck, of testaments, obligations, contracts, and all other acts and things done by or between people of their nation. They may appoint the officers of the chancery, administer to them an oath of office, intrust to them the keeping of the seal, and the right of affixing the same to commissions, judgments and other consular acts; and empower them to discharge the functions of notaries and registers.

ARTICLE IX.

The consuls and vice consuls respectively shall have the exclusive right of receiving in their chancery, or on board vessels of their nation, all the declarations and other acts which the captains, masters, seamen, passengers and merchants of their nation shall think proper to make or lodge therein; and last wills and testaments, and copies of any acts duly authenticated by the consuls or vice consuls, and under the seal of their consulate, shall receive full faith and credit in all courts of justice as well in France as in the United States. They shall also have the exclusive

right of inventorying the effects of those of their nation who may die within their consulate, liquidating their accounts, and selling their moveable property. They shall call to their assistance in this business two merchants of their own nation, and of their own choice, and cause to be deposited in the chancery the effects and papers of the deceased of their own nation, without being interrupted therein by any officer, military, judicial, or of the police. But neither the consuls nor vice consuls shall deliver the effects of the deceased or the produce of their sales over to the heir or lawful successor, or his representative or attorney, until all the debts which the deceased shall have contracted by judgment, act or bill, shall be discharged: the signature or handwriting, and genuineness thereof being first certified by two merchants of the same nation with the deceased, and of reputation. In all other cases payment of no debt shall be made, unless the creditor shall first enter into a bond, with one sufficient surety at least, who is a resident on the spot, for the return of all moneys unduly received, as well the principal as interest and costs: the surety shall not be bound beyond one year in time of peace, and two years in time of war. If, however, within that time the creditors shall call upon the lawful representative or successor to the property of the deceased, by a proper legal process, and prove his title to the money so received, the surety shall stand discharged.

## ARTICLE X.

The consuls and vice consuls respectively shall receive the declarations, consulate, or other consular acts, of all captains and masters of their respective nations, for damages received at sea by leakage or the throwing of goods overboard. And all consulates, or other consular acts made by them in foreign ports for accidents during the voyage, shall be lodged in the chancery aforesaid. If a subject of France and a citizen of the United States be jointly interested in the cargo, the damage shall be settled by the tribunals of the country, not by the consuls or vice consuls. But where subjects or citizens of their own nation are alone interested, the consul or vice consul shall then choose experienced persons of their respective nations to settle the same.

## ARTICLE XI.

In every case of a wreck, the nearest consul or vice consul may exercise his discretion in saving the vessel wrecked, with her cargo and appurtenances, and in storing and securing what is saved; and may also take an inventory thereof. In this business no officer of the customs, of justice, of the police, or naval officer, shall interfere, but upon application made to them for assistance, in which case they shall exert themselves in the most effectual manner. To prevent clashing of jurisdictions in case of shipwreck, it is agreed, that when there shall be no consul or vice consul, or they may be

more distant from the place of the accident than a judge of the country having authority in such cases, this judge shall immediately proceed in the exercise of his authority according to law ; but shall retire upon the coming of a consul or vice consul, into whose hands he shall put the whole business, rendering an account of his transactions, and receiving from the consul or vice consul reimbursement for all expenses. Whatsoever is saved shall be lodged in the nearest custom-house or naval office, or where there is no custom-house or naval office, in the nearest place of security, with an inventory prepared by the consul or vice consul, or in their absence by the judge of the country as aforesaid. Upon the order of the nearest consul or vice consul, and without any fees or perquisites for storage when lodged in publick stores, the owner may reclaim the property so saved in person, or by attorney ; and may either re-export the same free from all duties of exportation, or sell it in the country, if goods of such a quality be not prohibited. In this latter case of a sale of unprohibited goods, there shall be an abatement of the duties on importation, in proportion to the damages sustained by the shipwreck, to be determined by the account taken by the consul, vice consul or judge of the country, or any other competent officer at the time of the accident.

#### ARTICLE XII.

The consuls and vice consuls shall have, on board the vessels of their respective nations, all power and jurisdiction in matters of a civil nature. They shall

have the power of causing the laws, regulations, and ordinances of their respective nations, concerning navigation, to be observed on board of their said vessels. For this purpose they shall freely, and without any molestation or hindrance from any officer or other person, visit the said vessels. They may cause to be arrested and sequestered every vessel carrying the flag of their respective nations, and even send them back to France, or the United States, as the case may be, as well as arrest any captain, master, seaman or passenger of their respective nations. They may cause to be arrested and detained in the country, sailors and deserters of their respective nations, or cause them to be transported therefrom. It shall be sufficient evidence of the sailors and deserters belonging to their respective nations, if their names appear in the registers of the vessels, or the roll of the crew. Proof being thus made concerning sailors and deserters, all tribunals, judges and officers whatsoever, shall be interdicted and disabled from taking recognizance in any manner of complaints exhibited by such sailors or deserters. But they shall be delivered up to an order signed by the consuls or vice consuls, without being detained, engaged, or withdrawn in any manner. That these powers vested in consuls and vice consuls may be completely executed, all persons in authority shall assist them; and upon a simple requisition made by the consuls or vice consuls in writing, shall cause to be kept in prison, at the disposal and cost of the consuls or vice consuls, the sailors and deserters so arrested, un-



til an opportunity shall be presented of sending them out of the country.

ARTICLE XIII.

All offences committed in France by a citizen of the United States against a subject of his most christian majesty, shall be inquired into and punished according to the laws of France; and those committed in any one of the United States by a subject of his most christian majesty, against a citizen of the United States, shall be inquired into and punished according to the laws of such state. But offences committed in France by a citizen of the United States, against a citizen of the United States; or committed in any one of the United States by a subject of his most christian majesty, against a subject of his most christian majesty, shall be subject to the jurisdiction of the consuls or vice consuls of France, or of the United States, as the case may be.

ARTICLE XIV.

All differences and disputes between the subjects of his most christian majesty in the United States, or between the citizens of the United States in France, and all differences and disputes concerning commerce between the subjects of his most christian majesty, one party being resident in France or elsewhere, and another in the United States, or between citizens of the United States, one party being resident in the United

States or elsewhere, and another in France, shall be heard, tried and decided on by the consuls or vice consuls of their respective nations, either by referring the same to arbitration, or by making a decree summarily, and without costs. No officer, civil or military, shall intermeddle or interpose herein in any respect. Appeals should be carried to such courts as have been or may be appointed by his most christian majesty, and the United States, respectively. No disputes or differences, between a subject of his most christian majesty and a citizen of the United States, shall be determined or taken up in any manner by the consuls and vice consuls, but shall be decided by the courts of the country in which the defendant shall be found.

#### ARTICLE XV.

The advantages to commerce having caused the erection of certain tribunals in France, and particular forms for the speedy determination of commercial matters, the merchants of the United States shall enjoy the benefits of those establishments in France; and the United States in Congress assembled will recommend to the legislatures of the several states to establish equal advantages in the speedy decision of causes in favour of French merchants, in matters of the same nature.

#### ARTICLE XVI.

The subjects of his most christian majesty and the citizens of the United States shall be exempt from all

personal services in the place of their residence, either in France or the United States, as the case may be. Whensoever any person in France or the United States, as the case may be, shall claim any privilege or exemption, as a subject of his most christian majesty, or of the United States, before any judge, tribunal or officer whatsoever, a certificate of the consul or vice consul of the district containing his name, surname, and the place of his residence, and the affidavit of the person claiming such privilege or exemption, that he is a subject of his most christian majesty, or of the United States, as the case may be, shall be sufficient evidence thereof, unless the contrary shall manifestly appear.

ARTICLE XVII.

Conformably to the third and fourth articles of the treaty of amity and commerce between his most christian majesty and the United States, if any other nation, by virtue of any convention whatsoever, shall receive greater indulgence, either in France or in the United States, with regard to consular powers, privileges, or authority, the consuls, vice consuls, agents and commissaries of France, and of the United States, as the case may be, shall participate therein.

By the United States in Congress assembled. Philadelphia, January 25, 1782.

Signed, JOHN HANSON, President.

Attest.

CHARLES THOMSON, Secretary.

The plan of the convention being agreed to, it was

Resolved, That it be recommended to the several legislatures of these United States to provide, by law, for the establishment of a speedy mode of administering justice between subjects of his most christian majesty and citizens of the United States, and for vesting persons in the neighbourhood of the seacoast with power to secure shipwrecked property in the most effectual manner.

September 24, 1781, the minister of France transmitted to Congress the following memorial :

Philadelphia, September 24, 1781.

The undersigned minister plenipotentiary of France has the honour to communicate to Congress a memorial sent to him by don Francisco Rendon. He entreats this assembly would be pleased to take it into consideration; and he has no doubt but the resolution which they will pass will be as favourable to the subjects of his catholick majesty as justice will permit.

LE CHEV. DE LA LUZERNE.

The memorial enclosed is as follows :

MAY IT PLEASE YOUR EXCELLENCY,

Don Francisco Rendon, resident in this city, *encargado do negocios* for the court of Spain, with all due

respect, informs your excellency, That in consequence of the articles of capitulation granted to the troops and inhabitants of his Britannick majesty at the reduction of Pensacola by don Bernardo de Galvez, commander in chief of the forces of his catholick majesty, permission was granted by the governour of the place to captain Jahleel Smith, with his vessel called the Sally, her crew and passengers contained in the passport, to go to New York, six of the passengers being prisoners on parole, to be exchanged for an equal number of Spanish prisoners; that in his passage the said flag was captured by an American vessel called the Betsey, captain Enos, belonging to the state of Pennsylvania; that in consequence thereof, the said J. Smith has presented to me a petition and an account which I herewith enclose, praying me to obtain for him an indemnification and payment for the damages he has sustained, and that liberty may be granted him by the supreme authority to pass freely to the place of his destination agreeable to the permission of the generals of the king my master:—I therefore entreat that your excellency would be pleased to present this memorial, with the documents accompanying it, to the honourable Congress, and pray them to order payment to be made to the captain of the flag for the delay and damages occasioned by this capture, and grant the said prisoners of his catholick majesty mentioned in the passport free permission to go to New York, in order to discharge their parole and obtain their ex-

change. I am induced by your excellency's goodness to hope for this favour, &c.

FRANCISCO RENDON.

His Excellency Chev. de la Luzerne, }  
 Minister Plenipotentiary of France }  
 to the United States.

The foregoing memorials, with the papers accompanying them, being referred to Mr. Carroll, Mr. Clymer and Mr. Duane, the said committee returned the following answer :

Philadelphia, September 25, 1781.

SIR,

The United States in Congress assembled, ever desirous to observe good faith and maintain the rights of neutrality, and sincerely disposed to cultivate the friendship of his catholick majesty, have referred the memorial presented by your excellency in favour of Jahleel Smith, master of the schooner Sally, to a committee of Congress, who now have it under consideration.

To form a right judgment of the transaction it is conceived necessary that an authentick copy of the capitulation granted by his catholick majesty's general to the British officer lately commanding at Pensacola, and referred to in the memorial of don Francisco Rendon, residing in this city, *encargado de negocios* for the court of Spain, should be communicated to the United States. In the mean time it requires no deliberation to assure your excellency that the laws of the land

are competent for redressing every injury perpetrated by vessels of war commissioned by the United States, or under their authority, although the security for the good behaviour of the officers and crews may not be adequate to the damages claimed.

I have the honour to be with the greatest respect,  
your excellency's most obedient humble servant,

for the Committee.

His Excellency, the Chev. de la }  
Luzerne, Minister Plenipotentiary }  
of France.

On the 23d of November, 1781, the secretary for foreign affairs laid before Congress the following "heads of a verbal communication" made to him by the minister of France :

The minister of France informed the secretary for foreign affairs, that the count de Vergennes, in a letter to him of the 7th of September, 1781, assured him that the king of France had received with great pleasure an account of Mr. Adams, Mr. Franklin, and Mr. Jay's appointment to the place of ministers for the negotiation of peace; and after expressing favourable sentiments of them, and Mr. Jefferson, from his general reputation, adds, that they have little reason to hope the assistance of Mr. Laurens, since the enemy will probably continue his captivity during the war. That the king accepted with pleasure the proofs which Congress have given him of their confidence when

they intrusted to his care the interests of the United States. That he would use his influence and credit for the advantage of his allies, whenever a negotiation should render their interests a subject of discussion. That if he did not obtain for every state all they wished, they must attribute the sacrifice he might be compelled to make of his inclinations, to the tyrannick rule of necessity. That however he had no reason to believe that the events of the campaign would make an unfavourable change in the situation of affairs; and that from the present view of them, he had no cause to dread a disadvantageous peace. The count adds, that he presumes Mr. Adams has communicated to Congress his majesty's refusal to accede to the terms of the mediation of the imperial courts, until they should agree to acknowledge the American plenipotentiaries in the manner most conformable to the dignity of the United States; and observes thereon, that if the king was so attentive to a matter of form (though it might indeed in our present situation be considered as important,) he would not be less tenacious of our more essential interests, which he will be zealous to promote, as far as circumstances will allow. But that if notwithstanding this, Congress, or even a considerable part of its members, should regret the confidence they had placed in his majesty, or wish to free their ministers from this restraint, his majesty would not disapprove the measure; provided they made their ministers answerable, as in justice they should be, in proportion to the powers with which they invested them. He expresses his satisfaction at the extensive powers with which the ministers are invested as to the



matter of boundary, and the truce, which he says, the interests of France as well as of us, require to be as long as possible. With respect to the *statu quo*, he says, that though from the number of their conquests it would be beneficial both to France and Spain, yet it has not entered into their system so far as it regards America, and that his majesty accordingly refused to accede to the plan of negotiation proposed by the mediating powers, which held up that idea. He exhorts the minister to recommend to Congress the most vigorous exertions, and to assure them that the expulsion of the enemy from this continent depends in a great measure on the exertion of the United States; that France would be able to afford us very little assistance; and that Britain, so far from discovering any inclination to peace upon reasonable terms, absolutely refused the plan of negotiation proposed by the mediating powers; so that arms alone could compel her to it. He mentions that the king, being apprehensive that the capture of the Marquis de la Fayette might reduce us to some difficulties, had ordered her cargo to be replaced immediately; and that in consequence of applications from the states of Virginia and Maryland, he had ordered a number of arms and military stores to be shipped to them, subject however to the order of Congress. That this, and the cargo designed to replace that of the Marquis de la Fayette, were to be paid for out of the loan negotiated in Holland, which he had occasion to think would be completed. He expresses a desire that the plan for the appointment of consuls should be digested and adopted, as the court of France wished to make it the basis of some commer-

cial arrangements between France and the United States.

The secretary for foreign affairs farther informed Congress, that the minister of France had communicated to him the following extract of a letter from the count de Vergennes, which he had transmitted to the superintendent of finance.

Extract of a letter from the count de Vergennes, September 7, 1781.

“ We think that since the arrival of colonel Laurens, you have stopped the bills of Mr. Morris on us, on Messrs. Le Couteulx. If the superintendent has not followed your advice, he will cause us some embarrassment, as we have not destined any fund for that article. We have peremptorily declared to Dr. Franklin, that we will not in future discharge any bills that had not been drawn with your consent. As to you, sir, we cannot but repeat our former instructions on this subject; and we direct you to authorize no draft even for a small sum.”

JANUARY 29, 1782.

Minutes of a Communication made by the Minister of France to the Secretary for Foreign Affairs, and by him laid before Congress.

The minister of France informed me, that he was desirous of making some communications from letters received by the Sybil. Ten o'clock this day was ap-

pointed to receive them. He accordingly came, and read to me passages of a letter of count de Vergennes to him, dated October 17, 1781, which contained in substance :

That France wished (as was evident from her going into the war on our account) to obtain every advantage for us. That powers at war must often be governed by circumstances. That if events would enable her to command them, we might depend on every thing she could obtain. That her political system depended not only on America, but on the other powers at war. That if France should continue hostilities merely on account of America, after reasonable terms were offered, it was impossible to say what the event might be. That his majesty was however, at all events, determined to adhere to the true principles of the alliance, and would farther endeavour to obtain for us whatever we demanded, as far as events would justify.

He observed, that people in America appeared to be greatly deceived with respect to the disposition of the belligerent and mediating powers, and to imagine that all were anxious for a peace; that this was so far from being the case, that Great Britain had not yet returned any answer to the overtures of the imperial courts; nor had any reply been made by the latter to the answer given them by France: from which delay it might be easily imagined peace was far distant. That from the present situation of Spain, there was strong reason to suppose she could not spare us any money, her own operations requiring all she had. That he hoped France would not be called upon to make up

her deficiencies, as they were in no situation to make new grants. Besides, that in order to rid us of our embarrassments, they had already made efforts in our behalf, which they had reason to believe exceeded our expectations; and that what they had done for America this year entitled them to an exemption from further demands.

In a letter of October 20, 1781, from the count de Vergennes to the minister of France, it is observed, That the United Provinces would not embarrass themselves at present by an alliance with us; that in this they will follow the example of Spain; that, however, it will be prudent to keep an agent in Holland, and direct him to advise constantly with Dr. Franklin, that we may observe some consistency in our politicks. That he fears America founds hopes on the aid of Russia; that nothing can be more groundless; that though he believes she is not averse to the independence of America, yet we ought not to expect that she will move a step in our favour; that she has no particular interest in terminating the war; that as she means to assume the character of a mediator, she must preserve that of justice and impartiality; that nothing therefore can extort from her measures that are favourable to us, but a conviction that we cannot be brought back to the dominion of Great Britain. That this should lead us to think (a sentiment which he desires the minister to inculcate) that our success depends upon our exertions, and upon our relinquishing the inactivity into which false hopes, excited by success, do sometimes plunge us.

He repeated, That France could lend us no more money ; that the ten millions borrowed upon our account in Holland were greatly sunk by advances made in France ; that no bills would be paid in France which the minister did not authorize us to draw ; that he hoped our officers would have too much prudence to risk the credit of the United States by drawing ; that the negotiations are still inactive, and will remain so till events oblige one or other of the parties to sue for peace. That the success of the expedition against Portsmouth (that being the supposed post of Cornwallis) might possibly have some effect. That the great object of England is America ; that she will not cede it while she can carry on the war ; that she will certainly make great exertions the ensuing campaign ; that equal exertions are therefore necessary on our part. That Spain and Holland view America as the great obstacle to a peace, from which consequences may flow which people of judgment may easily foresee.

(Signed) **ROBERT R. LIVINGSTON.**

The minister of France sent to Congress a note of which the following is a translation :

**NOTE.**

Philadelphia, January 28, 1782.

The undersigned minister plenipotentiary of France to the United States has the honour to inform Congress, that the loan of ten millions of livres, opened in Holland for account of the United States, was in a

great measure full in the month of October last, and that the interest is settled at four per cent. It is therefore now proper that the Congress should send doctor Franklin the necessary instructions and power to pass acts binding the United States to his majesty to pay this loan, as well as the interests and costs arising thereby. The undersigned has informed the superintendent of finance, that after deducting advances, which his majesty has made on the credit of that loan, there would remain about four millions of livres at the disposition of the United States when it shall be fully completed.

LE CHEV. DE LA LUZERNE.

Ordered, That the foregoing note, with the communications made to the secretary for foreign affairs, be referred to him to report.

FEBRUARY 5, 1782.

On the report of the secretary for foreign affairs, to whom was referred the note from the honourable the minister of France,

Resolved, That the following powers and instructions be given to the minister plenipotentiary of the United States of America at the court of Versailles.

Whereas the minister of his most christian majesty hath informed the United States in Congress assembled, that the loan of ten millions of livres tournois, opened in Holland on account of these United States, was in a great measure completed in October last, and requested in consequence thereof, that full powers

might be expedited to bind these United States to discharge the principal and interest of the said loan agreeably to the terms thereof, with such expenses as might have accrued in making such loan: You are therefore hereby authorized, directed and empowered, to enter into such engagements with his most christian majesty, with the states general of the United Provinces, with any particular state or province, or with any man or body of men whatsoever, with whom you may find it necessary to enter into engagements, for the purpose of binding these United States to discharge the said loan with the interest, agreeably to the terms thereof; and also for the repayment of such expenses as have arisen, or may arise by reason of the said loan. And the said United States of America do hereby pledge their faith to confirm what you shall execute in pursuance of the above power.

Done at Philadelphia, the fifth day of February, in the year of our Lord, one thousand seven hundred and eighty-two, and in the sixth year of our independence.

By the United States in Congress assembled.

JOHN HANSON, President.

CHARLES THOMSON, Secretary.

FEBRUARY 8, 1782.

On the report of the secretary for foreign affairs, to whom was referred the communication made to him by the minister of France, containing, among other things,

an opinion of the count de Vergennes, that his catholic majesty will not have it in his power to advance any money to the United States; and expressing, in strong terms, the count's hopes that the United States will not imagine that France should make up the sums they expected from Spain, after the assistance they have already derived from France—

Resolved, That Congress are fully sensible of the frequent, friendly and generous interposition of his most christian majesty in their behalf, and are led from thence to hope a continuation of his assistance, since nothing has been wanting on their part so to apply the aid he generously affords as to distress the common enemy, and lead to the great object of their alliance, a safe and honourable peace.

Resolved, That Congress cannot, without injustice to themselves and their ally, withhold from him a knowledge of their present circumstances, or neglect to mention the ruinous consequences that may attend a refusal of those aids, which as well the friendly dispositions of his most christian majesty, as the success that hath attended his interposition in their behalf, gave them reason to hope would be continued till the states, which have lately been ravaged by the enemy, had so far recovered their commerce and agriculture as to be able more effectually to contribute to the general expense; and that his majesty may be assured that their applications for this purpose shall not exceed what may be absolutely necessary for the support of the common cause.

Resolved, That the secretary for foreign affairs, consulting with the superintendent of finance, explain to



the minister of the United States at the court of Versailles the extensive advantages which have resulted from moneys supplied by his most christian majesty to these United States, and the engagements which have been entered into with a view to render the next campaign decisive, the consequence of failing in those engagements, and the little prospect there is of fulfilling them without an additional loan or subsidy, for the year 1782, of at least twelve millions of livres tournois, in order that the said minister may present a memorial on this subject to his most christian majesty, and at the same time lay before him the several resolutions lately passed by the United States in Congress assembled, which evidence their unalterable resolution to make every exertion for a vigorous campaign which their present situation will allow.

Resolved, That the minister plenipotentiary of the United States of America at the court of Versailles be and he is hereby instructed and empowered to borrow, on account of these United States, the sum of twelve millions of livres tournois, and to enter into engagements on the part of the United States for the repayment of the same, together with the interest, which is not to exceed the terms allowed or given on national security in Europe.

Ordered, That the remainder of the report of the secretary for foreign affairs be referred to a committee.

FEBRUARY 12, 1782.

Resolved, That it be an instruction to the secretary for foreign affairs to endeavour to collect in as authen-

tick a form as possible, such papers as may tend to evidence the limits claimed by the United States in the resolution of the 13th day of August, 1779.

FEBRUARY 22, 1782.

On the report of a committee, consisting of Mr. Ellety, Mr. Randolph and Mr. Eveleigh, to whom was referred a letter of the 25th January, from the secretary for foreign affairs respecting his department,

Resolved, That the department of foreign affairs be under the direction of such officer as the United States in Congress assembled have already for that purpose appointed, or shall hereafter appoint, who shall be styled "Secretary to the United States of America for the Department of Foreign Affairs," shall reside where Congress or the committee of the states shall sit, and hold his office during the pleasure of Congress.

That the books, records and other papers of the United States that relate to this department, be committed to his custody, to which, and all other papers of his office, any member of Congress shall have access; provided that no copy shall be taken of matters of a secret nature without the special leave of Congress.

That the correspondence and communications with the ministers, consuls and agents of the United States in foreign countries, and with the ministers and other officers of foreign powers with Congress, be carried on through the office of foreign affairs by the said secretary, who is also empowered to correspond with all other persons from whom he may expect to receive

useful information relative to his department; provided always, that letters to ministers of the United States, or ministers of foreign powers, which have a direct reference to treaties or conventions proposed to be entered into, or instructions relative thereto, or other great national subjects, shall be submitted to the inspection and receive the approbation of Congress before they shall be transmitted.

That the secretary for the department of foreign affairs correspond with the governours or presidents of all or any of the United States, affording them such information from his department as may be useful to their states or to the United States, stating complaints that may have been urged against the government of any of the said states, or the subjects thereof, by the subjects of foreign powers, so that justice may be done agreeably to the laws of such state, or the charge proved to be groundless, and the honour of the government vindicated. He shall receive the applications of all foreigners relative to his department, which are designed to be submitted to Congress, and advise the mode in which the memorials and evidence shall be stated, in order to afford Congress the most comprehensive view of the subject; and if he conceives it necessary, accompany such memorial with his report thereon. He may concert measures with the ministers or officers of foreign powers amicably to procure the redress of private injuries, which any citizen of the United States may have received from a foreign power, or the subjects thereof, making minutes of all his transactions relative thereto, which have passed on such occasions. He shall report on all cases express-

ly referred to him for that purpose by Congress, and on all others touching his département, in which he may conceive it necessary. And that he may acquire that intimate knowledge of the sentiments of Congress which is necessary for his direction, he may at all times attend upon Congress; and shall particularly attend when summoned or ordered by the President. He may give information to Congress respecting his department, explain and answer objections to his reports when under consideration, if required by a member, and no objection be made by Congress. He shall answer to such inquiries respecting his department as may be put from the chair by order of Congress, and to questions stated in writing about matters of fact which lie within his knowledge, when put by the President at the request of a member, and not disapproved of by Congress. The answers to such questions may, at the option of the secretary, be delivered by him in writing. He shall have free access to the papers and records of the United States in the custody of their secretary, or in the offices of finance and war and elsewhere. He may be furnished with copies, or take extracts therefrom, when he shall find it necessary. He shall use means to obtain from the ministers and agents of the United States in foreign countries an abstract of their present state, their commerce, finances, naval and military strength, and the characters of sovereigns and ministers, and every other political information which may be useful to the United States. All letters to sovereign powers, letters of credence, plans of treaties, conventions, manifestoes, instructions, passports, safe-conducts and other acts of Congress re-

lative to the department of foreign affairs, when the substance thereof shall have been previously agreed to in Congress, shall be reduced to form in the office of foreign affairs, and submitted to the opinion of Congress; and when passed, signed and attested, sent to the office of foreign affairs to be countersigned and forwarded. If an original paper is of such a nature as cannot be safely transmitted without cyphers, a copy in cyphers, signed by the secretary for the department of foreign affairs, shall be considered as authentick, and the ministers of the United States at foreign courts may govern themselves thereby in the like manner as if the originals had been transmitted. And for the better execution of the duties hereby assigned him, he is authorized to appoint a secretary and one, or if necessary, more clerks, to assist him in the business of his office.

Resolved, That the salaries annexed to this department shall be as follows :

To the secretary of the United States for the department of foreign affairs, the sum of four thousand dollars per annum, exclusive of office expenses, to commence from the first day of October last.

To the secretary, one thousand dollars per annum.

To the clerks, each five hundred dollars per annum.

Resolved, That the secretary for the department of foreign affairs, and each of the persons employed under him, shall take an oath before a judge of the state where Congress shall sit, for the faithful discharge of their respective trusts, and an oath of fidelity to the United States, before they enter upon office.

Resolved, That the act of the 10th of January, 1781,

respecting the department of foreign affairs, be and hereby is repealed.

### FEBRUARY 27, 1782.

A letter of the 23d from the secretary for foreign affairs, was taken into consideration: And thereupon,

Resolved, That the secretary of the United States of America for the department of foreign affairs be and he is hereby empowered, to settle the wages of the two persons who have hitherto been employed as secretaries or clerks in his office for the time they have served, at the rate of seven hundred and fifty dollars per annum each.

Ordered, That the remainder of the letter touching the appointment of two under secretaries instead of a secretary, be committed.

### MARCH 1, 1782.

On the report of a committee to whom was referred a letter of 23d February, from the secretary for foreign affairs,

Resolved, That so much of the resolutions of the 22d of February last as authorizes the secretary for foreign affairs to appoint a secretary, and annexes to that office the salary of one thousand dollars per annum, be and hereby is repealed; and that the secretary for foreign affairs be and he is hereby empowered to appoint, until the further order of Congress, two under secretaries; and that the first under secretary be allow-

ed eight hundred dollars per annum, and the second under secretary seven hundred dollars per annum.

MARCH 11, 1782.

On the request of a committee, to whom was referred a letter of 26th February from the secretary for foreign affairs,

Resolved, That the secretary for foreign affairs draw up a memorial on the subject of the prize money due to the officers and crews of the *Bon Homme Richard* and the *Alliance* frigate, in the hands of the sieur *Le Ray de Chaumont*, in Paris, and request the minister of France to transmit the same, with the vouchers to support it, to his court, and obtain the interposition of his court to have immediate justice done to the claimants, by the payment of the prize money into the hands of the consul general of these United States in France, for the use of, and to be distributed among, the said officers and crews, agreeably to the rules of the navy of the United States; and that the secretary for foreign affairs write to the consul of the United States in France to exert himself in obtaining justice for the claimants.

APRIL 30, 1782.

On motion of Mr. Madison, seconded by Mr. Jones,

Resolved, That the minister plenipotentiary of the United States at the court of Madrid be informed, that Congress entirely approve of his conduct as detailed in his letter of the 3d of October last; that the limita-

tion affixed by him to the proposed surrender of the navigation of the Mississippi in particular, corresponds with the views of Congress; that they observe, not without surprise and concern, that a proposition so liberal in itself, and which removed the only avowed obstacle to a connexion between the United States and his catholick majesty, should not have produced greater effects on the counsels of the latter; that the surrender of the navigation of the Mississippi was meant as the price of the advantages promised by an early and intimate alliance with the Spanish monarchy; and that if this alliance is to be procrastinated till the conclusion of the war, the reason of the sacrifice will no longer exist; that as every day which the proposed treaty is delayed, detracts from the obligation and inducement of the United States to adhere to their overture, it is the instruction of Congress, that he urge to the ministers of his catholick majesty the obligation it imposes on Spain to make the treaty the more liberal on her part, and that in particular he use his endeavours to obtain, in consideration of such delay, either an enlargement of her pecuniary aids to the United States, a facilitating of the use of the Mississippi to the citizens thereof, or some peculiar indulgences in the commerce of the Spanish colonies in America.

MAY 1, 1782.

The secretary for foreign affairs having laid before Congress the following minutes of a communication made to him the 28th of April, by the minister of



France, from letters of the count de Vergennes, dated 24th December and 22d January last, viz.

“ After expressing his satisfaction in the success of  
“ our arms in Virginia, he laments the weakness of  
“ our army, and the incapacity in which it leaves us  
“ of pursuing so important a blow, before England can  
“ recover it. He says, though the plan of the ensuing  
“ campaign is not yet determined on, he has reason to  
“ believe that means will be used to aid us in the ex-  
“ ertions we shall make to expel the enemy from this  
“ continent ; and he wishes that this consideration,  
“ and the obstinate adherence of the British to their  
“ plan of subduing this country, evidenced by their  
“ answer to the mediators, may rouse the United  
“ States to an early and animated exertion. He ob-  
“ serves, that the British are much embarrassed with  
“ respect to the measures they ought to pursue ; that  
“ they still continue to represent us as a weak and  
“ divided people, in the hope that this may have some  
“ effect upon the powers of Europe, more particularly  
“ upon the mediators. He is of opinion that England  
“ will endeavour to make proposals to the several  
“ states separately ; and though he does not appre-  
“ hend that they will succeed in their attempt to de-  
“ tach them from the alliance, yet he presumes, while  
“ the issue is unknown, that they will avail themselves  
“ of it to induce a belief that they have a considerable  
“ interest in this country, and that the people at large  
“ wish to be connected with them. He hopes the  
“ wisdom of Congress will devise some means to frus-  
“ trate this design. He expresses in strong terms the  
“ resolution of his majesty to adhere to the principles

“ of the alliance, and to form no treaty of peace  
“ which does not secure to the United States the ob-  
“ jects of it.”

And this communication having been referred to a committee, and the committee reported thereon, it was

Resolved, That the secretary for foreign affairs be and he is hereby directed to make a confidential communication to the several states of the intelligence received by Congress on the 29th April last through his department, in order that the states may be more fully impressed with the necessity of such united and determined exertions as, with the co-operation of our generous ally, will expel the enemy from their remaining posts within the United States, and display to the world the falsehood of the assertions of the British court, that the people of these states are neither united, nor determined in support of their national independence.

MAY 2, 1782.

The secretary for foreign affairs informed Congress, that the honourable the minister plenipotentiary of France has received a letter from his most christian majesty to the United States in Congress assembled, announcing the birth of a Dauphin ; and that the minister desires a publick audience at which he may deliver the letter : Whereupon,

Ordered, That Monday the 13th instant, at twelve o'clock, be assigned for the publick audience.

MAY 4, 1782.

On a report from the superintendent of finance, as agent of marine, to whom was referred a memorial of the merchants and traders of the city of Philadelphia,

Resolved, That the superintendent of finance prepare a state of the commerce of the United States, together with a plan for the protection thereof; and that the superintendent, as agent of marine, make application to the commanders of the fleets of France and Spain in the West Indies, for such protection as may be in their power to afford.

That the agent of marine prepare a draft of an application to be made by Congress to the court of France for the protection of the trade of the United States, and report to Congress.

MAY 7, 1782.

On the report of a committee, consisting of Mr. Boudinot, Mr. Atlee and Mr. Rutledge, to whom was referred a letter of the 24th April, from the governour of Connecticut,

Ordered, That the secretary for foreign affairs inform our minister at the court of Versailles, that it is the desire of Congress that he make application to the court of France for direction to the commander of his most christian majesty's navy in the West Indies to forward the number of prisoners due to these United States to some port thereof, in order that they may be exchanged for our prisoners at New York.

On the report of a committee, consisting of Mr. Rutledge, Mr. Boudinot and Mr. Madison, to whom was referred a report from the secretary for foreign affairs relative to the ceremonial on admitting the minister of France to a publick audience,

Resolved, That the minister shall come in his own coach to the state house, and shall be received at the foot of the steps by two members of Congress deputed for that purpose, who shall conduct him to his seat in the room of Congress. As the minister enters, the President and the house shall rise. The President remaining covered, the minister shall bow to the President, and then to the house, before he takes his seat. The President shall uncover his head as he returns his bow. The minister shall then seat and cover himself. The members conducting him shall sit on each side of him. The members of the house shall seat themselves.

When the minister speaks, he shall rise. The President and house shall remain sitting till he has spoken, and delivered his letter by his secretary to the secretary of Congress, who shall deliver it to be read by the interpreter in the original language. The interpreter shall then deliver a translation to be read by the secretary of Congress. After which the President shall deliver his answer standing and covered; the minister and the house also standing, but uncovered. The President and the minister having bowed to each other, and the latter to the house, who shall be standing to receive it, he shall be conducted to the foot of the stairs of the state house in the same manner in which he came in.

After the audience shall be over, the house shall adjourn.

That places be assigned for the principals in the three executive departments under Congress, and for the president and executive council of the state.

That general officers, judges of appeals, the treasurer, paymaster general, comptroller, auditor, and chaplains of Congress, the assistants and principal secretaries in each of the departments, be admitted without the bar of the house.

That the secretary at war take order to receive the minister with military honour, and to conclude the audience with the discharge of thirteen cannon and a feu de joie of musketry; and for the display of fire works in the evening at 8 o'clock.

That all that relates to the placing the persons particularly admitted to the audience be under the direction of the secretary of Congress.

That each member of Congress be entitled to admit two persons, and be furnished with tickets for the purpose by the secretary.

That tickets be sent by the secretary for foreign affairs to such foreigners or other strangers as he may judge it proper to admit, who shall give invitations in the name of Congress to the president and council of Pennsylvania, the principals of three executive departments under Congress, and such other persons as he may think proper.

That on Monday next an entertainment be provided by Congress, at the city tavern, for the minister of France and his suite, to be under direction of the secretary for foreign affairs.

That a letter be written to the commander in chief and to the commander in the southern department, by the secretary for foreign affairs, informing them of the publick annunciation of the birth of the Dauphin ; that the same may be published in both armies with such demonstrations of joy as their commanders shall respectively direct.

That the secretary for foreign affairs also inform the governours and presidents of the respective states of the birth of an heir to the crown of France, that the people in each state may partake in the joy which an event that so nearly affects the happiness of their great and generous ally cannot fail to excite.

MAY 8, 1782.

A letter from the secretary for foreign affairs was read in the words as follows :

“ Philadelphia, May 7, 1782.

“ SIR,

“ Mr. Jay, in his letter of the third October last, holds forth the idea of sending an envoy to Lisbon.

“ As in the present situation of our affairs this may not be thought to promise advantages equivalent to the expense the United States will incur thereby, or the loss of reputation they may sustain if their solicitations should be rejected, I take the liberty to request the sense of Congress on their resolution of the eleventh day of July, a copy of which is enclosed. I must confess it appears to me, that in our pre-

“sent circumstances a variety of reasons present themselves for its repeal.

“I have the honour to be, sir, your  
“most obedient humble servant,

“ROBT. R. LIVINGSTON.”

“The honourable Mr. CARROLL,  
“Chairman of Congress.”

Thereupon, on motion of Mr. Madison, seconded by Mr. Telfair,

Resolved, that it be an instruction to Mr. Jay not to send Mr. Carmichael to the court of Portugal in pursuance of the resolution of the eleventh day of July 1781, unless he shall give good grounds to expect that such a measure will attain the object proposed by the superintendent of finance.

MAY 10, 1782.

Congress proceeded to elect two members to receive and conduct the minister of France to his seat at the audience on Monday next.

The members—Mr. Rutledge and Mr. Wharton.

MAY 13, 1782.

According to order, the honourable the minister of France being admitted to a publick audience, addressed Congress in a speech of which the following is a translation :

## GENTLEMEN OF THE CONGRESS,

Since the alliance so happily concluded between the king my master and the United States, you have taken too intimate a part in every event which interested his glory and happiness not to learn with sincere joy, that Providence has granted a Dauphin to the wishes of the king your ally and to those of France. His majesty imparts this event, gentlemen, in the letter which I am directed to have the honour of delivering.

The connexions which unite the two nations, connexions formed in justice and humanity, and strengthened by mutual interests, will be as durable as they are natural.

The prince who is just born will one day be the friend and ally of the United States. He will in his turn support them with all his power; and while in his dominions he shall be the father and protector of his people, he will be here the supporter of your children and the guaranty of their freedom.

The letter from his most christian majesty was then delivered and read, of which the following is a translation:

## VERY DEAR GREAT FRIENDS AND ALLIES,

Satisfied of the interest you take in every event which affects us, we are anxious to inform you of the precious mark which divine Providence has just given us of his goodness, and of the protection he has granted to our kingdom. We do not doubt that you will partake in the joy we feel on the birth of our son the



Dauphin, of whom the queen our most dear spouse is just now happily delivered.

You will easily be convinced of the pleasure with which we shall receive every proof that you may give of your sensibility upon this occasion. We cannot renew at a period more affecting to us the assurance of our affection and of our constant friendship for you. Upon which we pray God that he would have you, very dear great friends and allies, in his holy keeping.

Written at Versailles, the 22d of October, 1781.

Your good friend and ally.

(Signed)

LOUIS.

(Underneath) GRAVIER DE VERGENNES.

The President then addressed the minister as follows :

SIR,

The repeated instances of friendship which the United States of America have received from his most christian majesty give him too just a title to their affections to permit them to be indifferent to any event which interests his happiness. Be assured, sir, that Congress learn with the most lively satisfaction, that it has pleased the divine Giver of all good gifts to bless their august ally with an heir to his throne. Our earnest prayer is, that he may with it inherit the virtues which have acquired to his majesty so much glory, and to his dominions so much prosperity, and which will be the means of cementing and strengthening the union so happily established between the two nations—a union, the mutual advantages of which become daily

more conspicuous, and which has derived new lustre and additional force from every effort of the common enemy to dissolve it. Congress do not enlarge upon this subject, but satisfy themselves with the representations which your own observations will enable you and your regard to the interests of both countries will induce you to make of the affectionate attachment which every rank of people in these states manifest to your sovereign, and of their inviolable fidelity to the principles of the alliance.

MAY 14, 1782.

The superintendent of finance, pursuant to the order of the 4th of this month, reported a state of the commerce of the United States, and a plan for the protection thereof.

On motion of Mr. Madison, seconded by Mr. Ellery,

Resolved, That the secretary for foreign affairs be and he is hereby directed to transmit the state of commerce and plan for its protection, reported by the superintendent of finance, to the minister plenipotentiary of the United States at the court of Versailles, to be by him communicated to that court, with an application for its concurrence in the said plan.

The plan reported by the superintendent is as follows :

In forming a state of the American commerce it will be proper rather to consider what it might be than what it is; and to confine the idea of what it

might be to the state of war, rather than go into the extent which a state of peace would permit. And to render this subject as clear as possible, it will be proper to divide the trade into three different heads, as carried on from the eastern, middle, and southern states ; which may, as to each district, be farther divided into the European and West India trade. To these may also be added, the circuitous or carrying trade. Which last must nevertheless be confined principally, if not altogether, to the eastern states.

The principal seaports of the southern states being at present in possession of the enemy, the following observations occur :—If the enemy continues that possession, very little if any commerce can be carried on. If the possession of those ports is recovered to the United States, the same measures which are taken for the protection of the commerce under present circumstances will apply equally to those states, and with greater security to all the states ; because the enemy would have fewer ports from whence to fit out their cruisers. And if the rice and indigo of the southern states can be carried to Europe and the West Indies, those valuable articles will form additional inducements for protecting the American commerce.

The middle states might export to Europe, tobacco, tar, and in cases of great scarcity, wheat and flour. To the West Indies, they might export pork, beef, bread, flour, lumber, iron and tar.

The eastern states might export to Europe, masts, spars, ship timber, staves, boards, fish and oil. To the West Indies they might export lumber, pork, beef, cattle, horses, cider, and some smaller articles. In a

circuitous commerce they would bring some of these articles to the Chesapeake, and take a freight of tobacco for Europe ; or else take sugars from the islands to Europe, and return with European commodities of the bulkier kind, such as salt, wine, brandy, fruit, &c.

Of all this commerce there exists, at present, but little more than that of provisions to the West Indies, and tobacco to Europe. Why it is so curtailed, and why it might be extended to the objects abovementioned, will appear from considering the annexed estimates of what the tobacco trade now is without convoy, as in No. 1 ; and what it would be with convoy, as in No. 2. From the former it is evident, that the carriage of tobacco to Europe is a losing game, and could not be supported if the cargoes of goods brought out (and for which bills of exchange are remitted) did not, by the freight, compensate for the loss sustained on the outward bound cargoes. From the latter it appears, that goods from France might, if the ships were convoyed, be afforded much cheaper in America, and tobacco from America much cheaper in France. The consequences resulting from thence may be considered in a threefold point of view, as relating to each country separately, and to both conjointly. To America, or rather to the planters of America, would arise the advantage of selling this article for more money than at present ; of getting the quantity of European goods necessary for their consumption for less money than at present, and consequently, of having a clear balance remaining, which, drawn forth by taxation, would yield revenue to government. The people be-

ing thus relieved from the immediate distresses of war, and finding their condition ameliorated, would be more disposed to prosecute it with vigour. Their industry being better rewarded, would be increased. The produce of the country would be greater, and by that means an addition would be made to the aggregate stock of national wealth. France would be benefited by receiving tobacco at a cheaper rate ; by the revenue arising from it ; by a greater consumption of her manufactures, which would follow from the increased convenience and cheapness of transporting them hither ; and by securing the exclusive trade in that article at least during the war. The mutual advantage of the two countries would be, an increase of friendship, intercourse, and commerce, and a greater knowledge of each other's manners, and consequently the means of adapting the wares and produce of the one to the wants and desires of the other. To these may be added a firm establishment of their commercial principles during the war, so as take away the necessity of seeking for connexions of trade with other countries after a peace shall have been concluded ; and that the enemy will be deprived of those advantages they now enjoy from making numerous captures, and thereby possessing themselves of tobacco sufficient for their purposes.

Those observations which are above confined to the tobacco trade, will apply to every other kind of commerce in greater or lesser degrees, and consequently those articles which cannot now be exported might then be brought to market. At present the enemy, by distressing the American commerce, derive two great

benefits to themselves. They not only obtain considerable resources, but they are enabled to carry on a valuable contraband commerce. The history of human affairs demonstrates the inefficacy of penal laws to prevent such a commerce when the temptation is great; and therefore, although the dispositions of the several legislatures cannot be questioned, yet as long as the enemy can vend their goods from New York, Charlestown, and Halifax, cheaper than the fair trader can import them, that contraband will subsist.

The commerce of America consists of bulky articles. If the vessels employed in it be armed, they will require a great number of seamen; if unarmed, the number of seamen will be smaller, and the surplus might be usefully employed in ships of war.

Tobacco cannot be more important to the commerce and revenue of the United States, their friends and allies, than lumber, tar and provisions would be to the naval and military operations. Wood for masts, spars and ship building, with every other kind of naval stores, must be of consequence in Europe during such extensive and important maritime efforts. And it would also seem that the securing provisions for the islands would greatly facilitate the measures to be pursued in that quarter. The local situation of the United States renders them of more importance than almost any other circumstance. To obviate the effects of that situation is a principal object of the enemy's policy, now that they have been compelled to abandon the idea of conquest. They are fully sensible of the effects of that situation. Having found by experience

in the last war, that the islands in the West Indies are much dependent on the friendship or enmity of America, they have considered the holding of posts in the United States as a kind of out work to their other possessions. Their avowed design at present is, to annihilate the American commerce. And, on the other hand, there can be but little doubt, that if advantage is made of those circumstances, whose effects they apprehend and guard against, the British islands must fall. But the importance of the American commerce, great as it is, will appear still greater when compared with the cheap and easy means of affording it protection. To judge of them it must be considered, that the danger of capture is always greatest near to the ports. When once a fleet are at some considerable distance from the place of their departure, and before they arrive near to the place of their destination, forty or fifty sail might safely be intrusted to four frigates. The large fleets which are kept on the European and West India seas oblige the enemy to keep their naval force collected, so that the same number of frigates would sufficiently protect a convoy in those seas, with that which would sufficiently secure them in the middle of the ocean, unless under very peculiar circumstances of ill fortune. But on the coast of North America the case is different. By keeping one or two ships of the line with a number of frigates on that coast, the enemy have a decided superiority. It is nevertheless conceived, that the commerce of America would be well protected by so small a force as two ships of the line and ten frigates. For this purpose it

would be proper that two very fast sailing ships of the line and two large fast sailing frigates (all sheathed with copper) should be stationed in the Chesapeake, and cruise as occasion might require. If the enemy had not a superiour force they would be obliged to keep in port, and their convoys would be exposed to misfortunes which might be even fatal to them. If they had a superiour force, still they would be obliged to keep that force collected, in which case they would do but little injury to the commerce. But when collected, it must either be in port, or cruising. If in port, it would answer no other purpose but to watch the arrival of their fleets. If it were cruising, it might be crushed by a seasonable detachment made from the islands for that purpose. These advantages follow necessarily from being on a friendly coast; because, to the French ships, every harbour would be a protection; but the English have only one harbour (New York) which a ship of the line can enter.

If the enemy keep a naval superiority in America, it must be done at a very great disproportion of expense, which is a clear advantage to the allies, by distressing the finances of the common enemy. If the four French ships abovementioned were very fast sailing vessels (which is a necessary part of the plan) they would always avoid danger on the one hand, and on the other might do very serious injury to the enemy. The remaining eight frigates should be divided into two small squadrons of four each. The first squadron should sail from Brest, and make a short tarry at L'Orient; from thence proceed with the American



trade to Nantz ; take the trade there, and proceed to the Chesapeake. Upon their arrival, they (as well as the ships stationed in the Bay) should obey the orders of the minister of France ; because he would always be possessed of proper intelligence as to the enemy's situation, and be informed of the peculiar circumstances which the varying state of things might give rise to, and which must influence every plan in a greater or lesser degree. The second squadron should leave Brest about three months after the first, and pursue the same route. The trade being arrived off the Chesapeake, the convoy might, generally speaking, go from thence to the mouth of the Delaware, and thence to Boston. When the southern states are repossessed, the same route may be pursued, and the trade of those states detached, when near to the coast, under one or two frigates which could go with it, and from thence to the Chesapeake. The place of such frigates being supplied in the mean time, if necessary, by those in the Chesapeake. The trade bound from the middle and southern parts of America for Europe might be convoyed by the whole force to Boston Bay, and being there joined, according to arrangements previously taken for that purpose, by the trade of the eastern states, might be convoyed off the coast, and then intrusted to four frigates, as before, bound for Nantz, and thence to L'Orient ; after which the frigates might return to Brest. The whole voyage would certainly be completed in five months at the farthest ; and consequently the two squadrons would give a quarterly protection to the trade which would be sufficient.

It is to be hoped, that if the war continues much longer, the United States will be able to provide the necessary force for themselves, which at present they are not. Though if the above arrangements take place, they might even now provide for the trade from America to the West Indies.

It has above been mentioned, that under particular circumstances, detachments should be made from the West Indies. The situation of things at present will show the importance of that measure. If two ships of the line and two frigates should now arrive on the coast, they would clear it of all enemies, and probably take many ships, which might immediately be manned by exchanging the crews for American seamen in captivity. They would thereby become an instant reinforcement to the party by which they were taken. It has also been mentioned that the provisions of America would form a useful support to the military operations in the islands. An acquaintance with such operations renders the position too clear to admit the shadow of doubt. If things were placed on the footing above described, provisions could be delivered to the islands much cheaper and better than they can be drawn from Europe, saving thereby much expense and much risk. But this is not all; provisions and naval stores for the use of the king might always be prepared in season, and laden, ready to be convoyed back to the islands, by the same force sent from thence to effect the purposes of a temporary superiority on the American coast, so that the same means would apply to protecting commerce, and to promoting the success of military enterprises.

Estimates formed upon the present state of the Tobacco Trade, and what it would be, if properly conveyed and protected.

## ESTIMATE, NO. 1.

A vessel on the present construction to carry 120 hhd. of tobacco will cost	-	\$18,000	
120 hhd. of tobacco at \$30 each		3,600	
		<u>          </u>	21,600
This tobacco sold in France may be supposed to neat 600 livres per hhd.	- - -	72,000	

## PORT CHARGES.

Master	- - -	3,600
Mate	- - -	960

## PETTY OFFICERS.

3 at 480 each	- -	1,440	
Crew, 30 at 240 each		7,200	
Expense of vessel		10,000	
		<u>          </u>	
			<u>          </u>
			Livres, 48,800

The vessel arriving safe, every livre which had been invested in goods would sell for  $\frac{3}{8}$ ths of a dollar: Wherefore, 48,000 livres at  $\frac{3}{8}$ ths of a dollar each, are

- - - - -	19,520
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From this deduct as follows :

Prime cost of tobacco	- -	3,600	
To insure \$21,600 at 40 per cent. which is the lowest insurance on the whole voyage, out and home, so as to cover insurance and charges, you must insure on 37,565 $\frac{2}{3}$ at 40 per cent.	- - -	15,026 $\frac{2}{3}$	
Insurance at 40 per cent. supposes two vessels out of five to be taken, whereof to the original cost of 21,600 add $\frac{2}{3}$ ths, or 8,640, total, 30,240, on which take 6 months interest at 6 per cent.	- - - -	907	
			<hr/> 19,533 $\frac{2}{3}$

The loss on this voyage, over and above the labour of the merchant, is therefore \$13. And the commerce is only supported by the freight of goods from France. Many merchants are not concerned in ships, but buy bills of exchange, which they remit, and order goods to be purchased and laden in the ships of others, which goods pay a considerable freight.

Proof of calculation on insurance. From	37,565 $\frac{5}{3}$
Deduct 2 $\frac{1}{3}$ per cent. including brokerage	939 $\frac{3}{3}$
	<hr/>
	36,626 $\frac{2}{3}$
Deduct 40 per cent. premium on 37,565 $\frac{5}{3}$ as above - . - - - -	15,026 $\frac{2}{3}$
	<hr/>
Remains the original sum - - -	21,600

## ESTIMATE, NO. 2.

A large merchant vessel to carry 300 hhds. will cost - - -	12,000	
300 hhds. of tobacco at 40 dol- lars - - - - -	12,000	
	<hr/>	24,000
Suppose this sold in France at 300 livres pr. hhd. - - -	90,000	

## PORT CHARGES.

Master - - -	1,800
Mate - - -	480

## PETTY OFFICERS.

3 at 240 - - -	720	
Crew, 10 at 120 - -	1,200	
Expenses of the vessel	8,000	
	<hr/>	12,200
		<hr/>
		77,800

This vessel arriving safe, every livre which had been invested in goods would sell for  $\frac{2}{3}$ ths of a dollar : Wherefore 77,800 livres at  $\frac{2}{3}$ ths of a dollar per livre, are - - - - - 20,746

From this deduct as follows :

Prime cost of tobacco as above	12,000	
To insure 24,000 dollars at 15 per cent. so as to cover insurance and charges, you must insure of $29,090\frac{1}{11}$ which at 15 per cent. is		4,338 $\frac{7}{11}$
Insurance being at 15 per cent. supposes 3 out of 20 taken : Wherefore to original advance 24,000, add $\frac{3}{10}$ ths, 3,600—total 27,600, on which 6 months interest at 6 per cent. - - -	828	17,166 $\frac{7}{11}$
		<hr/> 2,579 $\frac{4}{11}$

The profit of this voyage is above 10 per cent.

Proof of calculation on insurance. From - - - 29,090 $\frac{1}{11}$

Deduct  $2\frac{1}{3}$  per cent. including brokerage - - - 727 $\frac{3}{11}$

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28,363 $\frac{7}{11}$

Deduct 15 per cent. premium on 29,090 $\frac{1}{11}$  as above - - 4,363 $\frac{7}{11}$

Remains the original sum - 24,000

## OBSERVATIONS ON THE ESTIMATES.

In the first estimate, the cost of the vessel, in proportion to her burden, is great, because of her being built for sailing, and encumbered with guns, ammunition, and the provisions and water for a number of men. But further, such a vessel costs more now than formerly, because many of the articles are brought from abroad, and because the number of vessels required for the commerce, and by reason of the captures, has enhanced the value of that manufacture.

In the first estimate, the port charges, as to the master and hands, are double to what they are in the second, because the risk of capture is now so great that very extraordinary encouragement must be given to prevail on them to expose themselves to it.

In the first estimate, the expenses of the vessel in port are, in a very large proportion, greater than in the second, because of the greater number of men to be subsisted, ammunition to be bought, &c.

From comparing these estimates we find,  
 That the first 40 hhds. of tobacco are sold by  
 the American planter for 1200 dollars; and  
 for 1200 dollars he gets goods which cost 7,3,000  
 That by the second, 40 hhds. of tobacco are  
 sold by the American planter for 1600 dol-  
 lars; and for 1600 dollars he gets goods  
 which cost - - - - - 6,000  
 Difference  $\frac{1}{2}$  - - - - - Livres 3,000

That by the first, the Frenchman for 3,000 livres gets of tobacco, at 600 <i>l.</i>	-	5 hhds.
That by the second, the Frenchman for 3,000 livres gets of tobacco, at 300 <i>l.</i>	-	10 hhds.
		5
	Difference $\frac{1}{2}$	-

Thus the consumer in each country gets for the same quantity of his produce, double the quantity of the produce of the other country ; and yet a profit is left to the merchant.

In the first case, 30 seamen are necessary to 120 hhds. of tobacco—4 hhds. to 1 man. In the second case, 10 seamen are necessary to 300 hhds. of tobacco—30 hhds. to 1 man.

MAY 20, 1782.

The secretary for foreign affairs having reported the draft of a letter to his most christian majesty, in answer to his letter of the 22d Oct. 1781, which announced the birth of a Dauphin, the same was agreed to as follows :

The United States in Congress assembled, to their  
great, faithful friend and ally, Lewis the sixteenth,  
king of France and Navarre.

GREAT, FAITHFUL AND BELOVED FRIEND AND ALLY,

Among the many instances that divine Providence has given us of his favour, we number the blessings he has bestowed on your majesty's family and kingdom. Nothing was wanting to the happiness of the first, but a



son to wear the honours which the father had earned ; or, to the prosperity of the latter, but the prospect of seeing the crown transmitted to an heir, who would find, in the example of his parent, a powerful incitement to promote the happiness of his people. This example, we presume to hope, will also influence his future conduct towards these United States. When, in the history of the present day, he shall read your majesty's generous interference in their behalf, their firm and affectionate attachment, and the blessings with which both were crowned, he will be studious to preserve to his kingdom and these states the reciprocal advantages of the alliance which your majesty has formed, and to emulate his ancestor in adding to his titles the glorious appellation of Protector of Mankind.

We receive with the most lively pleasure your majesty's renewed professions of friendship. You will easily believe, that the attachment which we have so often and so truly professed for your majesty, could suffer no diminution, when every day afforded us new instances of your magnanimity, and of your affectionate interference in our behalf.

We pray God, great, faithful and beloved friend and ally, always to keep you in his holy protection.

Done at Philadelphia, the 20th day of May, 1782, and in the 6th year of our independence. By the United States in Congress assembled. Your majesty's faithful friends and allies.

May 9, 1782, a letter from the superintendent of finance was read as follows :

Office of Finance, May 8, 1782.

SIR,

His excellency the minister of France, in a late letter to me has officially declared, that in future no sums will be paid to the ministers of the United States in Europe by his court. It becomes necessary, therefore, to make provision for their support here. I immediately applied to the minister for foreign affairs for an account of the annual salaries payable to his department. I have received it this day, and do myself the honour to enclose a copy. I must take the liberty to observe, that the sum is very large, and cannot be advanced without greatly retrenching from essential service, at least, in the present moment. It will, I humbly conceive, be necessary that arrangements should be taken, so that in future all such salaries as are payable to *foreign*\* ministers, be advanced in America, and negotiated by their respective agents. This will be more honourable to the United States, and, I should suppose, more agreeable to the gentlemen concerned.

The minister of France has also observed, that the accounts between his most christian majesty and the United States, having become important from the greatness of the sums advanced and lent, it is indispensable that measures be taken to adjust them, and avoid that confusion which would be introduced by a longer delay. And in consequence he has desired

\* The word *foreign* is here improperly applied. The meaning is ministers of the United States at foreign courts.

that Congress would transmit to Dr. Franklin full powers finally to settle those accounts; and in the name of the United States to execute the proper obligations for securing the debt, and fixing the periods of payment. To this, he adds, that it is not expected that Congress can do any thing towards payment during the war; but that they will fix the several epochs at which it will be made. To a proposition so reasonable there will, I presume, be no objection. The solidity of the observation on which it is founded cannot be called in question; and I am induced by it to extend the remark a little farther. The great sums which remain unsettled and undetermined between the French court and the United States, are alike unsettled between the latter and their publick servants. How the accounts may stand I know not, but it is my particular duty to observe, that there appears to have been but little received for the great sums which have been expended; and therefore it is highly necessary that the publick accounts of these states with their servants in Europe be also settled. It shall be my study, in future, to prevent the existence of such accounts; but their magnitude, as well as other circumstances, make me extremely solicitous to have them adjusted.

I have the honour to be, &c.

ROB. MORRIS.

His Excellency the President of Congress.

On the same day was received a letter from the secretary for foreign affairs as follows:

## Office for Foreign Affairs, May 8, 1782.

SIR,

The enclosed account of the annual expense of the office for foreign affairs, exclusive of contingent expenses, was made out at the request of the superintendent of the finances, that measures might be taken to discharge the salaries of the gentlemen in Europe, who express great uneasiness on the subject. But as it is incomplete till the allowances to the private secretaries of Dr. Franklin and Mr. Adams are ascertained, I have thought it proper to lay the whole before Congress for their direction thereon.

Congress were pleased to order, by their resolution of the second of January last, that the secretary for foreign affairs lay before them an estimate of the expenses which will probably be incurred by the foreign ministers of the United States, respectively, and their secretaries. I find myself under great embarrassments in preparing a report agreeable to their order, from not being able to enter fully into their views. I should presume that the expenses of foreign ministers ought to be regulated by their salaries; though I feel that the desire of supporting the dignity of an office to which the salary is incompetent often urges men to quit this line, how much soever they may be embarrassed thereby. Justice suggests that the salaries of officers who are engaged in so delicate and difficult a department as that of foreign affairs should have such appointments as to free them from embarrassments with respect to their private affairs. I believe Congress had this in view when they settled those of their

foreign ministers, none of whom complain of their being inadequate, unless it be Mr. Jay, who has given us some reason to think that his is, in his opinion, barely sufficient for his support, and that his manner of living is not equal to what he conceives the dignity of the United States requires. With respect to the salaries of the secretaries to the embassies, they are, in my opinion, (founded upon the practice of other nations) at least double of what they ought to be. If, as I presume, Congress intended by their resolution that I should lay before them an account of the manner in which our foreign ministers live at present, that they might be enabled to judge of the proportion it bore to their appointments, I can only say, that the result of inquiries on this head must necessarily be extremely uncertain. I submit them as far as they have come to my knowledge.

Doctor Franklin has a part of Mr. Chaumont's house at Passy; he keeps a chariot and pair, and three or four servants; and gives a dinner occasionally to the Americans and others. His whole expense, as far as I can learn, is very much within his income.

Mr. Adams lives in lodgings, keeps a chariot and pair, and two men servants. He has hitherto retained a private secretary, who will, in the absence of Mr. Dana, it is to be presumed, be paid by Congress. I have lately heard that Mr. Adams was about to take a house.

Mr. Dana's salary, even if he should assume a public character in a country where the relative value of money is so high, that, if I am well informed, an ele-

gant house may be hired for fifteen guineas a year, is very ample.

Of Mr. Jay's manner of living, I have been able to obtain no account; but I should conclude from the price of the necessaries of life in that part of Spain in which he lives, from the port the court and the people about it maintain, and, above all, from its sitting in different parts of the kingdom, that to live in the same style with doctor Franklin or Mr. Adams, his expenses must amount to nearly the double of theirs.

But as every conjecture of this kind must be very uncertain, all I can do is to lay before Congress the relative expense, as far as I can learn it, between the different places at which the ministers reside, taking Philadelphia for a common standard.

Paris, if wine, clothing and the wages of servants are included, is about twenty per cent. cheaper than Philadelphia; Amsterdam, ten; and at Madrid, the expenses of a family are somewhat higher than at this place. But the unsettled state of those who follow the court, their travelling equipage and charges, must greatly enhance this expense.

Congress will make their own deductions from these facts, after allowing for their inaccuracy. I would, however, take the liberty to submit the enclosed resolutions to Congress. The first is founded upon the propriety of supplying doctor Franklin with a secretary, which his age and the dignity of his employment render necessary. As Mr. Jay is not yet acknowledged, Mr. Carmichael's services in Spain may be dispensed with.

The second, third, fifth and sixth are designed to make a reform in this article of expense.

The fourth to prevent the claim which any gentleman, who may be appointed to either of the northern courts, may have to the salary settled by Congress on the 5th of October; and to adapt the character to the allowance.

The sixth to enable Congress, without injuring the dignity of their ministers, to proportion the allowance to the expense of the court they reside at, as well as the port they would wish them to maintain.

I have the honour to be, &c.

(Signed) ROBERT R. LIVINGSTON.

Office of Foreign Affairs, May 9, 1782.

The secretary for foreign affairs humbly submits the following resolutions to the consideration of Congress.

Resolved, That Mr. Carmichael be appointed secretary to the embassy from the United States to the court of Versailles, with a salary of four thousand dollars per annum.

Resolved, That Mr. Jay be empowered to appoint a private secretary, with a salary of one thousand dollars per annum.

Resolved, That Mr. Laurens, when he enters upon his mission to the United Provinces of the low countries, be empowered to appoint a secretary, with a salary of one thousand dollars per annum.

Resolved, That the commissioners for negotiating a peace, in case Mr. Dana shall not return, appoint a

secretary to the commission, with a salary of one thousand dollars per annum.

Resolved, That the commission of minister plenipotentiary from the United States of America to the court of Petersburg be revoked; and that a commission issue to Francis Dana, esquire, constituting him resident at the said court.

Resolved, That when he shall have been received in that character, he be empowered to appoint a private secretary, with a salary of eight hundred dollars per annum, who shall remain in office till Congress think it proper to make another appointment.

Resolved, That the appointment of no secretary to any of the northern courts in future shall exceed one thousand dollars per annum; and that the appointments of a secretary to the embassy in France, Spain and Holland, shall in future be two thousand dollars, excepting such secretaries as have been heretofore appointed.

Resolved, That the salary of a minister plenipotentiary from the United States, from the first day of January next, shall not exceed five thousand dollars, and that of a resident, three thousand; but that an allowance be made for household expenses, at and after the following rates:

Dollars.

To the minister plenipotentiary at the court of Versailles,	-	-	-
To the minister in Spain,	-	-	
To the resident in the United Provinces,			
a minister being unnecessary,	-	-	



To the resident at the court of Petersburg, and at each of the other northern courts, - - - - -

Dollars.

Annual expense of the department of foreign affairs, exclusive of contingencies.

Secretary of the United States for the department of foreign affairs,		\$4,000
1st under secretary, Lewis R. Morris,		800
2d under secretary, Peter S. Du Ponceau,		700
Clerk, the Rev. Mr. Tetard,		500
		<hr/>
		6,000
Doctor Franklin,	£2,500 at 4s.6d.	11,111 $\frac{1}{3}$ $\frac{0}{8}$
Mr. Jay,	2,500	11,111 $\frac{1}{3}$ $\frac{0}{8}$
Mr. Adams,	2,500	11,111 $\frac{1}{3}$ $\frac{0}{8}$
Mr. Laurens,	1,500	6,666 $\frac{2}{3}$ $\frac{0}{8}$
Mr. Carmichael,	1,000	4,444 $\frac{4}{3}$ $\frac{0}{8}$
Mr. Dana,	1,000	4,444 $\frac{4}{3}$ $\frac{0}{8}$
Mr. Dumas,	200 louis d'ors,	920
Consul,		1,500
		<hr/>
		57,308 $\frac{2}{3}$ $\frac{0}{8}$
Private secretary to Dr. Franklin,	- -	
Private secretary to Mr. Adams,	- -	

MAY 27, 1782.

The secretary for foreign affairs having laid before Congress a copy of a letter which he proposes to write to the honourable Francis Dana; and it being

moved to consider the letter by paragraphs, a motion was made by Mr. Madison, seconded by Mr. Rutledge, that the consideration of the letter be postponed to make way for a motion which they intended to make, and which was read in the way of argument.

And the consideration of the letter being postponed—

On motion of Mr. Madison, seconded by Mr. Rutledge,

Resolved, That Mr. Dana be instructed not to present his letters of credence to the court of Petersburg, until he shall have obtained satisfactory assurance, that he will be duly received and recognised in his publick character.

Ordered, that the copy of the letter be returned to the secretary for foreign affairs.

MAY 28, 1782.

The secretary for foreign affairs laid before Congress the following verbal communication made to Mr. Livingston :

The minister of his most christian majesty has the honour to inform Mr. Livingston of several particulars relative to the negotiation that the court of London appeared disposed to open in Europe. The first steps were taken under the former administration. This remark is essential, because it is possible that the new ministers may take others more decisive; or it is equally possible that they may entirely change the system, and continue the war still longer.

Emissaries have been sent to Paris, and to the Hague, to sound, on the one hand, Mr. John Adams, in the hope that his connexion with some independent members might facilitate an accommodation; and, on the other side, in the hope that very advantageous offers might seduce his majesty, and engage him to make a separate peace to abandon his allies. The chevalier de la Luzerne is not informed of the steps that have been taken at Madrid, or by the states general.

The proposition made secretly to France tended to a partial peace. It offered France the possession of their conquests in the West Indies, the suppression of an English commissary at Dunkirk, and advantages in the East Indies. These offers were certainly satisfactory to his majesty; and he would have had no reason to reject them, if he had had no allies. But his engagements marked out another line of conduct. He replied, that how sincerely soever he was disposed to peace, he would commence no negotiations to this end without the participation of his allies. The emissary easily comprehended that this answer related as well to the United States as to Spain; and pretended that the condition was inadmissible; that England, in treating upon this foundation, would acknowledge the independence of her colonies, which made no part of her system. The minister of his majesty replied, that their independence was considered by the king as an indispensable point, and that it made the basis of his system.

The English agent then demanded, if there were no means to avoid treating with us of the affairs of Ameri-

ca. The count de Vergennes replied by referring him to the answer given to the first overtures of pacification made by the mediators, and communicated to Mr. Livingston.

It should be observed, that whether England treats of the affairs of the United States with the court of Versailles, or whether she opens a direct communication with the United States, she cannot avoid treating with the American negotiators sent by Congress. In either case she will be under the necessity of acknowledging that body.

The conduct of his majesty on this occasion being strictly conformable to justice and his engagements, his minister confines himself to a simple communication of it to Mr. Livingston. He confides also to him, that M. le count de Vergennes, in declaring to the English agent that his majesty could not listen to any negotiations of peace if the court of London did not treat at the same time with his allies, added verbally, that the king did not attend to his own satisfaction till that of his allies was procured.

Besides this, the effects of these steps taken by the court of London have been to engage France to pursue with redoubled vigour the measures that have given birth to these appearances of peace, but which would certainly not terminate in it, if England perceived that her enemies relaxed their efforts in any manner. It is above all things indispensable, that the United States should, in the course of this campaign, be in a situation to co-operate in vigorous enterprises, which may be formed. It appears that the design of the court of London, pointed out by the debates in parliament, is

to reduce, by a defensive war, their operations upon this continent. The minister of his most christian majesty has at present no information relative to the plans of the approaching campaign. But whatever they may be, it would be useful to be enabled to inform his court that the United States will not adopt an inactivity which would be equivalent to the truce required. But that their design is to trouble the repose that the enemy wish to deliver themselves to, and that the operations, whether combined or separately undertaken by the United States, will be pushed with activity during the ensuing campaign.

As to the place of the negotiations, Congress knew in 1779, when they named a plenipotentiary, and in 1781, when they gave him three colleagues, that it could only be in Europe, and that this was the most effectual means of preventing delays and jealousy, and of maintaining the confidence and harmony which has so happily subsisted hitherto between the allies. It would be important that the minister of his majesty could inform his court, that Congress persists in these dispositions; and that in case commissaries offer to treat upon this continent, they should be referred to the ministers of the United States, who are provided with instructions on this subject in Europe; that the court of London should address itself to them; and that it is impossible that the seat of negotiation should be in America. When these overtures were made to the court of Versailles the agent made no mention of those that were to be made in America, or to the American ministers in Europe. It is obvious that the design of this conduct is to inspire reciprocal distrust; and the

chevalier de la Luzerne conceives it can in no way more effectually be prevented than by a full communication of every circumstance which shall relate to the pacification, and to the interests of the alliance which shall come to his knowledge.

On a report of a committee, consisting of Mr. Ramsay, Mr. Madison and Mr. Clarke, to whom were referred the foregoing letters from the superintendent of finance and secretary for foreign affairs,

Resolved, That the minister plenipotentiary of the United States at the court of Versailles be instructed to take immediate measures for liquidating the accounts subsisting between the said states and the said court, and report a state thereof to Congress.

Resolved, That a commissioner be appointed to liquidate and finally settle the accounts of all the servants of the United States who have been intrusted with the expenditure of publick moneys in Europe.

MAY 29, 1782.

Ordered, That the superintendent of finance prepare and report to Congress, proper instructions for the commissioner to be appointed to liquidate and finally settle the accounts of all the servants of the United States who have been intrusted with the expenditure of publick moneys in Europe.

Resolved, That the salaries and allowances to which the publick servants of the United States are or shall be entitled, be in future paid by the superintendent of finance out of the moneys which shall from time to time

be in his hands ; and that the said publick servants be authorized to make quarterly drafts on him for that purpose.

MAY 31, 1782.

On a report of a committee, consisting of Mr. Madison, Mr. Clarke and Mr. Wharton, to whom was referred the foregoing verbal communication of the honourable the minister plenipotentiary of France to the secretary for foreign affairs,

Resolved, That the secretary for foreign affairs acquaint the minister plenipotentiary of France, that the signal proofs of inviolable constancy to his engagements, given by his most christian majesty in the answer to the attempts of the British court to seduce him into a separate peace, has been received by Congress with the sentiments with which it ought naturally to inspire faithful and affectionate allies, and entirely corresponds with the expectations which the magnanimity and good faith of his past conduct had established. That Congress embrace with particular satisfaction this occasion to renewing to his most christian majesty the assurances which they have so often and so sincerely repeated, of a reciprocal and equal resolution to adhere, in every event, to the principles of the alliance, and to hearken to no propositions of peace which are not perfectly conformable thereto.

That the insidious steps which the court of London is pursuing render it improbable that any propositions conformable to those principles will be made to the United States ; but that in case such propositions

should be made, Congress will not depart from the measures which they have heretofore taken for preventing delay, and for conducting the discussions of them, in confidence, and in concert with his most christian majesty ; and that as Congress observe, with the warmest approbation, the purpose of his most christian majesty to oppose to the false appearances of peace held out by Great Britain, those redoubled efforts which may render her sincerely disposed to it, so his majesty may be persuaded, that they are not less impressed with the necessity of such concurrent exertions on the part of the United States, as may frustrate the views of the common enemy in the new system which their policy seems to have adopted on this continent.

JUNE 3, 1782.

A letter of May 31st, from the superintendent of finance being read—

On motion of Mr. Smith, seconded by Mr. Boudinot,

Resolved, That the resolution of the 29th of May, respecting the payment of the salaries and allowances of the publick servants (see page 137) be reconsidered and committed.

JUNE 5, 1782.

On a report of the committee, consisting of Mr. Madison, Mr. Ramsay, and Mr. Osgood, to whom was recommitted the resolution of the 29th of May,



Resolved, That the resolution passed on the 29th of May, relative to the salaries and allowances of the publick servants of the United States, be and hereby is repealed; and that from and after the first day of August next, warrants be issued quarterly on the treasurer of the United States for one fourth part of the annual salaries and allowances respectively made to the said publick servants employed in foreign parts.

JUNE 13, 1782.

The United States in Congress assembled having received a letter from his most christian majesty, dated March 3, 1782, giving information of the death of the princess Sophia Philipina Elizabeth Justina, of France, agreed to the following answer :

The United States in Congress assembled, to their great, faithful and beloved friend and ally, Lewis the sixteenth, king of France and Navarre.

GREAT, FAITHFUL AND BELOVED FRIEND AND ALLY,

We learn with extreme grief, an event which has disturbed your majesty's felicity; and unite with you in offering that tribute of sorrow to the memory of your most dear and beloved aunt, the princess Sophia Philipina Elizabeth Justina of France, which is due, as well to the eminent virtues she possessed, as to the relation in which she stood to your majesty. We trust that our sensibility on this occasion will be considered as a fresh proof of the interest we take in every event which may affect your majesty; and that our sincere

condolence, when such afflictions as are the lot of humanity put it out of our power to offer more effectual consolation, will evince our earnest desire on every occasion to contribute to your majesty's happiness.

We pray God, dear, great, faithful friend and ally, always to preserve and keep you under his holy protection.

Done at Philadelphia, the 13th day of June, in the year of our Lord, one thousand seven hundred and eighty-two, and in the 6th year of our independence. By the United States in Congress assembled. Your majesty's faithful friends and allies.

#### JULY 2, 1782.

On a report from the superintendent of finance, to whom was referred a letter of 12th April, 1781, from William Lee, esquire,

Ordered, That the secretary of foreign affairs inform Mr. William Lee that he apply for payment of the moneys due to him to Mr. Benjamin Franklin.

#### JULY 3, 1782.

On motion of Mr. Duane, seconded by Mr. Madison—

Whereas it appears that the Spanish governours or military commanders in the West Indies, continue to permit British prisoners captured by them to be sent to posts occupied by the British forces within these

United States; and such prisoners may be employed to aid the common enemy, and to annoy these states :

Resolved, therefore, That the secretary for foreign affairs transmit a state of the facts to the minister plenipotentiary of the United States at the court of Madrid; and the said minister is instructed to renew his representations to his catholick majesty on this subject.

JULY 17, 1782.

The committee, consisting of Mr. Madison, Mr. Duane and Mr. Clymer, appointed to revise the instructions given to Mr. J. Adams, relative to a treaty of commerce with the United Provinces of the Netherlands, having submitted the following remarks and resolutions :

They observe, that in the treaty between the United States and his most christian majesty, it is among other things stipulated, that the subjects of the parties may by testament, donation or otherwise, dispose of their goods *immoveable*, as well as moveable, in favour of such persons as to them shall seem good; and their heirs, wheresoever residing, may succeed them *ab intestat* without being obliged to obtain letters of naturalization.

That the second article of the proposed treaty between the United States and the United Provinces, with which the minister plenipotentiary of the former is charged, contains a general stipulation to the subjects of the parties that they shall enjoy mutually the same commercial exemptions and privileges as are or may be allowed to the most favoured nations; under

which general stipulation claims and expectations may be excited in the subjects of the United Provinces of an entire equality under the laws of the United States with the subjects of his most christian majesty.

That the sixth article of the said proposed treaty proceeds further, and expressly stipulates, that the subjects of the parties may, by will or otherwise, dispose of, to such persons as to them may seem good, the effects, money, debts or goods *immoveable*, as well as moveable, which they have, or ought to have within the dominions of either of the parties; and *their* heirs, although not naturalized, shall freely and quietly take possession of all the said goods and effects whatever, according to the laws of each country respectively, in such manner however that the wills and right of entering upon the inheritances of persons dying intestate, must be proved according to the laws in those places where such person may happen to die, any law, statute, custom or right whatsoever notwithstanding.

That in the opinion of the committee, it is not altogether clear that the stipulation of the right above stated to the subjects of his most christian majesty does not encroach on the rights reserved by the federal articles to the individual states; and very clear that an extension of it to the subjects of other powers than of Spain will be chargeable with such encroachments.

That without enquiring into the inequality of this stipulation, as it will be probably exercised by the citizens of the United States and the subjects of the United Provinces, or into the inconveniences which may result from an indefinite license to aliens to possess real property within the United States, the com-

mittee infer from the repugnance shown by some of the states to such an indulgence to the subjects of France, notwithstanding the special clause in the federal articles relative to that country, and our peculiar relation to it, that the compliance of the states with a like engagement to another power will be extremely precarious.

That in order to avoid these difficulties and consequences it appears to the committee expedient to resolve as follows :

That the minister plenipotentiary for negotiating a treaty of amity and commerce with the United Provinces of the low countries be and he is hereby instructed so to vary the tenor of the *second* and *sixth* articles in the plan of a treaty transmitted to him, as to exclude all right or pretext in the subjects of either of the contracting parties to acquire or hold within the dominions of the other party any real estate, or estate of inheritance, whatsoever ; and to be careful not to admit into other parts of the said treaty any terms or expressions from which such right or pretext may be inferred ; provided, that the said minister plenipotentiary be at liberty to depart from this instruction in case he shall have taken steps towards a conclusion of a treaty with the United Provinces which, in his opinion, are inconsistent therewith.

On the question to agree to the resolution, the yeas and nays being required by Mr. Madison—

New Hampshire, Mr. Gilman, No. 7X

Massachusetts,	Mr. M. Osgood, Mr. Lovell, Mr. Jackson,	No. } No. } No. } No.
Rhode Island,	Mr. Cornell, Mr. Howell,	No. } No. } No.
Connecticut,	Mr. Root, Mr. Huntington, Mr. Dyer,	No. } No. } No. } No.
New York,	Mr. Duane,	Ay. } ×
New Jersey,	Mr. Clarke, Mr. Condict, Mr. Witherspoon,	Ay. } Ay. } No. } Ay.
Pennsylvania,	Mr. Montgomery, Mr. Smith, Mr. Clymer,	No. } No. } Ay. } No.
Delaware,	Mr. Dickinson, Mr. Wharton,	No. } No. } No.
Maryland,	Mr. Hanson,	Ay. } ×
Virginia,	Mr. Madison, Mr. Bland, Mr. Lee,	Ay. } No. } No. } No.
South Carolina,	Mr. Rutledge, Mr. Ramsay, Mr. Izard, Mr. Middleton,	Ay. } No. } No. } No. } No.
Georgia,	Mr. Telfair, Mr. Jones, Mr. Few,	No. } No. } No. } No.

So it passed in the negative.

JULY 25, 1782.

Ordered, That Tuesday next be assigned for electing a commissioner to liquidate and finally settle the accounts of all the servants of the United States, who have been intrusted with the expenditure of publick moneys in Europe ; (see page 137) and that Monday next be assigned for settling the salary to be allowed to the said commissioner.

On motion of Mr. Montgomery, seconded by Mr. Lee,

Resolved, That the resolution of the 28th of May last, for the appointment of a commissioner to liquidate and finally settle the accounts of all the publick servants of the United States, who have been intrusted with the expenditure of publick money, be reconsidered.

On motion of Mr. Bland, seconded by Mr. Wither-  
spoon,

Ordered, That the said resolution be committed.

AUGUST 6, 1782.

The committee, consisting of Mr. Rutledge, Mr. Duane, Mr. Madison, Mr. Osgood, and Mr. Montgomery, appointed to revise and consider the instructions from Congress to Mr. Jay, and to report if any and what alterations or additions should be made to them, reported as follows :

That the minister plenipotentiary at the court of Spain be instructed, in case any propositions be made

to him by the said court for a treaty with the United States, to decline acceding to them until he shall have transmitted them to Congress for their approbation; unless the treaty proposed be of such a tenor as to render his accession thereto necessary to the fulfilment of the stipulation on the part of the United States contained in the separate and secret article of their treaty with his most christian majesty; in which case he is to conclude such treaty on the first requisition of his catholick majesty.

Resolved, That Mr. Jay be at liberty to leave Spain, and go into any other part of Europe, whenever the state of his health may require it.

A motion was made by Mr. Rutledge, seconded by Mr. M'Kean, to strike out the words, "*in which case,*" &c. to the end of the first resolution; and on the question, Shall those words stand, the yeas and nays being required by Mr. Telfair—

New Hampshire,	Mr. Gilman,	No. } X
Massachusetts,	Mr. Osgood, Mr. Jackson,	No. } No. }
Rhode Island,	Mr. Cornell, Mr. Howell,	No. } No. }
Connecticut,	Mr. Root, Mr. Huntington, Mr. Dyer,	No. } No. } No. }
New York,	Mr. Duane, Mr. Scott,	No. } No. }



New Jersey,	Mr. Clarke, Mr. Condict, Mr. Witherspoon,	No. } No. } No. }	No.
Pennsylvania,	Mr. Montgomery, Mr. Smith, Mr. Clymer,	Ay. } No. } Ay. }	Ay.
Delaware,	Mr. M'Kean, Mr. Wharton,	No. } No. }	No.
Maryland,	Mr. Hanson,	No. } No. }	×
Virginia,	Mr. Madison, Mr. Bland, Mr. Lee,	No. } No. } No. }	No.
North Carolina,	Mr. Williamson, Mr. Blount,	No. } No. }	No.
South Carolina,	Mr. Rutledge, Mr. Ramsay, Mr. Izard, Mr. Middleton,	No. } No. } No. } No. }	No.
Georgia,	Mr. Telfair, Mr. Jones, Mr. Few,	No. } No. } No. }	No.

So it was resolved in the negative.

On the question to agree to the first resolution as amended,

Resolved, n. c. d. in the affirmative.

On the question to agree to the second resolution,

Resolved, n. c. d. in the affirmative.

AUGUST 7, 1782.

On motion of Mr. Rutledge, seconded by Mr. Telfair,

Resolved, That the minister plenipotentiary at the court of Spain be instructed to forbear making any overtures to that court, or entering into any stipulations in consequence of overtures which he has made.

Ordered, That the instructions passed yesterday be redrawn, so as to comprehend the above, which is to be inserted immediately before "in case," as follows:

Resolved, That the minister plenipotentiary of the United States at the court of Spain be instructed to forbear making any overtures to that court, or entering into any stipulations in consequence of overtures which he has made; and in case any propositions be made to him by the said court for a treaty with the United States, to decline acceding to them until he shall have transmitted them to Congress for their approbation, unless the treaty proposed be of such a tenor as to render his accession thereto necessary to the fulfilment of the stipulation, on the part of the United States, contained in the separate and secret article of their treaty with his most christian majesty.

Resolved, That Mr. Jay be at liberty to leave Spain, and go into any other part of Europe, whenever the state of his health may require it.

## AUGUST 1782.

On the 17th of November, 1781, the delegates for Massachusetts laid before Congress the following act of the legislature of that state.

“Commonwealth of Massachusetts, Oct. 27, 1781.

“It appearing to this court of the highest importance to the United States in general, and to this state in particular, that the right to the fisheries heretofore enjoyed by the subjects of the United States, should in a future settlement of peace be acknowledged and secured to them: Therefore,

“Resolved, That the delegates in Congress for this commonwealth be and they are hereby instructed, to represent to Congress the importance of the fisheries to this state, and to use their utmost influence that instructions be given to the ministers appointed by Congress for negotiating a peace, in the most pressing manner to insist, that the free and unmolested exercise of this right be continued and secured to the subjects of the United States of America, in a future settlement of peace.

“And it is further resolved, That the secretary be and he is hereby directed, to forward the foregoing resolve without delay to the delegates in Congress for this commonwealth.”

The foregoing, together with sundry papers relative to the fisheries, was referred to a committee, con-

sisting of Mr. Lovell, Mr. Carroll and Mr. Madison, who on the 8th January, 1782, reported as follows :

The committee to whom were referred the several papers relating to the fisheries have duly considered the same, and are of opinion, that the best security for this object, short of admitting it into the ultimatum for peace, will be a representation to his most christian majesty, through our ministers for negotiating peace, of its great importance to the United States, and of the grounds upon which it is claimed and expected ; and being also of opinion that a like representation touching the other claims of the United States excluded from the ultimatum would have a tendency no less salutary, they have prepared instructions to the said ministers in this comprehensive plan, and report the same as follows for the consideration of Congress :

That the ministers plenipotentiary for negotiating peace, or in case they should not be convened, the minister plenipotentiary at the court of Versailles, be instructed to acquaint his most christian majesty, that notwithstanding the occasion presented to the United States, by the signal and various advantages gained over the enemy, of enlarging their ultimatum for peace, the firm reliance which Congress have on the friendship and influence of his majesty has determined them not to depart from their resolution of the day of        last, by which all the objects of their desires and expectations, excepting only the independence of the United States and their alliance with his majesty, are eventually submitted to his councils. But that in order to make him more fully sensible of the

extent and foundation of these desires and expectations, have thought it expedient that some observations should be made to him relative to the several objects which are most likely to fall within the compass of negotiation.

One of these objects, and which is intimately connected with the independence of the United States, is the exterior boundary by which their extent is to be defined. On this occasion it is to be observed, that our contest will be with his Britannick majesty alone. Under his authority the limits of these states, while in the character of colonies, were established; to these limits the United States, considered as independent sovereignties, have succeeded. Whatsoever territorial rights, therefore, belonged to them before the revolution, were necessarily devolved upon them at the era of independence.

Those grounds support the assertion, that the United States are bounded as they are declared to be in the instructions given to Mr. Adams on the        day of August, 1779.

As the efforts of his Britannick majesty will be principally directed against the western and northwestern boundary, the observations on this subject may be confined thereto.

The treaty of Paris of, 1763, to which his most christian majesty and the British king were parties, restricted those colonies, which were before extended by their charters to the sea, to the river Mississippi. To this river then these states will still extend in the same manner, unless by some subsequent constitutional and rightful act their limits have been abridged.

The negotiations on this head will probably assume a variety of forms. None perhaps will be more strenuously urged than those which arise from his Britannick majesty's proclamation on the 7th day of October, 1763, the treaty of Fort Stanwix, in 1768, between him and the Six Nations, and the British statute in 1774, establishing, among other things, the boundaries of Quebec.

1. If it can be supposed that the purpose of the proclamation was to affect the boundaries of the United States, it must be remembered to be the act of the very prince against whom we contend; that it preceded, a short time only, the manifestation of those wicked and oppressive measures which gave birth to the revolution; and that it directly interfered with the rights accruing to the colonies by the ancient and more solemn acts of his predecessors.

But by the prohibition to the governours of the other colonies than of Quebec, East Florida, or West Florida, to grant warrants of survey, or pass patents "for the present, and until his (the British king's) farther pleasure should be known," for any lands beyond the heads or sources of any of the rivers, which fall into the Atlantick ocean from the west and northwest, is strongly shown an opinion that there were lands beyond the heads of those rivers within the grants of the governours.

By the prohibition too to grant warrants of survey, or pass patents for any lands whatever, which, "not having been ceded to or purchased by the British king, were reserved to the Indians, or any of them," a restriction of territory could not have been designed by a king,

who granted the charters to the colonies, knowing that they would interfere with the rights of the Indians, who has always considered a cession, or purchase from the Indians, not so much the source of a title as a milder means of preventing their hostility, who, since the date of the proclamation, has granted through the prohibited governours themselves large quantities of land beyond the heads of those rivers, and whose own geographer, in a map describing and distinguishing the British, Spanish and French dominions in America, according to the aforesaid treaty of Paris, carries the states of Georgia, North Carolina, South Carolina and Virginia, as far as the Mississippi.

In a word, this part of the proclamation seems to have been intended merely to shut up the land offices, not to curtail limits; to keep the Indians in peace, not to relinquish the rights accruing under the charters, and particularly that of pre-emption.

2. The treaty of Fort Stanwix is susceptible of a similar answer, by viewing it as an instrument of peace, not the conveyance of a title. For there is reason to believe, that the British king has never ratified it; and yet it is notorious that his governours have granted lands within the cession then made.

If it be said that the authority to grant those lands was derived from the treaty of Lancaster, in 1744, here then is a forcible illustration of our doctrine. For on what principle, but on account of peace, could the British king have attempted to procure a new cession of the same country? On the other hand, if the authority to grant those lands was not derived from the

treaty of Lancaster, it can rest on no other foundation than that of his charters.

3. The Quebec act is one of the multiplied causes of our opposition, and finally of the revolution. No stress, therefore, ought to be laid on it; even if in its operation it abridged the boundary of the states. But the provision, that nothing therein contained relative to the boundary of the province of Quebec should in any wise affect the boundaries of any other colony, excludes such an operation, and confirms chartered rights.

Should Great Britain retain that portion of the United States bordering on the Mississippi, the neighbourhood of her possessions will be imminently dangerous to our peace. Should she also retain Canada and West Florida, or even Canada alone, by applying herself to the settlement of that country, and pushing on her trade there with vigour, a new nursery for her marine will speedily be established.

From a full confidence that the western territory now contended for lay within the United States, the British posts therein have been reduced by our citizens, and American government is now exercised within the same; large bounties of land have been promised to the army; and we have relied on it as an important source for discharging the debts incurred during the war.

For a considerable distance beyond the Appalachian mountains, and particularly on the Ohio, American citizens are actually settled at this day. By the surrender therefore of the western territory to Great Britain, a large number of fencible men, men too who have



not been behind any of their fellow citizens in the struggle for liberty, would be thrown back within her power.

But a decisive objection exists against this mutilation of our country, that the principle by which it would be limited to the distance of a mile only from the Mississippi, would justify mutilations to an immense extent.

Another claim is the common right of the United States to take fish in the North American seas, and particularly on the banks of Newfoundland. With respect to this object, the said ministers are instructed to consider and contend for it, as described in the instructions relative to a treaty of commerce, given to John Adams on the twenty-ninth of September, 1779, as equally desired and expected by Congress with any of the other claims not made ultimata in the instructions given to the ministers plenipotentiary for negotiating a peace on the        day of        last, and are therein referred to as objects of the desires and expectations of Congress. They are also instructed to observe to his most christian majesty with respect to this claim, that it does not extend to any parts of the sea lying within three leagues of the shores held by Great Britain or any other nation. That under this limitation it is conceived by Congress, a common right of taking fish cannot be denied to them without a manifest violation of the freedom of the seas, as established by the law of nations, and the dictates of reason; according to both which the use of the sea, except such parts thereof as lie in the vicinity of the shore, and are deemed appurtenant thereto, is common to all na-

tions, those only excepted who have either by positive convention, or by long and silent acquiescence under exclusion, renounced that common right; that neither of these exceptions militate against the claim of the United States, since it does not extend to the vicinity of the shore, and since they are so far from having either expressly or tacitly renounced their right, that they were prior to the war, though indeed not in the character of an independent nation, in the constant, and even during the war, in the occasional exercise of it; that although a greater space than three leagues has in some instances been, both by publick treaties and by custom, annexed to the shore as part of the same dominion, yet, as it is the present aim of the maritime powers to circumscribe, as far as reason will justify, all exclusive pretensions to the sea, and as that is the distance specified in a treaty to which both Great Britain and his majesty are parties, and which relates to the very object in question, it was supposed that no other distance could, in the present case, be more properly assumed; that if a greater or an indefinite distance should be alleged to be appurtenant by the law of nations to the shore, it may be answered, that the fisheries in question, even those on the banks of Newfoundland, being of so vast an extent, might with much greater reason be deemed appurtenant to the whole continent of North America than to the inconsiderable portion of it held by Great Britain; that Congress expect, with greater assurance, the concurrence of his majesty in these ideas, since his own claim to the fisheries would, by a contrary doctrine, be suspended on the mere concession of Great Britain, in-

stead of resting on the solid and honourable basis of the law of nations, and of right ; that if Great Britain cannot, by virtue of her occupancy of the shore, claim an exclusive use of the fisheries beyond the vicinity thereof, and a right to the common use is incident to the United States as a free and independent community, they cannot admit that they have no such right, without renouncing an attribute of that sovereignty which they are bound, as well by respect for his majesty's honour as for their own interests and dignity, to maintain entire ; that this right is no less indispensable in its exercise than it is indisputable in its principles, the inhabitants of a considerable part of the United States being dependent thereon, both for a material proportion of their subsistence, and for the means of their commerce ; and as they were in the full enjoyment of this resource prior to the revolution, the loss of it by an event from which very different expectations have been cherished, and which ought to bestow, as far as possible, equal advantages on all who have laboured equally for its accomplishment, could not fail to be attended with disappointment, and mortifying comparisons : that from these considerations, Congress have the most earnest desire, as well as the most sanguine hope, that his majesty's efforts will obtain for his allies a stipulation on the part of Great Britain, not to molest them in the common use of the fisheries, as above stated ; or, if insuperable difficulties should oppose a positive stipulation in their favour, that his majesty will in every event find means to avoid a surrender of that common right ; that whilst, however, this latter expedient is suggested to his majesty,

it cannot escape his discernment that it is so pregnant with dangerous consequences, that the former cannot be contended for with too much urgency and zeal.

That with respect to the confiscated property of those who have adhered to the interests of the enemy, and which may possibly be claimed for the former owners, the aforesaid ministers are to observe to his majesty, that these confiscations having taken place, more or less, in almost all the states; and having undergone various transfers from individual to individual, a specifick restitution is absolutely impracticable; and when the vast amount of them is compared with the ravages and burdens which the war will leave behind it, an equivalent restitution would be little less than impracticable; that as the general usage of nations, as well as the particular law of Great Britain, excludes aliens from holding real and immoveable estates, the moment our national independence was assumed, the titles of all those who, on or prior to that event, espoused the side of the enemy, became, under strict construction, extinct; and that such as afterwards deserted to them, falling under the denomination of traitors, have forfeited not only their estates but their lives to their country; that although it were to be admitted that the peculiarity of circumstances which distinguish the present war between the United States and Great Britain, from a war between two nations separate and independent at its origin, affords some plea for reversing the confiscations, this consideration is far outweighed by the great value of which the citizens of these states have, contrary to the laws of war, been despoiled by the enemy, and the still greater

losses which they have suffered from wanton destruction ; in both which, those who have fled, or been expelled from their country, have been often the chief instigators and instruments ; and the first of which, many of them have enriched themselves greatly beyond their losses.

That the ministers further observe to his majesty, that any stipulations authorizing such fugitives and exiles from their country to return into it, would not only be dishonourable to the governments of these states, but so obnoxious to the people at large, and especially to such as have been the objects of their outrages, that it is the particular wish of Congress that it may be most strenuously opposed ; that such a permission is the more to be dreaded, as it could only be intended for such as are totally devoid both of honour and sensibility, who alone would avail themselves of a privilege that would subject them to the indignation and resentments which they had provoked.

That as it is not improbable the subject of commerce will, among others, be introduced into the negotiation, the ministers be instructed to observe thereon to his most christian majesty, that the United States, as a free and sovereign nation, being the absolute masters as well of their commerce as of their government, no claim of right can nor probably will, be pretended with respect to the former, by those who relinquish such pretension with respect to the latter ; that it is the wish and the policy of the United States to preserve their commerce as unfettered as possible with stipulations in favour of nations with which they are now unconnected, and particularly of that with which

they are now at war; that this policy cannot but coincide with the sentiments of his majesty, since it alone will leave to his allies the future opportunity of manifesting their preference of his interests to those of his enemies and rivals; that Congress do for these reasons most earnestly desire, expect and entreat that his majesty will spare no efforts that may be necessary to exclude from a treaty every article which would restrain the United States from imposing on the trade of Great Britain any duties, restrictions or prohibitions which may hereafter be judged expedient; unless, and so far only, as a relaxation in this point may be essentially necessary for obtaining peace, or the several objects abovementioned.

On the 22d of January, 1782, the foregoing report was referred to another committee, consisting of Mr. Carroll, Mr. Randolph and Mr. Montgomery, who on the 16th day of August, 1782, reported, that they have collected facts and observations as follows, which they recommend to be referred to the secretary for foreign affairs, to be by him digested, completed and transmitted to the ministers plenipotentiary for negotiating a peace, for their information and use.

**Facts and Observations in support of the several  
Claims of the United States not included in their  
Ultimatum of the 15th of June, 1781.**

1. Our common right to take fish in the North American seas, and particularly in that part of them which goes under the name of the banks of Newfoundland,

has its origin in the natural incapacity of the sea to be appropriated.

The practice of nations hath, for the sake of safety and tranquillity, abridged this freedom of the ocean, by annexing to the coast a reasonable tract of the water; and Great Britain, by availing herself of this usage, may possibly arrogate the exclusive enjoyment of the banks, as appurtenant to the island of Newfoundland.

These banks, the nearest point of which is thirty-five leagues distant from Cape Race, are too far advanced in the Atlantick to be a dependance of the shores. There has been great division among writers in determining to what extent the sea is to be considered as incidental to the territory which it washes. Some have apportioned one hundred miles, others sixty, and others as much as could be seen from land in a fair day. See Anderson's history of commerce, 2 vol. 17. appendix.

If we pass from theory to the stipulations of treaties, we shall find better aid, but by no means uniformity. By better aid, we mean British precedents; for against these, a British king surely will not struggle.

In the second year of James the first, commissioners were appointed on the part of England and Scotland, to treat of and conclude a union between the two kingdoms. By the articles for the regulation of trade, the sea, for the space of fourteen miles from the coast of Scotland, was reserved to Scotchmen only; and it was reciprocally provided in favour of Englishmen. See Spotswood's history of Scotland, 483, and 2 Anderson, Appendix, 17.

Should this example be thought to lose the force of its application, from having been the agreement of the subjects of one and the same prince, a letter may be quoted from secretary Staunton to lord Carlton, the English ambassador at the Hague, bearing date the 21st of January, 1618. In it the ambassador is commanded to urge the states general, in the name of king James, to publish a placart prohibiting their subjects to fish within fourteen miles of his coasts until the main business should be finally accomodated by commissioners.

The treaty of Paris, in 1763, to which his most christian majesty as well as his Britannick majesty was a party, excludes the French from the exercise of the fishery in the gulf of St. Lawrence only within three leagues from the shore, extending the distance round Cape Breton to fifteen leagues.

By inspecting the ancient treaties between England and the dukes of Brittany and Burgundy, we shall find that the portion of the sea which is supposed to belong to the coast is so far from being increased beyond fourteen miles, or even three leagues, that the liberty of fishing in every part thereof is asserted. See treaties between Henry sixth, and the dutchess of Burgundy; Edward fourth, and Francis, duke of Britanny; Henry seventh, and Philip fourth, arch duke of Austria; and duke of Burgundy and Henry eighth and Charles fifth, emperor and duke of Burgundy.

Had the kings of England esteemed the fisheries the property of the crown, they would not have admitted aliens to a promiscuous fishing with their own subjects



without some valuable consideration, or an acknowledgment by way of *salvo jure*. But, instead of a proceeding like this, they have in a succession of ages deliberately omitted to challenge to themselves the sole right of the fisheries.

Queen Elizabeth too, being involved in a dispute with the king of Denmark concerning the fishery at Wardhuys, near the North Cape, instructs her plenipotentiaries to deny that "the property of the sea at any distance whatsoever is consequent to the banks." The king of Denmark does not attempt in his reply to establish what she had thus denied, but rests his exclusive claims upon the authority of old treaties between the two crowns. See Rymer's *Fœdera*, tom. 16th, p. 425.

Thus it appears, upon strict principles of natural law, the sea is unsusceptible of appropriation; that a species of conventional law has annexed a reasonable district of it to the coast which borders on it; and that in many of the treaties to which Great Britain has acceded, no distance has been assumed for this purpose beyond fourteen miles.

Were these rules then allowed to influence the pretensions of Great Britain with respect to the banks of Newfoundland, they would be readily condemned. Nor could they be supported, were the sea appendant to the shore as far as thirty leagues, the greatest distance, perhaps, which has at any time been ceded to the king of England by treaty.

Nations may indeed, either by positive contract, or by long and silent acquiescence under exclusion, re-

nounce their privileges in the sea. But the United States have not only never disclaimed their right of fishing therein, but have been in the constant enjoyment of it during the existence of British government, and occasionally so ever since the revolution.

It deserves attention, that the fisheries furnish the inhabitants of a considerable part of the United States with an important proportion of their subsistence, and the means of their commerce. Should they lose this resource by the accomplishment of independence, an event from which very different expectations have been cherished, and which ought to bestow equal advantages on all who have laboured equally in giving birth to it, such a loss cannot fail to be attended with disappointment and mortifying comparisons.

As it is the aim of the maritime powers to circumscribe, as far as equity will suffer, all exclusive claims to the sea, we trust his most christian majesty will coincide with our present doctrines. Perhaps, however, the ninth and tenth articles of the treaty of amity and commerce may be supposed, from a little ambiguity in their language, to forbid us to insist on a participation of the fisheries on the banks of Newfoundland and in the gulf of St. Lawrence, as being frequented and enjoyed by the subjects of France. But what is the genuine construction of these articles ?

The ninth begins with a general stipulation, that the subjects of one party shall abstain from fishing in all places possessed or to be possessed by the other ; interdiction those of France from fishing in the havens, bays, creeks, roads, coasts or places which the United States hold, or shall hereafter hold, as well as the in-

habitants of the United States, from fishing in the havens, bays, creeks, roads, coasts or places which the most christian king possesses, or shall hereafter possess. But this exclusion is to take place only so long and so far as an exemption shall not in this respect have been granted to some other nation.

The tenth article binds the United States and their citizens not to disturb the subjects of the most christian king in the exercise of the right of fishing on the banks of Newfoundland, nor in their indefinite and exclusive privileges on the coast of the island of that name, conformably to the true sense and meaning of the treaties of Utrecht and Paris.

If it can be truly said, that the fisheries in the gulf of St. Lawrence and on the banks of Newfoundland are possessed or holden by France, the citizens of the United States are entitled, according to the provision of the ninth article, to like access with the subjects of Great Britain.

But the sea cannot be holden or possessed, these terms implying appropriation. They accord well with havens, bays, creeks, roads or coasts; and also with "places," should this word be confined, as it ought to be in its interpretation, to waters susceptible of occupancy.

Had it been conceived that the ninth article debarred the United States from fishing on the banks of Newfoundland, it would have been unnecessary to guard in the tenth against the molestation of the French in fishing there. Besides, an engagement not to disturb, does of itself import that the citizens of the United States may fish, if they do not disturb.

There seems too a remarkable antithesis between the right of fishing and the right derived from the treaty of Utrecht, as to the coast of the island of Newfoundland. The former is called simply the enjoyment and exercise of the right of fishing; but the latter is more pointedly denominated indefinite and exclusive. In a word, we are persuaded, from our experience of the candour and friendship of his most christian majesty, that it was not his design to depress the United States by thrusting them from a share of the fisheries, which Providence appears to have destined for their use; but rather to secure the fisheries of his own country from encroachment, and his subjects from interruption in those of America.

2. With respect to the boundaries of the states. The patent to the council of Plymouth, bearing date the 18th of November, 1620, is the parent from which the eastern states proceed.

New Hampshire claims under the royal commission appointing Benning Wentworth, esquire, governour of that province, on the 13th July, in the fifteenth year of the reign of George the second.

Massachusetts claims under the charter granted by William and Mary, on the 17th October, 1691. The treaty of Paris fixes the Mississippi as the western limit of the old colony of Massachusetts Bay, which is one of the colonies incorporated by that charter. See old charter of 4th March, 1628-9.

The charter of April 23, 1662, granted by Charles the second to Winthrop and others, is the ground of the territorial claims of Connecticut. The treaty of

Paris is allowed to restrict that state also to the Mississippi.

On the 8th July, 1662, the same prince granted the charter under which Rhode Island claims.

New York assigns, as sources of her title, the grant from Charles second to the duke of York, in 1663, the capitulation of the Dutch in the same year, the treaty of Westminster, 1674, and the renewal or confirmation of the duke's grant immediately after the treaty. This state adds, that the lands on the west side of Connecticut river belong to it under the farther [right] accruing by the subjection of the Five Nations, the native proprietors; and that the country, as far northward as the river St. Lawrence, and westward without known limits, is the property of New York, as having been formerly possessed by those tribes of Indians and their tributaries. The treaties with those nations in 1684, 1701, 1726, 1744, and 1754, are particularly referred to.

On the 23d June, 1664, the duke of York conveyed, out of his aforesaid grant to lord Berkeley and sir George Carteret, the limits which New Jersey claims. Upon this ground, and the resignation of the government into the hands of the crown on the 14th August, 1703, is the title of this state built.

Pennsylvania claims under the charter granted by Charles the second, on the 4th of March, 1681-2, to William Penn.

Delaware claims under two grants from the duke of York to William Penn, on the 24th August, 1683.

On the 20th June, 1632, Charles the first granted to lord Baltimore the limits which Maryland claims.

Virginia claims under the charter granted by James first, on the 23d of May, 1609, to the treasurer and company, the resumption of the country into the hands of the king, and the charter of Charles second to the colony of Virginia, on the 10th October, 1676. The treaty of Paris marks its western boundary.

North Carolina and South Carolina claim jointly in the first instance under the charter of 1662, to Clarendon and others, and its confirmation in 1664, with an extension of limits. The British statute of 1729, enabling the king to pay the consideration of the surrender of the proprietors, makes a material point in their case. The separate claims of these two states depend upon the act which divided them. The treaty of Paris defines the western boundary of each.

The first grant on which Georgia relies, is that made to the trustees on the 8th June, 1732, and limited to the west by the treaty of Paris. The second grant is the proclamation of 1763.

Were the lands included within these limits merely such as were granted to individuals and settled, or granted and not settled, at the time of the revolution, they could not be brought into controversy. For no question can arise concerning boundaries until the recognition of independence; and this event, by deposing the king of Great Britain from the rank of lord paramount and chief magistrate of America, destroys the only principles by which lands falling within the two preceding descriptions could return into his power. But the views, interests and conduct of his Britannick majesty forbid us to expect that he will acknowledge

the territory remaining ungranted at the era of independence to be, in like manner, the property of the United States, or of the particular states within the limits of which it is comprised.

It is therefore incumbent on us to show—

First, That the territorial rights of the thirteen United States, while in the character of British colonies, were the same with those defined in the instructions given to Mr. J. Adams on the                    day of August, 1779; and,

Secondly, That the United States, considered as independent sovereignties, have succeeded to those rights; or,

Thirdly, That if the vacant lands cannot be demanded upon the preceding grounds, that is, upon the titles of individual states, they are to be deemed to have been the property of his Britannick majesty immediately before the revolution, and to be now devolved upon the United States collectively taken.

First, So fair are our pretensions rendered by the united operation of the grants, charters, royal commissions and Indian cessions enumerated above, that we shall content ourselves with reviewing the objections which will most probably be urged against them, without entering into direct proofs of our titles.

First objection. Even upon the supposition that the charter of Massachusetts is valid, so as to cover the vacant lands, still it does not follow, that St. John's river is part of its eastern boundary. For that river is contended to be in Nova Scotia under the expression in the new charter of Massachusetts, in 1691, which conveys the country between the province of

**Maine and Nova Scotia.** The southwest boundary of Nova Scotia, therefore, will regulate this claim. But it is well known that in the altercation between France and Great Britain upon this very subject, in 1751, Acadia, or Nova Scotia, was asserted by the latter to be bounded by Pentagoet or Penobscot river.

**Answer.** It is to be observed, that when the boundaries of the United States were declared to be an ultimatum, it was not thought advisable to continue the war merely to obtain territory as far as St. John's river; but that the dividing line of Massachusetts and Nova Scotia was to be consigned to future settlement. It must be confessed also that this country, which is said in the new charter to border on Nova Scotia and the province of Maine, on opposite sides, and which goes under the name of Sagadahock, cannot be proved to extend to the river St. John, as clearly as to that of St. Croix. But there is some reason, notwithstanding, to believe that Nova Scotia was never supposed by the British King, in any grant to his subjects, to come to the south of St. John's river, although he might have exacted from France a relinquishment of the lands to the river Penobscot, or even Kennebeck, as a part of Nova Scotia.

The first notice taken of Nova Scotia by the king of Great Britain was in a grant which he made of that country to sir William Alexander, on the 10th September, 1621. According to this grant, it was to begin at Cape Sable, to extend towards St. Mary's bay, to cross the great bay between the Etchemins and Sourigois to the mouth of the river St. Croix, to run up to the source of that river, and from thence by a strait line



drawn northwardly to the great river of Canada. On the 12th July, 1625, a patent issued to the same sir William Alexander, confirming to him the same.

These grants could not reach to the west of St. Croix, "because" (say the English commissaries in their memorial of the 11th January, 1751, s. 42,) "all the country to the westward of the river St. Croix had, in the year 1620, before the date of the first of them, been granted by king James to certain of his subjects, by the name of the council of Plymouth, of which grantees sir William Alexander was one, and who, by virtue of an agreement among the said grantees, possessed the country lying between the river St. Croix and Pemaquid, a little to the westward of Pentagoet."

Popple's map, which was undertaken, as the author relates, with the approbation of the lords commissioners of trade and plantations, makes St. Croix the western boundary of Nova Scotia. Champlain expressly bounds Acadia by St. Croix to the westward. We may add, as being further corroborative of this western limit of Nova Scotia, that the English commissaries themselves, in their reply of the 4th October, 1751, commend the map in the fourth volume of Purchas's Pilgrim as the first ancient map of Nova Scotia and New England deserving notice; the latter of which they assert to be bounded northwardly, as is delineated in the map, by the river St. Croix. The same commissaries afterwards remark, that it is clear from history that the country between the rivers Sagadahock and St. Croix had been settled many years earlier than the date of the new charter of Massachusetts; and that

Great Britain considered it as a part of her American colonies. It could not have been included within Nova Scotia, since it is expressly contradistinguished from it. Sagadahock too is granted to the duke of York under the description of "all that part of the main land of New England beginning at a certain place called or known by the name of St. Croix adjoining to New Scotland in America."

Should it be argued, that it was manifestly the opinion in England at the time of granting the new charter that the lands between the rivers Sagadahock and St. Croix were not included within the limits of Massachusetts, since grants of them were not valid until confirmed by the crown;—an answer arises from two considerations. First, this charter incorporates these lands into the province of Massachusetts in unequivocal terms; and, secondly, one at least of the counsellors directed to be chosen yearly for the province at large, was to be from the inhabitants or proprietors of lands within this territory. The board of trade and plantations on the 29th April, 1700, declared in a solemn act, that New England ought of right to extend to St. Croix. See the act.

It does not appear then, that Nova Scotia hath ever been carried to the west of the river St. Croix in any British grant, or any British document relative to New England. We own that in the memorials of the court of Great Britain to the French court, after the peace of Aix-la-Chapelle, relative to the boundaries of Nova Scotia, Penobscot river is sometimes asserted to be one of its boundaries, and Kennebeck, at others. But nothing is proved from thence, but a desire in the British

king to procure an absolute release from France of all her pretensions, however distant. For a general discussion on this subject, see the British and French memorials on the occasion, and the treaties of St. Germain, on the 29th of March, 1632, of Westminster, 3d November, 1655, and of Breda, 31st July, 1667.

As to the territory of Sagadahock, which is synonymous with the lands between the province of Maine and Nova Scotia, conveyed by the new charter, we can only observe upon the expression already cited from the grant thereof to the duke of York, that the "place called St. Croix adjoining to New Scotland" must mean the territory which went by that name. Had the river only been designed, it alone would have been mentioned. It seems to have been the practice of those times to denominate a country from a river which bounded it. The river Sagadahock accordingly, at first, gave its own appellation to the whole country as far as the river St. Croix, and afterwards to the country from thence to St. Johns, which had before been called St. Croix. The *place*, therefore, called St. Croix, adjoining to New Scotland, was most likely intended to describe the lands between the rivers St. Croix and St. Johns. History does not inform us that any particular spot of them was known as St. Croix. But as the first course of the grant to the duke of York plainly runs from Nova Scotia to Massachusetts along the seacoast, it is probable that it was to begin at the first point in the country of St. Croix on the coast. This must have been on St. John's river. And as the last line of the grant is not closed, it is more agreeable to the usage of those days to adopt a natural boundary. For this pur-

pose, St. John's river was obvious as far as its head, and afterwards a line to the great river of Canada. See grant to the duke of York for Sagadahock, 12th March, 1663-4.

We are obliged to urge probabilities, because in the early possession of a rough unreclaimed country accuracy of lines cannot be much attended to. But we wish that the northeastern boundary of Massachusetts may be left to future discussion, when other evidences may be obtained which the war has removed from us.

Second objection. But let the new charter of Massachusetts comprehend, by its expressions, the country from the river St. Croix to that of St. Johns, and the title papers of the other states cover by their terms ever so much land, they cannot be supposed, at this day, to justify such wide limits as are demanded in Mr. Adams's instructions of August, 1779.

For 1. The charters of Massachusetts, Connecticut, Virginia, North Carolina, South Carolina and Georgia, never had any serious western limit, since the South Sea was thought to be nearer the Atlantick than it really is; and if its true position had been known, such a grant would have been too extravagant.

2. The charters of Virginia, North Carolina and South Carolina, were granted to proprietors, and that of Georgia to trustees, and were afterwards resumed into the king's hands. It is therefore incumbent on those states to show, either their right of succession to the proprietors and trustees, in opposition to the resumption of the crown, or an obligation on the crown to appropriate to them, when changed into royal go-

vernments, the same boundaries which they held when proprietary or fiduciary.

3. The treaties with the Five [Nations] under which New England claims, transferred to that colony no title to their lands.

4. The proclamation of 1763 abridged all the colonies which claimed beyond the sources of the rivers falling into the Atlantick to those sources.

5. By the treaty of Fort Stanwix, in 1768, the king of Great Britain bought from the Six Nations, in his own name, a great part of the country claimed by Virginia to the west of the Alleghany mountains; and by several other treaties with the Indian tribes, purchases have been made within its chartered limits, from which it may be inferred, that this colony was before destitute of right to the lands so purchased: And,

6. The statute of the British parliament, commonly called the Quebec act, in 1774, cuts off the extensive claims of the United States.

Answer to objection second, part first. It cannot be admitted that even a miscomputation of the distance between the Atlantick and Pacifick oceans, vitiates the charters which extend from the one to the other. In every contest among the European powers concerning the soil of America, the validity of charters hath been conceded. See treaties of Germain, Westminster, and Breda, and the memorials of the commissaries above referred to.

The king of Great Britain will not fail to acknowledge their sacredness while he calls to mind the doctrine of the British laws, by which the charters of corporations are protected. Of how much more im-

portance is a charter granted to the suffering explorers of the American wilderness.

It is also remarkable, that during the rage for the sacrifice of American charters in the reign of Charles II. some of them were vacated by the judgments of a court, by which their former legal existence was recognised; and that the arbitrary administration of a Stuart himself would not attempt to destroy a charter without the formality of legal process. An American charter then, being thus respectable in its nature, equity will not suffer it to be annulled on account of a misconception of its contents, when the grantees could not possibly [have] contributed to the mistake by fraudulently withholding information upon the subject, and when the king hath never pretended that he was deceived, or erred. But had the interval between those seas been precisely ascertained, it is not probable that the king of England would have divided the chartered boundaries now in question into more governments. For perhaps his principal object at that time was to acquire by that of occupancy which originated in this western world, to wit, by charters, a title of the lands comprehended therein against foreign powers. The seacoast too was not in his opinion more than sufficient for the territory of a single colony, as is manifested in the charter to Virginia, in 1609; and the interior parts, overspread as they were by savages, and distant as they must be from that relief from Europe, without which the new settlements would certainly have perished, would have been a pitiful instance of royal bounty, and no temptation to emigrants; nor is this merely conjectural. Let the charters which run to the South

Sea be reviewed in chronological order. By this it will be found, that these extensive limits did not creep in through inadvertence, as they were repeated long after the error had been removed as to the distance of that sea.

On the 23d of May, 1609, James I. granted the charter under which Virginia claims.

On the 3d of November, 1620, the charter to the council at Plymouth was granted.

On the 4th of March, 1628-9, the charter of the old colony of Massachusetts was dated.

On the 20th of March, 1662, the first charter of Carolina was granted.

On the 20th of April, 1662, Connecticut received its charter.

On the 30th of June, 1664, the second charter of Carolina was granted.

On the 7th of October, 1691, the new charter of Massachusetts, which among other things re-established the old colony, was granted.

In 1732, Georgia was erected into a separate government.

If it be necessary to seek other illustrations, an appeal may be made to the act of the British parliament in 1729, (2 G. 2. ch. 34.) which has been already noted, and recites the charter of Carolina as extending to the South Sea. Nay, as late as the year 1740, five commissioners were appointed on the part of the king, and five on that of lord Carteret, to assign to his lordship his one eighth of Carolina, which he had refused to surrender; and the South Sea was fixed the western limit of the territory allotted to him. We cannot for-

bear to add a general concession from the crown in the several charters, that when doubts should arise, the construction should be strict against himself, and liberal in behalf of the grantees.

Answer to second part of second objection. The facts related in this branch of the second objection are true; but we shall not attempt to prove that the colonies of Virginia, North Carolina and South Carolina, were lawful successors to the rights of the proprietors. We assume, that the lands described by the charters of those colonies were, from their necessary operation, subjected to the jurisdiction of the governments of those colonies respectively; and therefore, that they would have constantly remained so subject during the existence of the proprietary administration, even if the proprietors had had a right to throw them off from that jurisdiction, unless some act of dismemberment had been done. But we protest against such a right of dismemberment being lodged in the proprietors, except with the assent of the people.

The charters of the abovementioned colonies were contracts, to which the king, the proprietors and the emigrants and their posterity were parties. The consideration paid by the king for the product of mines and of future commerce, was the protection of the proprietors and emigrants. The proprietors disbursed money for the expenses of the first settlement, and were the owners of the soil, and the managers of the government. The emigrants were the actual improvers of the country, promising themselves and their descendants the superintending care of their sovereign, a mild government of the pro-



prietors, and a continuance of the boundaries defined in their charters. We say a continuance of the boundaries : For there were good grounds why the first planters should be opposed to an alteration of boundaries at the will of the proprietors. 1. A power to restrain the proprietors from separating them into different bodies, and obliging them to defray the charges of government in many feeble hamlets, was essential to their welfare, if not to their safety, and was therefore very probably in their contemplation. 2. The southern district of British America was believed to be fertile in the precious metals. The greater therefore the extent of territory was which lays within a government there, the happier was the prospect of obtaining wealth. 3. Had the proprietors been at liberty to disperse the inhabitants into distinct societies by cantoning the chartered limits into any number of new colonies, the opportunity for oppression would have been ruinous. They might have exacted some hard service, and threatened their tenants with a division of their country on failure of compliance ; by which means they would have been exposed to the severe alternative of acquiescing in the tyranny or undergoing the ravages of Indian warfare from the difficulties inevitably attendant upon concentrating the force of various communities. 4. The emigrants hoped that themselves and their posterity would find a facility of living unknown in Europe, and freedom in religion. How obviously might the former, connected as it is with agriculture and manufactures, and the latter, dependent as it also sometimes is upon the association of persons of a similar persuasion, have been prevented

by an arbitrary and malicious contraction of limits. 5. These ideas are supported by the charters themselves. The proprietors and settlers of South Virginia had received a charter on the 10th April, 1606, of which, and the liberties and privileges contained therein, that of 23d of May, 1609, is declared to be an enlargement and explanation, and is an express confirmation. S. 27. These two charters then forming one system in the same manner with two laws, one of which enlarges and explains the other, it is correct to argue from both.

The first charter recites, that sir Thomas Gates and his fellow adventurers were desirous of dividing themselves into two several colonies and companies. § 2. In section 2, the king commends the undertaking; in section 4, gives one hundred miles square to the first colony; and the like quantity in s. 5, to the second. This cannot be said to favour any subdivision of chartered territory. S. 4 and 5. Every other subject was prohibited from planting, or inhabiting behind either of the two colonies. This prohibition was plainly dictated by the danger apprehended from the establishment of distinct governments. In no part of this charter is provision made for the government of more than two colonies. It was impossible then for the proprietors to institute different governments. A new and separate colony erected by their authority could not have a seal, establish a coin, and convey the franchises of British natives to persons born therein of British subjects, nor designate grantees of land. In short, the charter of 1606 does constantly discountenance divisions of the territory

for the purpose of additional provinces. The transition is now easy to the charter of 1609. It was granted not to the adventurers, that is, the proprietors only, but to the planters also ; not from undue partiality, but from respect to their great charges, and the hazard of their lives in the discovery and plantation of the country. Here is a valuable consideration paid by the planters, equal in dignity to the merit of the proprietors, and entitling them to demand that the territory be not impaired. Like observations to those on the charter of 1606 may be used on this occasion. Had the proprietors carved out a new government, it could have acquired its rights, as such, only from a fresh grant from the crown, or the charter of 1609. If the crown must have been resorted to; the charter could not have authorized the measure. But the truth is, that the charter enabled the treasurer and company of adventurers and planters of the city of London for the first colony of Virginia only, to plead and be impleaded; to hold lands within the limits of the charter; to distribute lands under a common seal; to have a council resident in England; to search for mines; to encourage emigration from British dominions; to be free from certain subsidies for twenty years; to seize vessels trafficking without license within the precincts of the charter; and to dispense criminal and martial law: nor are the liberties of natural subjects granted to any person born within the limits of the charter, but as those limits constitute the first colony of Virginia. In a third charter passed to the treasurer and company of Virginia, on the 12th March, 1711-12, the same unity is preserved to the first colony throughout, and a separation is not

alluded to in the most distant way. But it is an argument of real force with respect to Virginia, that the charters of 1609 and 1611-12 were granted to the treasurer and company as a corporation, and that it is a firm principle of British law, that a corporation cannot exclude from their jurisdiction lands placed within it by the terms of its constitution. Analogous to the charters of Virginia are those of the two Carolinas, or more properly of Carolina, respecting the indivisibility of their limits. The territory described therein, and the province of Carolina, are synonymous in many instances.

In the last clause but two in the second charter, the royal word is pledged to the proprietors, "their heirs and assigns, and to the tenants and inhabitants of the said province or territory, both present and to come, and to every of them, that the said province or territory and the tenants and inhabitants thereof, shall not from henceforth be held or reputed any member or part of any colony whatsoever in America, or elsewhere, now transported or made, or hereafter to be transported or made; nor shall be depending on or subject to their government in any thing, but be absolutely separated and divided from the same." Nay, so little was the power of altering the limits conceived to be inherent in the proprietors, that the authority to divide the territory into counties was delegated to them in positive terms.

It must however be confessed, that before the surrender of the charter, in 1729, North and South Carolina had each a governour, council and assembly. But this separation of jurisdictions was not the crea-

ture of the proprietors alone, but was effected with the approbation of the inhabitants, some of whom laboured under great inconvenience from having the metropolis and the settled country around it distant from them three hundred miles and upwards. See Lawson's history of Carolina, p. 256.

The example of New Jersey cannot be cited against the right of the people to demand from the proprietors an entirety of territory. For the very grant upon which they rest expressly warrants an equal division between lord Berkeley and sir George Carteret. See the duke of York's grant. The argument from hence would rather be, that when the power of division was intended it was specially mentioned.

It would be tedious to detail, in this place, the many passages in the charters to lord Baltimore and Mr. Penn, which maintain the principle, that the first limits ought to be permanent. So opposite to private emolument was the office of the trustees of Georgia, that they enjoyed no right which was not for the benefit of the people. The limits granted to the trustees were in fact granted to them.

What change, then, was wrought by the conversion of the proprietary governments of Virginia, North Carolina and South Carolina, and the fiduciary one of Georgia, into royal?

Virginia. It is needless to inquire whether the charter of 1609 was abolished lawfully or not. Because, as its abolition was the act of the king, he cannot contend that it was produced by violence or injustice; and the company and their successors have yielded to the resumption from 1624 to this day, without bringing

it to a forensick discussion, or endeavouring to reverse it by a petition to the crown. Either of these remedies was easy, and constitutional. But a superiour reason is, that a dispute between the king and company, two of the three parties to the charter, ought not to prejudice the people of Virginia, who were the third, who stipulated with the proprietors for the territorial privileges in the charter with the privity, assent and guaranty of the king, who could not profit from a rupture between him and the proprietors, and ought not therefore to be injured.

But what if the king had not been an immediate party? Surely his succession to the rights of the company brought with it a succession to their engagements respecting territory; unless James I. as king of England, was authorized to violate, in spoliation of his own subjects, that rule of natural law under the influence of which his Prussian majesty bound himself, upon obtaining Silesia, to be answerable to the British king for encumbrances imposed on that country by the empress of Hungary in his favour.

It is a warrantable corollary from the inability of the proprietors to mutilate the limits in the charter of 1609, that the king standing in their place was alike incapable. This reasoning is not impeached by the divisions which the chartered limits of Virginia have undergone. They were made at periods when the people could not feel an interest in opposing them; when extreme loyalty was the highest virtue; when they were weak. The quotation of their submission in this instance, as an evidence of their consciousness of the king's right, would be somewhat unnatural; since it

would suppose, that other men in the same circumstances would probably have acted otherwise.

The objections springing from the proclamation and Quebec statute will be discussed hereafter.

That the king of England thought himself bound to consider the colony of Virginia as possessing the limits of the charter of 1609, except in those cases in which it had been abridged before 1669, appears from the charter of 10th October, 1676. There the colony of Virginia is mentioned in general terms without definite limits. To confine it to the country then settled, would be inconsistent with its professed design of encouraging the plantation, and would exclude nine tenths of the present inhabitants. Not to confine it thereto, would demonstrate that Virginia was believed by Charles II. to comprehend some vacant land, and consequently that she must hold all the vacant land within the charter of 1609; since a single foot could not be demanded through any other channel. Long ago would the people themselves have required some determinate limits, had they not imagined that the charter of 1609 described them. So far too has the king of England been from marking out the boundaries of Virginia in the charter of 1609, or in any instructions to his governours, that he has by various acts corroborated our principle, that after the extinction of the charter they remained the same as before. For near thirty years has the governour of Virginia, acting under his authority and with his knowledge, granted lands on the west side of the Alleghany mountains. In 1748-9 sir William Gooch, governour of Virginia, was instructed to grant to the Ohio company lands far

westward of the Alleghany mountains, but still as the instruction and the letter enclosing it says, "On the Ohio within his majesty's colony of Virginia." In 1758, an act was passed by the assembly of Virginia for the encouragement of settlers on the waters of the Mississippi. To this act the royal assent was given. In 1754, an act was passed by the same legislature for a similar purpose, in which Virginia is declared to possess lands on and near the waters of Mississippi. A very large sum of money has been levied upon the people of Virginia for the defence of that country. All this has been done with the knowledge and consent of the British king. In the year            the governour and council of Virginia granted a tract of land at the confluence of the Ohio and Mississippi bounding upon both rivers. In 1754, Mr. Dinwiddie, governour of Virginia, promised, by his proclamation, a bounty of 200,000 acres of land on the western waters to the officers of the first Virginia regiment. The many land warrants issued by lord Dunmore, governour of Virginia, were directed to be located on the lands lying on the western waters. In 1773, courts were holden beyond the Alleghany mountains under the authority and particular direction of the governour of Virginia. The general observations applied to Virginia are applicable to the two Carolinas.

Of Georgia it may be said, that the proclamation of 1763 revived its chartered limits by annexing the lands between the Alatamaha and St. Mary's river to that province; for at the date of that edict a considerable part of the lands northward of Alatamaha was vacant;



and to suppose that by Georgia was meant that territory alone which had been granted to individuals, would annex the country south of Alatomaha, and shut out the vacant part lying on the north side of that river.

But as no reasonable solution could be given of so whimsical an arrangement of territory, we may conclude, that the vacant land on the north of Alatomaha was comprised in the term of Georgia. If so, since Georgia could claim vacant land only by virtue of the deed to the trustees, and that deed must have conveyed full limits, or nothing, it follows, that its territorial rights were restored, if they were affected by the surrender. But it has been already seen in what predicament the trustees stood. They were, what their title imports, mere trustees for the benefit of the province. Strangely then would it sound, that upon the refusal of those benevolent men, who had no personal interest in the trust, to persevere in fostering this infant nation, it must lose every thing, or in other words, hang on the pleasure of the king for a restitution of former rights.

Answer to third part of second objection. New York derives its claim from the Five Nations, insisting, 1st. That the king of England was lord of their soil. 2d. That being so, he transferred his seignory to that then province. The Five Nations (Iroquois, or Six Nations) had from ancient days put themselves and their lands under the protection of Great Britain. The duke de Mirepoix, in his memorial of the 14th May, 1755, to the ministry of London, denies that the lands

of the Five Nations became vested in his Britannick majesty by the deeds; but the answer returned by that ministry on the 7th June, in the same year, contends, that the 15th article in the treaty of Utrecht subjects the Five Nations to the dominion of Great Britain. That such subjection according to the genuine interpretation of treaties, relates to the country as well as to the person; and that France is precluded from altering these points with Great Britain, because she has once acknowledged their propriety. It will not therefore be insisted, that the territory of the Five Nations belongs to the ancient and just limits of Canada, as the foregoing assertions were urged to confront a pretension of France to this effect; nor will it be denied, that the king of Great Britain was, with respect to his subjects, at least lord of the soil of the Iroquois, by being their protector.

New York maintains, in the second place, that its legislative and executive proceedings from

to proves that this very Iroquois territory has been supported by its blood and treasure; that this circumstance does of itself create an equitable title, which has ripened into an indefeasible one, by Great Britain having always treated the country of the Iroquois and their tributaries up to the forty-fifth degree of northern latitude as transferred from itself to the government of New York. See documents to be furnished by the delegates of New York.

Answer to fourth part of second objection. The prohibition announced to the governours of all the

colonies, except those of Quebec, East Florida and West Florida, to grant warrants of survey, or pass patents "for the present and until his (the British king's) farther pleasure should be known," for any lands beyond the heads or sources of the rivers which fall into the Atlantick ocean from the west and north-west, strongly intimates an opinion, that there were lands beyond the heads of those rivers within the jurisdiction of those governours. Otherwise the prohibition would have been unnecessary. Again, by the injunction "not to grant warrants of survey, or to pass patents for any lands whatever which, not having been ceded to or purchased by the British king, were reserved to the Indians, or any of them," a restriction of territory could not have been designed by a king, who granted charters to his colonies, knowing that they would interfere with the rights of the Indians, who has always considered a cession or purchase from them as a milder mean of anticipating their hostility rather than a source of title, who since the date of the proclamation has granted, through the prohibited governours themselves, large quantities of lands beyond the heads of those rivers, and whose own geographer, Emanl. Bowen, in a map delineating the British, Spanish and French dominions in America, according to the treaty of Paris and this very proclamation, has carried Georgia, South Carolina, North Carolina and Virginia as far as the Mississippi. The single object of these parts of the proclamation was to suspend the business of the land offices, not to curtail limits; to keep the Indians in peace, not to annihilate the territorial rights of the colonies.

But it may be charged as an inconsistency to set up the proclamation as increasing the limits of Georgia, when it thereby plainly mutilates South Carolina. The fact is, that before and after the cession of Florida, South Carolina asserted a right to the lands between the rivers Alatomaha and St. Mary's. Georgia contradicted. The dispute was ended by this proclamation of the crown, and the title of Georgia is certainly confirmed. Could South Carolina do more than represent their grievance? Having done this, did she confess the authority of Great Britain to dismember her at will, because she did not fly to arms? Another reason might have induced South Carolina to relinquish its opposition with less reluctance. Peace and its incidents being the province of the chief magistrate of the British empire, and the lands between Alatomaha and St. Mary's having been rendered neutral by an agreement with Spain, they were separated from South Carolina. Now it might have been the opinion of some, that this circumstance weakened the original title. See treaty of Aix-la-Chapelle. Upon the prerogative of the crown to manage the affairs of peace, and the rights of France, depends the justice of limiting the American colonies to the Mississippi, by the treaty of Paris.

Answer to the fifth part of the second objection. Nor can the treaty of Fort Stanwix, in 1768, militate against Virginia. For the purchase then ratified did not imply a want of right in the king, but was solely, as was observed of the proclamation, an instrument of peace. Nor yet did he render the ceded lands exclusively his own; because the relation between him and

the American royal colonies required his name in all conventions with the Indians concerning territory, even when the benefit redounded to them alone; because the franchise of pre-emption had been often asserted by some of them, and particularly by New Jersey in 172—, by an act of the legislature approved by the royal governour; and because, in the exercise of that franchise, the wealth of the colony, within which the purchased lands lay, was commonly expended. It is true that Virginia, in 1769, asked permission to purchase a more extensive boundary: but the causes were, that the superintendent of Indian affairs, who had the absolute guidance of the Indian councils, could be conciliated only through the medium of the crown; and the British governour would have withholden his assent to any vote, levying money for the purpose of such a purchase, without the approbation of his master.

Answer to the sixth part of the second objection. The Quebec act was one of the multiplied causes of our opposition, and finally of the revolution. Even if it had been designed to abridge the boundaries of the colonies, the right of the British parliament to do so must be denied upon the grounds already shown. But the provision, that nothing therein contained relative to the province of Quebec should in any wise affect the boundaries of any other colony, destroys its operation with regard to those which are now required by us. Thus have we laid open the grounds of our claims to the boundaries specified in the instructions to Mr. J. Adams.

The second point, to wit, that the United States have succeeded as independent sovereignties to the territorial rights of the colonies.

The states claiming vacant lands before the revolution were, 1. Connecticut, a government belonging to the governour and company. 2. Pennsylvania, a government belonging to a few individuals. 3. Massachusetts, possessing an express charter as a royal government; and 4. Virginia, North Carolina, South Carolina and Georgia, which were originally proprietary governments, and afterwards became royal, but received no special charters as such.

1. Charles II. relinquishes, in his charter to Connecticut, all title to the lands therein described. Grants did not issue in his name, nor did escheats fall to him as lord paramount. The extinction therefore of the British jurisdiction in Connecticut cannot vest in the king of England a territorial right which he never enjoyed before, but must strip him of every possible authority in that state.

2. We affirm, without repeating the proofs, that the state of Pennsylvania retains its provincial limits. At the revolution one fourth of the ungranted soil was the property of Mr. J. Penn, and three fourths of W. Penn. Since that era the whole has been seized into the hands of the state. Mr. J. Penn, being a citizen of Pennsylvania, the king of Great Britain would grossly intrude on the sovereignty of the state, were he to interest himself in the restitution of his share. Prudential and equitable considerations ought always to curb licentious invasions of private right; but in the breast of the legislature resides the application of the

property within its jurisdiction. An injured citizen must acquiesce in the dispensations of the sovereign authority, or seek redress from remonstrances, or the last expedient of oppressed freemen. Mr. W. Penn was a British subject at the revolution, has continued to be so to this day, and is therefore an alien. His prince may advocate his interest without an infringement of decorum, and will probably be strenuous in his behalf. He will plead that alienage produced by the severance of an empire differs from both [birth] under a foreign allegiance. It will not be denied, that at the time of acquiring his landed rights he was not an alien. But the revolution has placed him in an opposite predicament. As he was then a friend, so he is now an enemy; and upon the restoration of peace, no other relation will subsist between the state of Pennsylvania and him, than what might have subsisted between that state and a subject of Russia. Since therefore he must share at the end of the war the disability to which aliens are liable upon principles of general as well as English law, as to the holding of immoveable property; since during the war it would be dangerous to tolerate remittances of its profit, specifick restitution is untenable upon any ground. Nor can compensation be solicited, although it should be absurdly thought that Pennsylvania is indebted to Great Britain for favours. Has not England set us an example in this business? While she possessed territory on the coast of France, within which it was lawful for French subjects to acquire and hold lands upon the same terms with the English, was it not her habit to wrest them from the former immediately upon a decla-

ration of war against their prince? Did she make compensations? It is remarkable too that the concessions of Mr. Penn, the original grantee to the province, allot to settlers nine tenths of the lands within the limits of the charter. Soon should we behold a new British colony composed of the choicest tools of tyranny emerge in the very bosom of Pennsylvania, were Mr. W. Penn permitted to grant the vacant country. And shall we reward him because we unnerve his faculty of doing harm?

3. At this stage of our inquiry we take for granted, that the king of Great Britain could not rightfully alter the limits assigned to Massachusetts in its new charter. Perhaps, however, it may be questioned whether Massachusetts can with propriety bottom its claims as an independent sovereignty upon a charter granted to it as a dependent colony. The charter appropriated to Massachusetts, as a society, certain limits. Let the supreme power be modified as it may, as the society remains the same, so do its rights. The argument of the objection extended one step farther implies, that the royal patents for land granted to individuals can convey no title at this day. What is the effect of this doctrine, but that a people must groan under every tyranny, or lose every privilege. All the lands in this colony were holden of the king in free and common soccage, the well known tenure in Great Britain; and grants to individuals ran in his name. In other words, he was lord paramount. In tracing the consequences of this paramountship, analogy will justify us in pursuing as the prototype the paramountship of Great Britain. The king is lord paramount there,



merely because he is king. For even the ancient barons, with their numerous vassals and formidable force, never affected this character. Accordingly, if at any time during or since the vigour of the feudal system, the immediate tenant of a baron had aliened lands to an alien, they were forfeitable to the king. The same was and is the doctrine where he committed treason. These forfeitures could not be founded on a defect of heritable blood ; because it would commence in the life of the alien or traitor, and because such a defect would restore the lands to the immediate lord of whom they were holden. But the forfeiture hath always devolved on the king, whose office it was as chief magistrate to guard against the residence of persons disaffected, as aliens generally are, and as traitors ever are, to the publick good. That the qualities of king and lord paramount are inseparable, appears from these facts: 1st. A king of Great Britain upon his accession to the throne receives no special investiture of power as lord paramount, but exercises it as a derivative from that of chief magistrate. 2d. The coronation oath relates to the functions of the lord paramount ; but the sanction from religion for the due discharge of them is comprehended in that for the faithful administration of the government. 3d. Upon the abdication of James second, the throne was declared vacant ; and neither his successor nor the people imagined it to be necessary to tear the paramountship from him by express words. Hence it follows, that he who ceases to be a king, ceases to be lord paramount. Again, in dealing out the lands of the kingdom, the British nation have conducted themselves with respect

to the king, as a bare trustee for publick benefit. When William third was squandering upon his minion the duke of Portland profuse grants of land, the parliament interposed, and put a stop to them. Hence it also follows, that if George third should become incapable of being their trustee, he would be also disqualified as lord paramount. If analogy be a faithful guide on this occasion, the inference is clear, that as George third was obeyed in Massachusetts as king of Massachusetts, not as king of Great Britain, and has ceased to be its chief magistrate, and in the nature of the thing cannot be its trustee, he is also extinct as lord paramount. For the justness of the analogy we appeal to that clause in the new charter of Massachusetts which grants to its colonists the immunities of British subjects. We defy those who shall undertake to show that the charter placed the rights of British American subjects with regard to the paramountship, upon a different footing from those of their fellow subjects of Great Britain; and we venture to pronounce the parallelism of the cases from the identity of the tenure. We may here add another inference, that as the paramountship was an indissoluble concomitant of the chief magistracy, and the state of Massachusetts succeeds to those powers which the British king formerly exercised as king of that then colony, that state does also succeed to the paramountship.

4th. The last division of the second point requires for its proof nothing more than a recapitulation of what has been already shown, to wit, that the proprietors could not separate the colonies of Virginia, North Carolina, South Carolina and Georgia; that

the king upon the resumption of their charters succeeded to the obligations of the proprietors, not only from the nature of the contract with the people, but from his own acts and those of his governours; that these colonies became thereby royal governments standing in the same rank with Massachusetts; that consequently the king of Great Britain was lord paramount of these colonies by being the chief magistrate of each of them; and that this chief magistracy, having fallen to them, carries with it the paramountship. Upon the whole, a decisive objection exists against the mutilation of the charters running to the Mississippi according to the treaty of Paris, namely, that the principle by which they would be limited to the distance of a mile only from the river, would justify mutilations to any extent.

The third point. But if the vacant lands cannot be demanded upon the titles of individual states, they are to be deemed to have been the property of his Britannick majesty, as sovereign of the thirteen colonies immediately before the revolution, and to be devolved upon the United States collectively taken. In agitating the case of these lands under this head, his Britannick majesty will be very forward in asserting that he was seized of them; so that proof will be superfluous. The character in which he was so seized was that of king of the thirteen colonies collectively taken. Being stript of this character, its rights descended to the United States for the following reasons: 1. The United States are to be considered in many respects as one undivided independent nation, inheriting those rights which the king of Great Britain enjoyed as not

appertaining to any one particular state, while he was what they are now, the superintending governour of the whole. 2. The king of Great Britain has been dethroned as king of the United States, by the joint efforts of the whole. 3. The very country in question hath been conquered through the means of the common labours of the United States.

What has heretofore been observed regards only the title of the United States. There are other considerations deserving attention. Should Great Britain retain that portion of the United States which borders on the Mississippi, the neighbourhood of her possessions will be imminently dangerous to our peace. Should she at the same time retain Canada and West Florida, or even Canada alone, by applying herself to the settlement of that country and pushing on her trade there with vigour, a new nursery for her marine will speedily be established.

From a full confidence that the western territory now contended for lay within the United States, the British posts therein have been reduced by our citizens, and American government is now exercised within the same; large bounties of land have been promised to the army; and we have relied on it as an important fund for discharging the debts incurred during the war. For a considerable distance beyond the Alleghany mountains, and particularly on the Ohio, American citizens are actually settled at this day. By the surrender therefore of the western territory to Great Britain, a large number of sensible men, men too who have not been behind any of their fellow citizens in

the struggle for liberty, would be thrown back within her power.

(Here follow some observations relative to the guaranty of France by the treaty of alliance, and the claims that may be set up by Spain. It then goes on :)\*

There are other objects that will undoubtedly occur in the course of negotiation.

The confiscation of the property of those who preferred an adherence to the old empire rather than to follow the fortunes of the new, was founded on those principles which have been discussed. The confiscation of the property of those who have committed treason against the United States, and are since become British subjects, has a foundation in the institutes of forfeiture in the British criminal code. Should restitution be urged in either of these cases, in defiance of the support which the measures of America derive from similar practices in England, it will be proper to represent the impossibility of making specifick restitution of the personal property ; the various transfers which the real has undergone from individual to individual, the great value of which the citizens of these states have, contrary to the laws of war, been despoiled by the enemy ; the still greater losses which they have sustained from their wanton havock ; the burdens which the war will leave behind it ; and the share which the claimants have borne in this spoliation and havock, and by the former of which they have enriched themselves far beyond their losses.

\* So in the original record.

Of absentees from their country there are three classes. 1. Those who left it before the declaration of independence. 2. Those who left it after having become citizens. And 3. Those who were expelled.— It must be readily seen how dishonourable and troublesome a stipulation for their return would be to the governments which they have deserted; how obnoxious the persons answering to this description would be to the people at large, and especially such as have suffered from their outrages; and how much the more this stipulation is to be dreaded, as none but those who are totally devoid of both honour and sensibility would avail themselves of a privilege, which would expose them to the indignation and resentments which they had provoked. Nor is it unworthy the circumspection of his most christian majesty to reflect, whether the restoration of those persons may not produce an unequal competition with his subjects in trade; many among them, besides the advantage which they possess from the knowledge of our language, having accurately informed themselves of the nature of our commerce from actual experience.

#### AUGUST 20, 1782.

The report being under debate for referring the foregoing facts and observations to the secretary for foreign affairs, to be by him digested, completed and transmitted to the ministers plenipotentiary of the United States for negotiating a treaty of peace—

A motion was made by Mr. Rutledge, seconded by Mr. Williamson, to postpone the consideration of the

report to make way for a motion which he read in his place by way of argument.

On the question for postponing, the yeas and nays being required by Mr. Telfair—

New Hampshire,	Mr. Gilman,	No. } ×
Massachusetts,	Mr. Osgood, Mr. Jackson,	No. } No. No. }
Rhode Island,	Mr. Cornell, Mr. Howell,	No. } No. No. }
Connecticut,	Mr. Root, Mr. Huntington, Mr. Dyer,	Ay. } Ay. } Ay. Ay. }
New York,	Mr. Scott,	Ay. } ×
New Jersey,	Mr. Clark, Mr. Witherspoon,	No. } No. No. }
Pennsylvania,	Mr. Montgomery, Mr. Smith, Mr. Clymer, Mr. Atlee,	No. } Ay. } No. No. } No. }
Delaware,	Mr. Wharton,	No. } ×
Maryland,	Mr. Hanson, Mr. Wright,	Ay. } Ay. } Ay.
Virginia,	Mr. Madison, Mr. Bland, Mr. Lee,	Ay. } Ay. } Ay. Ay. }
North Carolina,	Mr. Williamson, Mr. Blount,	Ay. } Ay. } Ay.

South Carolina,	Mr. Rutledge,	Ay.	} Ay.
	Mr. Ramsay,	Ay.	
	Mr. Izard,	Ay.	
	Mr. Middleton,	Ay.	
Georgia,	Mr. Telfair,	Ay.	} Ay.
	Mr. Jones,	Ay.	
	Mr. Few,	Ay.	

So the question was lost.

A motion was made by Mr. Witherspoon, seconded by Mr. Montgomery, that the report be committed; and on the question for commitment, the yeas and nays being required by Mr. Bland—

New Hampshire,	Mr. Gilman,	No.	> X
Massachusetts,	Mr. Jackson,	Ay.	> X
Rhode Island,	Mr. Cornell,	Ay.	} Ay.
	Mr. Howell,	Ay.	
Connecticut,	Mr. Root,	Ay.	} Ay.
	Mr. Huntington,	Ay.	
	Mr. Dyer,	Ay.	
New York,	Mr. Duane,	Ay.	} Ay.
	Mr. Scott,	Ay.	
New Jersey,	Mr. Clark,	Ay.	} Ay.
	Mr. Witherspoon,	Ay.	
Pennsylvania,	Mr. Montgomery,	Ay.	} Ay.
	Mr. Smith,	Ay.	
	Mr. Clymer,	Ay.	
	Mr. Atlee,	Ay.	
Delaware,	Mr. Wharton,	Ay.	> X
Maryland,	Mr. Hanson,	Ay.	} Ay.
	Mr. Wright,	Ay.	



Virginia,	Mr. Madison, Mr. Bland, Mr. Lee,	Ay. } Ay. } No. } Ay.
North Carolina,	Mr. Williamson, Mr. Blount,	Ay. } Ay. } Ay.
South Carolina,	Mr. Rutledge, Mr. Ramsay, Mr. Izard, Mr. Middleton, Mr. Gervais,	Ay. } Ay. } Ay. } Ay. } Ay. } Ay.
Georgia,	Mr. Telfair, Mr. Jones, Mr. Few,	No. } Ay. } Ay. } Ay.

So it was resolved in the affirmative.

#### SEPTEMBER 10, 1782.

On motion of Mr. Madison, seconded by Mr. Lee,  
Resolved, That the secretary for foreign affairs be  
and he is hereby directed, to obtain as speedily as possi-  
ble authentick returns of the slaves and other property  
which have been carried off or destroyed in the course  
of the war by the enemy, and to transmit the same to  
the ministers plenipotentiary for negotiating a peace.

On the question to agree to this, the yeas and nays  
being required by Mr. Wright—

New Hampshire,	Mr. Gilman,	No. } x
Massachusetts,	Mr. Osgood, Mr. Jackson,	Ay. } Ay. } Ay.
Rhode Island,	Mr. Cornell, Mr. Howell,	Ay. } No. } DIVIDED.

Connecticut,	Mr. Huntington,	Ay. }	} Ay.
	Mr. Dyer,	Ay. }	
New York,	Mr. Duane,	Ay. }	} Ay.
	Mr. L'Hommedieu,	Ay. }	
New Jersey,	Mr. Clark,	No. }	} No.
	Mr. Condict,	No. }	
	Mr. Witherspoon,	Ay. }	
Pennsylvania,	Mr. Montgomery,	Ay. }	} Ay.
	Mr. Smith,	Ay. }	
	Mr. Clymer,	Ay. }	
	Mr. Atlee,	Ay. }	
Delaware,	Mr. M'Kean,	Ay. }	} Ay.
	Mr. Wharton,	Ay. }	
Maryland,	Mr. Hanson,	No. }	} No.
	Mr. Carroll,	No. }	
	Mr. Wharton,	No. }	
Virginia,	Mr. J. Jones,	Ay. }	} Ay.
	Mr. Madison,	Ay. }	
	Mr. Bland,	Ay. }	
	Mr. Lee,	Ay. }	
North Carolina,	Mr. Williamson,	Ay. }	} Ay.
	Mr. Blount,	Ay. }	
South Carolina,	Mr. Rutledge,	Ay. }	} Ay.
	Mr. Ramsay,	Ay. }	
	Mr. Izard,	Ay. }	
	Mr. Gervais,	Ay. }	
	Mr. Middleton,	Ay. }	
Georgia,	Mr. Telfair,	Ay. }	} Ay.
	Mr. N. W. Jones,	Ay. }	
	Mr. Few,	Ay. }	

So it was resolved in the affirmative.

Resolved, That in the mean time the secretary for foreign affairs inform the said ministers, that many thousands of slaves, and other property to a very great amount, have been carried off or destroyed by the enemy; and that in the opinion of Congress, the great loss of property which the citizens of the United States have sustained by the enemy will be considered by the several states as an insuperable bar to their making restitution or indemnification to the former owners of property, which has been or may be forfeited to or confiscated by any of the states.

SEPTEMBER 14, 1782.

A motion was made by Mr. Lee, seconded by Mr. Bland,

That the several ministers of the United States in Europe, be instructed to conform strictly to the resolutions of Congress of 27th November and 3d December, 1781, by which the care and management of all moneys which have been or may be obtained in Europe, by loans or otherwise, have been committed to the superintendent of finance, to be disposed of by him according to appropriations of the United States in Congress assembled.

On the question to agree to this, the yeas and nays being required by Mr. Lee—

New Hampshire,	Mr. Gilman,	No. } ×
Massachusetts,	Mr. Osgood,	Ay. } ×
Rhode Island,	Mr. Cornell,	No. } DIVIDED.
	Mr. Howell,	Ay. }

Connecticut,	Mr. Huntington, Mr. Dyer,	No. } Ay. }	} DIVIDED.		
New York,	Mr. Duane, Mr. L'Homedieu,	Ay. } Ay. }		} AY.	
New Jersey,	Mr. Clark, Mr. Condict, Mr. Boudinot, Mr. Witherspoon,	Ay. } Ay. } No. } Ay. }	} AY.		
Pennsylvania,	Mr. Montgomery, Mr. Smith, Mr. Clymer, Mr. Atlee,	No. } No. } No. } No. }		} NO.	
Delaware,	Mr. M'Kean,	No. } X			} NO.
Maryland,	Mr. Hanson, Mr. Carroll,	No. } No. }			
Virginia,	Mr. Madison, Mr. Bland, Mr. Lee,	Ay. } Ay. } Ay. }	} NO.		
North Carolina,	Mr. Williamson, Mr. Blount,	No. } No. }		} AY.	
South Carolina,	Mr. Rutledge, Mr. Ramsay, Mr. Izard, Mr. Gervais, Mr. Middleton,	No. } Ay. } Ay. } Ay. } Ay. }			} AY.
Georgia,	Mr. Jones, Mr. Few,	Ay. } Ay. }	} AY.		

So the question was lost.

On motion of Mr. Madison, seconded by Mr. Duane,

Resolved, That the several publick ministers of the United States in Europe be informed, that the care

and management of all moneys which have been or may be obtained in Europe by loans or otherwise, having been committed to the superintendent of finance to be disposed of by him according to appropriations of the United States in Congress assembled, it is the instruction of Congress, that they conform in the strictest manner for this arrangement.

The committee, consisting of Mr. Duane, Mr. Montgomery and Mr. Madison, to whom was referred a letter of the 9th from the superintendent of finance, having reported that it be resolved, That the sum of five millions of dollars be borrowed on the faith of these United States for the service of the year 1783, on such terms as the same can be obtained :

And the same being postponed—

A motion was made by Mr. Rutledge, seconded by Mr. Williamson,

That a sum not exceeding five millions of dollars, including the money which Mr. Adams may obtain by the loan now negotiating in Holland, be borrowed in Europe, on the faith of the United States, and applied towards defraying the expenses which shall be incurred, and of those which during the present year have been incurred, for carrying on the war.

A motion was made by Mr. Duane, seconded by Mr. Madison, to strike out the word "including," and insert "exclusive of."

And on the question to agree to this amendment, the yeas and nays being required by Mr. Duane—

New Hampshire, Mr. Gilman, No. >x

Massachusetts,	Mr. Osgood, Mr. Jackson,	No. } No. }	No.
Rhode Island,	Mr. Cornell, Mr. Howell,	No. } No. }	No.
Connecticut,	Mr. Huntington, Mr. Dyer,	No. } No. }	No.
New York,	Mr. Duane, Mr. L'Hommedieu,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Clark, Mr. Boudinot, Mr. Condict, Mr. Witherspoon,	No. } Ay. } No. } No. }	No.
Pennsylvania,	Mr. Montgomery, Mr. Smith, Mr. Clymer,	Ay. } Ay. } Ay. }	Ay.
Delaware,	Mr. M'Kean,	Ay. }	Ay.
Maryland,	Mr. Hanson, Mr. Carroll,	Ay. } Ay. }	Ay.
Virginia,	Mr. Madison, Mr. Bland, Mr. Lee,	Ay. } No. } Ay. }	Ay.
North Carolina,	Mr. Williamson, Mr. Blount,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Rutledge, Mr. Ramsay, Mr. Izard, Mr. Gervais, Mr. Middleton,	Ay. } Ay. } Ay. } No. } Ay. }	Ay.

Georgia,

Mr. Jones,  
Mr. Few,Ay. } DIVIDED.  
No. }

So the amendment was lost.

A motion was then made by Mr. Rutledge, seconded by Mr. Duane, to strike out "five," and insert "four," and instead of "including," to read "exclusive of."

Question put,

Passed in the affirmative.

On the question to agree to the resolution, it was resolved in the affirmative as follows :

Resolved, That a sum not exceeding four millions of dollars, exclusive of the money which Mr. Adams may obtain by the loan now negotiating in Holland, be borrowed in Europe, on the faith of the United States of America, and applied towards defraying the expenses which shall be incurred, and of those which during the present year have been incurred for carrying on the war.

Resolved, That the superintendent of finance and secretary for foreign affairs take order for carrying the above resolution into effect, transmitting the same without delay to the ministers plenipotentiary of these United States at the court of Versailles and at the Hague.

Resolved, That the minister plenipotentiary of these United States at the court of Versailles be and he is hereby instructed, to communicate the foregoing resolution to his most christian majesty, and to assure his majesty of the high sense which the United States in Congress assembled entertain of his friendship and

generous exertions ; their reliance on a continuance of them ; and the necessity of applying to his majesty on the present occasion. And the said minister is further instructed, to co-operate with the superintendent of finance and secretary for foreign affairs in the most effectual means for giving success to the said loan.

On the report of a committee, consisting of Mr. Jackson, Mr. M'Kean and Mr. Rutledge, to whom were referred a letter of the 5th July, from the honourable J. Adams, and a letter of 11th July, 1782, from Wilhelm Jan Willink and Nichs. and Jacob Van Staphort, and de la Lande and Fynje, together with five several contracts or engagements entered into by the honourable J. Adams in behalf of the United States of America—

Resolved, That the following ratification be endorsed on the contracts, and the five translations of them into the English language, and signed by the President of Congress ; and that the secretary for foreign affairs transmit the said five contracts, with their translations so endorsed and signed, by the several safe conveyances that shall first offer for Holland or France.

The endorsement to be as follows :

Be it remembered, That the five several contracts or engagements entered into by the honourable John Adams, esquire, minister plenipotentiary of the United States of America to their high mightinesses the lords the states general of the United Netherlands, in behalf of the said United States, bearing date the eleventh day of June, in the year one thousand seven hundred eighty-two, and purporting to be securities each of them



for the payment of a million of guilders Dutch current money, by the United States, to certain money-lenders under the negotiation of Messrs. Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorst and de la Lande and Fynje, merchants in Amsterdam, were read in Congress, approved and ratified; and the same are hereby ratified and declared obligatory on the said United States. Done in the state house at Philadelphia, by the United States of America in Congress assembled, the fourteenth day of September, in the year of our Lord, one thousand seven hundred and eighty-two, and in the seventh year of our sovereignty and independence. John Hanson, President.

On a report of the secretary for foreign affairs, to whom was referred a letter of the 19th April, 1782, from the honourable J. Adams—

Ordered, That the letter of the 19th April, 1782, from the honourable J. Adams to the secretary for foreign affairs, containing extracts from the registers of their high mightinesses the states general of the United Provinces, expressive of their resolution to receive and acknowledge the said Mr. Adams in quality of minister plenipotentiary of the United States of America, be published, together with the resolutions of the states of each respective province relative to the same object.

Resolved, That an account of this event be given by the secretary for foreign affairs to the executive of each respective state, requesting them severally to cause the same to be made publick.

## SEPTEMBER 17, 1785. [1782.]

On the report of a committee, consisting of Mr. Rutledge, Mr. Duane and Mr. Madison, to whom were referred a motion of Mr. Rutledge, and a letter of the 30th of May from the honourable H. Laurens, wherein he informs, that on the 10th of that month he received from Dr. Franklin a formal notification of his appointment in the commission for treating with Great Britain, and also a copy of said commission; that he left London on the 11th, and arrived at Ostend on the 15th, from whence he informed Dr. Franklin that he declined the honour of that office—

Resolved, That the honourable Henry Laurens be informed, in answer to his letter of the 30th of May, 1782, that the reasons which induced the United States in Congress assembled to appoint him to be one of their ministers plenipotentiary for negotiating a peace still existing, his services in the execution of that trust cannot be dispensed with.

On the question to agree to this, the yeas and nays being required by Mr. Izard—

New Hampshire,	Mr. Gilman,	Ay. } X
Massachusetts,	Mr. Osgood,	Ay. } Ay.
	Mr. Jackson,	Ay. }
Rhode Island,	Mr. Cornell,	Ay. } Ay.
	Mr. Howell,	Ay. }
Connecticut,	Mr. Huntington,	Ay. } Ay.
	Mr. Dyer,	Ay. }

New York,	Mr. Duane, Mr. L'Hommedieu,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Boudinot, Mr. Condict, Mr. Witherspoon,	Ay. } No. } Ay. }	Ay.
Pennsylvania,	Mr. Montgomery, Mr. Smith, Mr. Clymer, Mr. Atlee,	Ay. } Ay. } Ay. } No. }	Ay.
Delaware,	Mr. M'Kean,	Ay. } X	
Maryland,	Mr. Hanson, Mr. Carroll,	Ay. } No. }	DIVIDED.
Virginia,	Mr. Madison, Mr. Bland, Mr. Lee,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Williamson,	Ay. } X	
South Carolina,	Mr. Rutledge, Mr. Ramsay, Mr. Izard, Mr. Gervais, Mr. Middleton,	Ay. } Ay. } Ay. } Ay. } Ay. }	Ay.
Georgia,	Mr. N.W. Jones, Mr. Few,	Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

Resolved, That the honourable John Adams, Benjamin Franklin, John Jay and Henry Laurens, be respectively informed, that it is the pleasure and express direction of Congress, that they punctually attend and assist in the negotiations for peace; and that each of them be instructed, upon receiving information of the

time and place appointed for opening the negotiations, immediately to give notice thereof to the rest that may be in Europe, in order that each may have a seasonable opportunity to take part in the trust reposed by the said commission, and earnestly enjoined by this act.

#### SEPTEMBER 19, 1782.

On the report of a committee, consisting of Mr. Lee, Mr. Izard and Mr. Duane, to whom was referred the letter of the 25th and 29th of June, 1782, from Dr. Franklin, and of the 25th of June, from Mr. Jay,

Resolved, That a commission and instructions issue to \_\_\_\_\_ for negotiating a treaty of amity and commerce with the king of Sweden.

Resolved, That a committee be appointed to prepare a commission and instructions and a draft of a treaty, agreeable to the above resolution.

The committee—Mr. Lee, Mr. Izard and Mr. Duane.

#### SEPTEMBER 20, 1782.

A motion was made by Mr. Madison, seconded by Mr. J. Jones,

That the resolution of the 17th day of September, 1782, informing Mr. Laurens that his services as a minister plenipotentiary for negotiating peace cannot be dispensed with by Congress, and so much of the other resolution of the same date as relates to Mr. Laurens, be not transmitted till the further order of Congress.

On the question to agree to this, the yeas and nays being required by Mr. Wright—

New Hampshire,	Mr. Gilman,	Ay. } ×
Massachusetts,	Mr. Osgood, Mr. Jackson,	No. } No. No. }
Rhode Island,	Mr. Howell,	Ay. } ×
Connecticut,	Mr. Huntington, Mr. Dyer,	No. } No. No. }
New York,	Mr. Duane, Mr. L'Hommedieu,	No. } No. No. }
New Jersey,	Mr. Clark, Mr. Boudinot, Mr. Condict,	Ay. } No. } Ay. Ay. }
Pennsylvania,	Mr. Montgomery, Mr. Smith, Mr. Clymer, Mr. Atlee,	No. } Ay. } Ay. Ay. } Ay. }
Delaware,	Mr. M'Kean,	No. } No.
Maryland,	Mr. Hanson, Mr. Carroll, Mr. Wright,	Ay. } Ay. } Ay. Ay. }
Virginia,	Mr. J. Jones, Mr. Madison, Mr. Bland, Mr. Lee,	Ay. } Ay. } DIVIDED. No. } No. }
North Carolina,	Mr. Williamson,	No. } ×
South Carolina,	Mr. Rutledge, Mr. Ramsay, Mr. Izard, Mr. Gervais, Mr. Middleton,	No. } No. } No. No. } No. } No. }

Georgia,	Mr. Jones,	No. }	No.
	Mr. Few.	No. }	

So the question was lost.

### SEPTEMBER 23, 1782.

The chevalier de la Luzerne, minister plenipotentiary of France, informed Congress in a note, that he has received orders to communicate to them a detail of circumstances relative to the negotiations for peace, and is desirous that Congress would be pleased to appoint a committee to receive the communications; and that he would at the same time inform Congress of sundry matters interesting to the common cause, and relating to the present state of affairs in Europe: Whereupon,

Resolved, That a committee of three be appointed to confer with the minister of France, and report the communications he shall make to them.

On the report of a committee, consisting of Mr. Duane, Mr. Montgomery and Mr. Carroll, to whom was referred a letter of the 19th, from the superintendent of finance, Congress agreed to the following

#### ADDITIONAL INSTRUCTIONS TO THOMAS BARCLAY, ESQUIRE, CONSUL GENERAL OF THE UNITED STATES OF AMERICA IN FRANCE.

Whereas by several acts of the United States in Congress assembled, all moneys which have been or may be obtained in Europe, by subsidy, loan, or otherwise, are placed under the direction and management

of the superintendent of the finances of the United States, and it is essential that the strictest regard should be paid to the said arrangement:—You are therefore hereby instructed, to desist from making any drafts of publick money, or any purchase of clothing or effects for the use of the United States, without the special direction of Congress, or the superintendent of finance. In other respects you are to conform to the instructions of 10th July, 1781.

On motion of Mr. Rutledge, seconded by Mr. Lee,  
Resolved, That the minister plenipotentiary of the United States at the court of Versailles be informed, that his letters to the superintendent of finance and secretary for foreign affairs, bearing date respectively the 25th day of June last, have been laid before Congress; and that notwithstanding the information contained in those letters, it is the direction of Congress, that he use his utmost endeavours to effect the loan, which by the resolve of the 14th instant, is ordered to be negotiated.

#### SEPTEMBER 24, 1782.

The committee, consisting of Mr. Duane, Mr. Carroll, Mr. J. Jones, Mr. Izard and Mr. Bland, appointed to hold a conference with the honourable chevalier de la Luzerne, minister of France, in pursuance of his note to Congress of the 23d, report—

That yesterday your committee held a conference with the minister of France, agreeably to the said appointment; the substance of which consisted in the communication of advices lately received by the said

minister of France, from his excellency the count de Vergennes, as follows :

The minister informed the committee he had received several despatches from his court, of which he thought it his duty to communicate an extract to Congress.

The first was dated 9th April last. It expressed the opinion of the count de Vergennes, that the court of St. James had formed a design to make a separate peace with one or more of the powers at war with it. That France was perfectly easy with respect to the disposition of Congress ; and that the uniformity and steadfastness of their conduct did not leave the least doubt with regard to the part they would take in this circumstance. That the steps the king had taken on a similar occasion, and the disappointment of several British emissaries, was already known to Congress. That they had met with the same reception at Madrid ; and there was the greatest probability that their intrigues would not be more successful at the Hague. The minister of France observed, that the glory and honour of the present confederacy, of which his majesty was the centre, would be their having been inaccessible to artifice ; and this extraordinary instance would be crowned with success if the four powers persisted invariably in a firm attachment to their union, and if, on the one hand, making the greatest exertions to procure the completest satisfaction, they, on the other hand, confined themselves within such bounds of moderation as would give no umbrage to any one of the powers at war with Great Britain. That the king had in different circumstances taken the proper



measures to deprive the enemy of all hopes which they might have formed of introducing dissensions between his majesty and his allies. That it was to be wished that the court of London was fully convinced of the impossibility of treating separately with America. That this had always been the chimerical and favourite idea of England; and that so long as it subsisted there would perhaps be no possibility of treating seriously about the conditions of a peace. That their negotiations would only be an artifice to scatter divisions among the allies, and retard their exertions for continuing the war. That the shortest way to put a stop to their intrigues would be to let it be known publicly in the most explicit manner, that the United States neither can nor will make any peace without the concurrence of their ally; and that if England has any overtures for peace to make to them, the American plenipotentiaries are sufficiently empowered to receive them, and to negotiate a peace if those overtures are admissible. That this peremptory language would free Congress from all the embarrassments which the English ministers could throw in the way; that it would bring them to a sincere disposition to make peace; put an end for ever to their machinations with the mediating powers; deprive them of the means of feeding the parliament and people of England with the hopes of a separate peace; and finally save the Americans from all the difficulties which would infallibly take place if England were allowed to negotiate in America. It would convince England that the United States are not less attached to their engagements with their ally than sensible of the re-

spect due to the courts of Vienna and Petersburg, whose mediation Congress have accepted. The minister added, that though the situation of the belligerent powers, the distance of America, and the slowness and difficulty of communication made it advantageous that the seat of negotiation should be in Europe, and that the enemy should be informed of this resolution, yet Congress had the fullest liberty to follow the system which France had pointed out in her answer to the mediating powers, in consequence of which the American ministers might negotiate immediately and directly conformably to the instructions they had received from Congress ; but the negotiations of France and America would be carried on in an equal progression, a continual and reciprocal communication would be given, and the two treaties signed at the same time, and one be ineffectual without the other.

The count de Vergennes in the same despatch, gave information of the Dutch having acknowledged the independence of America, of which Congress are already informed.

The letters of 2d May and 28th June, urged the same point of referring the British negotiators in America to the American plenipotentiaries in Europe, with this addition in the letter of 2d May, that it was now evidently the object of Great Britain to lessen their exertions on this continent as much as in their power, and to adopt a defensive mode of carrying on the war ; that being unable to support a double war by land and by sea, she proposed to suspend the one in order to carry on the other more effectually ; and in case of success, to return against the United States with redoubled efforts.

The minister mentioned the attempts that had been alternately made at the court of Versailles, and with the American plenipotentiaries, for a separate peace, and said, that doctor Franklin had communicated his and Mr. Adams's answers to the British emissaries; that the king thought them firm and consistent with the principles of the alliance, and wished that Congress might be informed of the satisfaction they afforded him. That to remove for ever such expectations it behooved the wisdom of Congress to declare, that no peace but a general one would be attended to; that when negotiations are entered into with sincerity, the king would most readily employ his good offices in support of the United States in all points relating to their prosperity; that Congress were themselves sensible of the distinction between the conditions of justice and rigour, and those of convenience and compliance which depended on the good or bad situation of affairs; that though the circumstances of the allies were very promising, such events might happen as might make it advisable to adopt the part of moderation. But the best way to obtain every possible advantage was to preserve a perfect connexion, and to let them know that the United States would not only reject a separate peace, but that they would continue the war against the common enemy by all manner of ways, until their allies should also conclude a peace; that this declaration would convince the British ministers that they would not get rid of the Americans by merely acknowledging their independence; and that though they removed their troops from the continent, they would be attacked wherever found.

The despatch of the 28th June dwelt chiefly on the negotiation ; and contained details which the count de Vergennes directed the minister to make to Congress, but which have in a great measure been already transmitted to them by their ministers in Europe. These details related to the emissaries sent to doctor Franklin and Mr. Adams, and their satisfactory answers. Mr. Oswald, in an interview with the count de Vergennes, hinted to him the desire of the court of London, and the necessity it was under to make peace ; and received for answer, that the king was equally disposed to make an honourable and solid peace. Mr. Oswald went to London to carry this information ; returned soon, and was immediately followed by Mr. Grenville, the intimate friend of Mr. Fox. Mr. Oswald repeated to Mr. Franklin the assurances of the disposition of the cabinet of St. James ; and Mr. Grenville, in answer to his overtures to the count de Vergennes respecting the disposition of the king of Great Britain, was informed by the express order of the king, *That his majesty was disposed to negotiate for peace, provided it was a general one, and the allies and friends of his majesty were satisfied.* This answer was just given when the news of the action of the 12th of April reached Europe. Nevertheless, the king of Great Britain sent full powers to Mr. Grenville to negotiate the peace with his majesty. In communicating them the English agent declared, *That the king of England, in order to facilitate peace, was disposed to treat of the independence of the United States with his majesty, provided all other matters were put upon the footing of the treaty of 1763.*

To this the king answered—1st. *That the powers of Mr. Grenville were insufficient, as they did not mention the allies of his majesty.* 2d. *That his majesty could not himself negotiate for the interests of America, having no powers to this purpose; and that it became the dignity of the king of England and of the United States to open a direct negotiation on this subject.* 3d. *That in order to conclude a solid and lasting peace, it ought not to be founded upon the treaty of Paris, but upon justice and the dignity of all the contracting powers.*

The British ministry adopting these observations, sent new powers to Mr. Grenville, authorizing him to treat with all the belligerent powers. Mr. Grenville presented to the count de Vergennes a copy of these powers, and declared, *that the king of England, being disposed to acknowledge and declare directly the independence of America, it would no longer be a conditional article of peace.* And as to France, the English plenipotentiary proposed *to take the treaty of Paris for the basis, not of the peace itself, but of the negotiations which were to be entered into.*

The count de Vergennes, on the 21st June, communicated to Mr. Grenville the answer of the king. In this communication his majesty declared his wishes for the restoration of peace, and his satisfaction that the king of Great Britain was disposed to treat with all the belligerent powers, and that he intended to make a direct acknowledgment and declaration of the independence of the United States of America, and that this point would no longer be a conditional article of a general pacification. That the king consents to adopt, according to the proposition of the king of

England, the treaty of Paris for a basis of the negotiation, not as a confirmation of all its stipulations, but with exceptions and alterations respecting the East Indies, Africa, the fisheries of Newfoundland, and commercial regulations in Europe to mutual advantage. Restitution and compensation to be treated of, when the negotiation shall be established with respect to which the king will be governed by the principles of justice and moderation, which are the basis of his policy. If these overtures are agreeable to the king of England, his majesty will explain himself precisely on the different points. His majesty expects that his Britannick majesty will make to all the belligerent powers and states, without delay, such overtures as he may think conducive to promote the negotiation as far as it respects their interests. That no doubt may be left with respect to his majesty's sentiments, he declares anew, that he will neither treat nor terminate any negotiation, unless the interests of his allies and friends shall be conjunctly discussed and determined, or separately, according to the wishes of his Britannick majesty and the allied and friendly powers of his most christian majesty.

Such was the state of affairs on the 28th of June, at which time there appeared some obstructions to the negotiation, owing, as it was believed, to the misunderstanding which prevailed among the British ministers. Tergiversations were discovered on the part of the British negotiator. The bill authorizing the king of England to treat with the colonies of America had not then passed. These uncertainties made it essential to guard against British emissaries on the continent of America; and to prevent with all care

their admission; and to recommend the same measure to the several legislatures.

The minister finished the conference by informing the committee of the fortitude of the king on receiving the news of the action of the 12th of April. He immediately gave orders for constructing twelve ships of the line, the greater part of the first rate. The city of Paris and several other cities and corporations had offered some others, and it was expected that the king would, in the course of next campaign, have twenty new ships to oppose the enemy. His majesty was resolved not to make the least alterations in his plans for the future negotiation; and he exhorted his allies to the same resolution and to the same exertions.

Ordered, That the foregoing communications be referred to a committee of five to report.

The committee—Mr. Duane, Mr. Rutledge, Mr. Montgomery, Mr. Madison and Mr. Carroll.

#### SEPTEMBER 28, 1782.

On the report of the committee, consisting of Mr. Lee, Mr. Izard and Mr. Duane, (see page 215) appointed to prepare a commission and instructions, and a draft of a treaty of amity and commerce with the king of Sweden, Congress, by the vote of nine states, agreed to the following

**Plan of a Treaty of Amity and Commerce between  
the United States and the King of Sweden.**

The parties being willing to fix, in a permanent and equitable manner, the rules to be observed in the commerce they desire to establish between their respective countries, have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement; by leaving each party at liberty to make such interior regulations respecting commerce and navigation as it shall find most convenient; and by founding the advantage of commerce on reciprocal utility and the just rules of free intercourse. On these principles the parties, after mature deliberation, have agreed to the following articles.

**ARTICLE I.**

There shall be a firm, inviolable and universal peace and sincere friendship between the king of Sweden, his heirs and successors, and the United States of America, and the citizens and subjects of the said parties, and the countries, islands, cities and towns situated under their respective jurisdictions, and the people and inhabitants thereof of every degree, without exception of persons or places.

**ARTICLE II.**

The subjects of the said king may freely resort to and reside in the United States, and may trade in any effects or merchandise, the importation or exportation



of which are not or shall not be prohibited ; and shall pay in the ports, havens, roads, countries, islands, cities or towns of the United States, no other or greater duties or imposts whatsoever than those which the most favoured European nations are or shall be obliged to pay ; and they shall enjoy all the rights, liberties and exemptions in trade, navigation and commerce, whether in passing from one port in the said states to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

ARTICLE III.

In like manner, the citizens and inhabitants of the United States of America may freely resort to and reside in the dominions of his Swedish majesty, and may trade in any effects or merchandises, the importation or exportation of which are not or shall not be prohibited, and shall pay in the ports, havens, roads, countries, islands, cities or towns within the dominions of the king of Sweden, no other or greater duties or imposts whatsoever than those which the most favoured nations are or shall be obliged to pay ; and they shall enjoy all the rights, liberties and exemptions in trade, navigation and commerce, whether in passing from one port in the dominions of the king of Sweden to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

## ARTICLE IV.

The king of Sweden shall endeavour, by all the means in his power, to protect and defend all vessels and other effects belonging to the citizens or inhabitants of the said United States of America, or any of them, being in his ports, havens, or roads, or on the seas near to his countries, islands, cities or towns; and to recover and cause to be restored to the right owners their vessels and effects, as shall be taken within his jurisdiction. His ships of war, or any convoys sailing under his authority, shall upon all occasions take under their protection all vessels belonging to the citizens or inhabitants of the said United States of America, or any of them, holding the same course, or going the same way, and shall defend such vessels as long as they hold the same course, or go the same way, against all attacks, force and violence, in the same manner as they ought to protect and defend vessels belonging to the subjects of his said majesty.

## ARTICLE V.

In like manner the said United States and their ships of war sailing under their authority shall protect and defend, conformably to the tenor of the preceding article, all the vessels and effects belonging to the subjects of the king of Sweden; and use all their endeavours to recover and cause to be restored, the said vessels and effects that shall have been taken within the jurisdiction of the said United States.

## ARTICLE VI.

It is further agreed and concluded, that it shall be wholly free for all merchants, commanders of ships and other subjects of the king of Sweden, in all places subject to the dominion and jurisdiction of the said United States of America, to manage their own business themselves, or to employ whomsoever they may please to manage it for them; nor shall they be obliged to make use of any interpreter or broker, nor to pay any salary or fees, unless they choose to make use of them. Moreover, masters of ships shall not be obliged in loading or unloading their ships to make use of those workmen that may be appointed by publick authority for that purpose; but it shall be entirely free for them to load or unload their ships by themselves, or to make use of such persons in loading or unloading the same as they shall think fit, without paying any fees or salary to any other whomsoever; neither shall they be forced to unload any sort of merchandise either into any other ships, or to receive them into their own, or to wait for their being loaded longer than they please; and all and every the citizens, people and inhabitants of the said United States of America shall reciprocally have and enjoy the same privileges and liberties in all places whatsoever subject to the jurisdiction of the said king.

## ARTICLE VII.

The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other power, and concerning whose voyage and the species of goods on board her there shall be just grounds of suspicion, shall be obliged to exhibit not only her passports, but likewise certificates expressly showing that her goods are not of the number of those which have been prohibited as contraband.

## ARTICLE VIII.

If by exhibiting the above said certificates the other party discover there are any of those sort of goods which are prohibited and declared contraband, and consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, or to open any chest, coffers, packs, casks, or any other vessels found therein, or to remove the smallest parcel of her goods, whether such ship belongs to the subjects of the said king, or the citizens or inhabitants of the said United States of America, unless the lading be brought on shore in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange or alienate the same, in any manner, until after that due and lawful process shall have been had against such prohibited goods, and the court of admiralty shall by a sentence pronounced have confiscated the same, saving always as well the ship itself, as any

other goods found therein, which by this treaty are to be esteemed free ; neither may they be detained on pretence of their being as it were infected by the prohibited goods ; much less shall they be confiscated as lawful prize. But if not the whole cargo, but only part thereof, shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor who has discovered them ; in such case, the captor having received those goods, shall forthwith discharge the ship, and not hinder her by any means freely to prosecute the voyage on which she was bound. But in case the contraband merchandises cannot be all received on board the vessel of the captor, then the captor may, notwithstanding the offer of delivering him the contraband goods, carry the vessel into the nearest port, agreeable to what is above directed.

#### ARTICLE IX.

On the contrary, it is agreed that whatever shall be found to be laden by the subjects and inhabitants of either party on any ship belonging to the enemies of the others, or to their subjects, the whole, although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy, except such goods and merchandises as were put on board such ship before the declaration of war ; or even after such declaration, if it were done without knowledge of such declaration, so that the goods of the subjects and people of either party, whether they be of the nature of such as are prohibited, or other-

wise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war or after the declaration of the same without the knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay to the proprietors demanding the same ; but so as that if the said merchandises be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two months being passed after the declaration of war, their respective citizens and subjects, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

#### ARTICLE X.

All ships and merchandises of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

#### ARTICLE XI.

It shall be lawful for the ships of war of either party and privateers freely to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any duty to the officers

of the admiralty or any other judges ; nor shall such prizes be arrested or seized when they come to and enter the ports of the other party ; nor shall the searcher or other officers of those places search the same, or make examination concerning the lawfulness of such prizes ; but they may hoist sail at any time and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show.

ARTICLE XII.

For the better promoting of commerce on both sides, it is agreed, that if a war should break out between the said two nations, six months after the proclamation of war shall be allowed to the merchants in the cities and towns where they live, for selling and transporting their goods and merchandises ; and if any thing be taken from them, or any injury be done to them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same.

ARTICLE XIII.

No subject of the said king shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States of America, or any of them, or against the subjects, people or inhabitants of the said United States, or any of them, or against the property of the inhabitants of any of them, from any prince or state with which the

United States of America shall happen to be at war; nor shall any citizen or inhabitant of the said United States of America, or any of them, apply for or take any commission or letters of marque for arming any ship or vessel to act as privateers against the subjects of the said king, or any of them, or against the property of any of them, from any prince or state with which the said king shall be at war; and if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate.

ARTICLE XIV.

The ships of the subjects and inhabitants of either of the parties coming upon any coast belonging to either of the said contracting parties, but not willing to enter into port, or being entered into port and not willing to unload their cargoes, or break bulk, shall have liberty to depart, or pursue their voyage without molestation.

ARTICLE XV.

It is hereby stipulated, that free ships shall also give a freedom to goods, and that every thing shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted. It is also agreed in like manner that the same liberty be extended to persons who are on board a free ship with this ef-



fect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers and in actual service of the enemies.

#### ARTICLE XVI.

This liberty of navigation and commerce shall extend to all kinds of merchandise except those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended arms, great guns, bombs with their fusees and other things belonging to them, cannon ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenadoes, saltpetre, muskets, musket ball, bucklers, helmets, breastplates, coats of mail and the like kinds of arms proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths and all other manufactures woven of any wool, flax, silk, cotton or any other materials whatever, all kinds of wearing apparel, together with the species whereof they are used to be made, gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals, as also wheat and barley, and any other kind of corn or pulse, rice, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts, and in general all provisions which serve for the nourishment of mankind and

the sustenance of life ;—furthermore, all kinds of tobacco, indigo, cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloth, anchors and any part of anchors, also ship's masts, planks, boards and beams of what trees soever, and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument or thing prepared for war, by land or sea, shall not be reputed contraband ; much less such as have been already wrought up for any other use ;—all which shall be wholly reckoned among free goods ; as likewise all other merchandises and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods, so that they may be transported and carried in the freest manner by the subjects of both powers, even to places belonging to an enemy, such towns or places being only excepted as are at that time besieged, blocked up, or invested.

ARTICLE XVII.

It is also agreed, that all goods, when once put on board the ships or vessels of either of the two contracting parties, shall be subject to no further visitation, but all visitation or search shall be made beforehand, and all prohibited goods shall be stopped on the spot before the same be put on board, unless there are manifest tokens or proofs of fraudulent practice ; nor shall either the persons or goods of the citizens of the United States, or of the subjects of the king of Sweden, be put under any arrest, or molested by any other kind of embargo, for that cause ; and only the citizen

or subject of that state to whom the said goods have been or shall be prohibited, and who shall presume to sell or alienate such sort of goods, shall be duly punished for the offence.

ARTICLE XVIII.

The two contracting parties grant to each other the liberty of having, each in the ports of the other, consuls, vice consuls and commissaries of their own appointing, whose functions shall be regulated by particular agreement whenever either party chooses to make such appointment.

COMMISSION TO THE HONOURABLE B. FRANKLIN, ESQUIRE,  
FOR NEGOTIATING A TREATY OF AMITY AND COMMERCE  
WITH THE KING OF SWEDEN.

The United States in Congress assembled—To all who shall see these presents, send greeting.

It having been represented to Congress by their minister plenipotentiary at the court of Versailles, that the king of Sweden has signified by his ambassador at that court to our said minister his desire to enter into a treaty with the United States in Congress assembled; and we being willing to promote the same for establishing harmony and good intercourse between the citizens of the United States and the subjects of the said king:—**KNOW YE, THEREFORE,** That we, confiding in the integrity, prudence and ability of the honourable Benjamin Franklin, esquire, have nominated,

constituted and appointed, and by these presents do nominate, constitute and appoint the said Benjamin Franklin, our minister plenipotentiary, giving him full powers, general and special, to act in that quality, to confer, treat, agree and conclude with the person or persons vested with equal powers by the said king, of and concerning a treaty of amity and commerce between the United States in Congress assembled, and the king of Sweden; and whatever shall be so agreed and concluded for us and in our name to sign and thereupon to make such treaty, conventions and agreements as he shall judge conformable to the ends we have in view, hereby promising in good faith that we will accept, ratify and execute whatever shall be agreed, concluded and signed by our said minister. And whereas it may so happen that our aforesaid minister may die, or be otherways incapacitated to execute this commission: We do, in that case, by these presents constitute and appoint the honourable John Adams our minister plenipotentiary for the purpose aforesaid; and in case of his death or incapacity, we appoint the honourable John Jay our minister plenipotentiary for the purpose aforesaid; and in case of his death or incapacity also, we do appoint the honourable Henry Laurens our minister plenipotentiary for the purpose aforesaid, with all the powers herein before delegated to the honourable Benjamin Franklin.

In testimony whereof, we have caused the seal of the United States of America to be affixed to these presents. Witness His Excellency John Hanson, Esq. President of the United States in Congress assembled, the twenty-eighth day of September, in the year of our Lord, one thousand seven hundred and eighty-two, and of our sovereignty and Independence the seventh.

INSTRUCTIONS TO THE HONOURABLE B. FRANKLIN,  
ESQUIRE.

SIR,

You are to negotiate and conclude the proposed treaty of amity and commerce with the person or persons that shall be appointed by his Swedish majesty at Paris, and not elsewhere, unless some other place should be fixed upon for negotiating a general peace; in which case you may negotiate and conclude it at the same place.

As we shall be better able to judge by experience what commercial regulations will be most beneficial for the citizens and subjects of the contracting powers, it is our desire that the treaty be made for twelve years only.

It is possible that the fourth article in the plan of a treaty may be objected to on the part of the king of Sweden, as unequal, he having more ships of war than the United States, and not being engaged in any war which may render protection necessary to the ships of his subjects. He may also apprehend, that the giving protection to our vessels may involve him in a war with

Great Britain. To this it may be answered, that the fifteenth article is as unequally in favour of Sweden, giving her the benefit of the carrying trade, which cannot be enjoyed by the citizens of the United States : therefore, the one article may be set against the other. But as the direct and essential object of the treaty is to obtain the recognition of our independency by another European power, you are instructed not to adhere to the fourth article so as to prevent the conclusion of the treaty. Upon the same principle you may also use your discretion in extending the term of the treaty to twenty years, but no further.

You are also at liberty, in case it be found necessary, to recede from the stipulation proposed in the ninth article, that whatever shall be found laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, shall be subject to confiscation.

Done in Congress, at Philadelphia, the twenty-eighth day of September, in the year of our Lord, one thousand seven hundred and eighty-two, and of our sovereignty and Independence, the seventh.

OCTOBER 3, 1782.

The committee, consisting of Mr. Duane, Mr. Rutledge, Mr. Montgomery, Mr. Madison and Mr. Carroll, (see page 296) to whom were referred the notes of the communication made by the minister of France to a committee of Congress, on the 24th of September, brought in a report, which was agreed to as follows :

That the minister plenipotentiary of his most christian majesty be informed, that the communication made by the said minister on the 24th of September last, is considered by Congress as an additional proof of his majesty's magnanimity, and has confirmed those sentiments of affection and confidence which his wise, steady and liberal conduct in every stage of the war has so justly inspired.

That his most christian majesty's declaration to the British minister at Paris, that he will neither treat nor terminate any negotiation unless the interests of his friends and allies shall be considered and determined, is entirely correspondent to the part which these United States are resolved to take in any negotiation for peace.

That Congress with the utmost satisfaction embrace this opportunity to renew their assurances, that in every event these United States will inviolably adhere to their alliance with his most christian majesty, which they consider to be equally essential to their interest and their glory.

That they will hearken to no propositions for peace which shall not be discussed in confidence and in concert with his most christian majesty, agreeably to the declaration made to his minister plenipotentiary on the 31st day of May last.

That upon this principle, Congress did not hesitate a moment to reject the proposition made by the British general and admiral, as commissioners of peace, for admitting Mr. Morgan their secretary to an interview at Philadelphia.

And, that they are resolved to prosecute the war with vigour until a general peace shall be obtained, in which their allies shall be comprehended.

That Congress place the utmost confidence in his majesty's assurances, that he will readily employ his good offices in support of the United States in all points relative to their prosperity; and considering the territorial claims of these states as heretofore made, their participation of the fisheries, and of the free navigation of the Mississippi, not only as their indubitable rights, but as essential to their prosperity, they trust that his majesty's efforts will be successfully employed to obtain a sufficient provision and security for those rights. Nor can they refrain from making known to his majesty, that any claim of restitution or compensation for property confiscated in the several states will meet with insuperable obstacles, not only on account of the sovereignty of the individual states, by which such confiscations have been made, but of the wanton devastations which the citizens of these states have experienced from the enemy, and in many instances from the very persons in whose favour such claims may be urged. That Congress trust that the circumstances of the allies at the negotiation for peace will be so prosperous as to render these expectations consistent with the spirit of moderation recommended by his majesty.

The last paragraph of the foregoing report having been reported by the committee as follows:

“That Congress place the utmost confidence in his majesty's assurances, that he will readily employ his



“good offices in support of the United States in all points relative to their prosperity; and considering their participation of the fisheries, their territorial claims, and the free navigation of the Mississippi,” &c. as above. When this was under debate,

A motion was made by Mr. Rutledge, seconded by Mr. Lee, after “territorial claims,” to insert the words “as stated in the instructions to their minister on the 13th August, 1779;” and on the question to agree to that amendment, the yeas and nays being required by Mr. Bland—

New Hampshire,	Mr. Gilman,	No. } X
Massachusetts,	Mr. Osgood, Mr. Jackson,	No. } No. No. }
Connecticut,	Mr. Huntington, Mr. Dyer,	Ay. } Ay. Ay. }
New York,	Mr. Duane, Mr. L'Hommedieu,	Ay. } Ay. Ay. }
New Jersey,	Mr. Boudinot, Mr. Condict, Mr. Witherspoon,	No. } No. No. } No. }
Pennsylvania,	Mr. Montgomery, Mr. Smith, Mr. Clymer, Mr. Atlee,	No. } No. No. } No. } No. }
Maryland,	Mr. Hanson, Mr. Carroll, Mr. Wright, Mr. Hemsley,	No. } No. No. } No. } No. }

Virginia,	Mr. J. Jones, Mr. Madison, Mr. Bland, Mr. Lee,	Ay. } Ay. } Ay. } Ay. }	} Ay.
North Carolina,	Mr. Williamson, Mr. Blount,	Ay. } Ay. }	} Ay.
South Carolina,	Mr. Rutledge, Mr. Ramsay, Mr. Izard, Mr. Gervais, Mr. Middleton,	Ay. } Ay. } Ay. } Ay. } Ay. }	} Ay.
Georgia,	Mr. Jones, Mr. Few,	Ay. } Ay. }	} Ay.

So the question was lost.

A motion was then made by Mr. Duane, seconded by Mr. Witherspoon, to transpose the clause, with an amendment, so as to read, "the territorial claims of these states, their participation of the fisheries, and of the free navigation of the Mississippi."

A motion was made by Mr. Wright, seconded by Mr. Condict, to amend the amendment by inserting the word "united" before the word "states;" and on the question to agree to this amendment, the yeas and nays being required by Mr. Bland—

New Hampshire,	Mr. Gilman,	Ay. } Ay.	
Massachusetts,	Mr. Osgood, Mr. Jackson,	Ay. } Ay. }	} Ay.
Connecticut,	Mr. Huntington, Mr. Dyer,	No. } No. }	} No.

New York,	Mr. Duane, Mr. L'Homedieu,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Boudinot, Mr. Condict, Mr. Witherspoon,	Ay. } Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Montgomery, Mr. Smith, Mr. Clymer, Mr. Atlee,	No. } Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Hanson, Mr. Carroll, Mr. Wright, Mr. Hemsley,	Ay. } Ay. } Ay. } Ay. }	Ay.
Virginia,	Mr. J. Jones, Mr. Madison, Mr. Bland, Mr. Lee,	No. } No. } No. } No. }	No.
North Carolina,	Mr. Williamson, Mr. Blount,	No. } No. }	No.
South Carolina,	Mr. Rutledge, Mr. Ramsay, Mr. Izard, Mr. Gervais, Mr. Middleton,	No. } No. } No. } No. } No. }	No.
Georgia,	Mr. N. W. Jones, Mr. Few,	No. } No. }	No.

So the question was lost.

A motion was then made by Mr. Rutledge, seconded by Mr. Lee, to amend the amendment by inserting after the word "states," the words "in behalf of the "United States;" and on the question to agree to this, the yeas and nays being required by Mr. Bland—

New Hampshire,	Mr. Gilman,	No. } ×
Massachusetts,	Mr. Osgood, Mr. Jackson,	No. } No. No. }
Connecticut,	Mr. Huntington, Mr. Dyer,	Ay. } Ay. }
New York,	Mr. Duane, Mr. L'Homedieu,	Ay. } No. } DIVIDED.
New Jersey,	Mr. Boudinot, Mr. Condict, Mr. Witherspoon,	No. } No. } No. No. }
Pennsylvania,	Mr. Montgomery, Mr. Smith, Mr. Clymer, Mr. Atlee,	No. } No. } No. No. } No. }
Maryland,	Mr. Hanson, Mr. Carroll, Mr. Wright, Mr. Hemsley,	No. } No. } No. No. } No. }
Virginia,	Mr. J. Jones, Mr. Madison, Mr. Bland, Mr. Lee,	Ay. } No. } Ay. Ay. } Ay. }
North Carolina,	Mr. Williamson, Mr. Blount,	Ay. } Ay. Ay. }
South Carolina,	Mr. Rutledge, Mr. Ramsay, Mr. Izard, Mr. Gervais, Mr. Middleton,	Ay. } Ay. } Ay. Ay. } Ay. } Ay. }
Georgia,	Mr. N. W. Jones, Mr. Few,	Ay. } Ay. Ay. }

So the question was lost.

A motion was then made to amend the amendment, by inserting the words "as heretofore made," after the word "states," which was agreed to; and the amendment being then adopted, on the question to agree to the whole report as amended, it was resolved in the affirmative by the votes of nine states.

Ordered, That the committee who brought in the report communicate to the honourable the minister of France the above answer of Congress to his communications.

Ordered, That the secretary for foreign affairs transmit by the first opportunity a copy of the same to the ministers of these states at foreign courts.

#### OCTOBER 4, 1782.

On the report of a committee, consisting of Mr. Duane, Mr. Rutledge, Mr. Montgomery, Mr. Madison and Mr. Carroll, to whom were referred despatches from the honourable J. Jay, of the 25th of June, and from the marquis de la Fayette, of the 25th and 29th of the same month, Congress agreed to the following act:

Whereas by the articles of confederation and perpetual union, the sole and exclusive right of making peace is vested in the United States in Congress assembled; and by the treaty of alliance between his most christian majesty and these United States it is declared, that neither of the contracting parties shall conclude peace or truce with Great Britain without the consent of the other; and the ministers plenipoten-

tiary of these United States in Europe are vested with full power and authority in their behalf, and in concert with their allies, to negotiate and conclude a general peace. Nevertheless it appears, that the British court still flatters itself with the vain hope of prevailing on the United States to agree to some terms of dependence upon Great Britain, or at least to a separate peace; and there is reason to believe that commissioners may be sent to America to offer propositions of that nature to the United States; or that secret emissaries may be employed to delude and deceive. In order to extinguish ill founded hopes, to frustrate insidious attempts, and to manifest to the whole world the purity of the intentions and the fixed and unalterable determination of the United States :

Resolved, unanimously, That Congress are sincerely desirous of an honourable and permanent peace; that as the only means of obtaining it, they will inviolably adhere to the treaty of alliance with his most christian majesty, and conclude neither a separate peace or truce with Great Britain; that they will prosecute the war with vigour, until by the blessing of God on the united arms, a peace shall be happily accomplished; by which the full and absolute sovereignty and independence of these United States having been duly assured, their rights and interests, as well as those of their allies, shall be effectually provided for and secured.

That Congress will not enter into the discussion of any overtures for pacification but in confidence and in concert with his most christian majesty.

That to guard against the secret artifices and machinations of the enemy, it be and hereby is recommended to the respective states, to be vigilant and active in detecting and seizing all British emissaries and spies, that they may be brought to condign punishment. That it be enjoined on all officers of departments charged with persons coming from the enemy under the protection of flags of truce, to take special care that such persons do not abuse their privileges, but be restrained from all intercourse with the country and inhabitants, which is not necessary for transacting the publick business on which they may be sent. And lastly, it is recommended to the several states, that no subjects of his Britannick majesty, coming directly or indirectly from any part of the British dominions, be admitted into any of the United States during the war.

Ordered, That the honourable the minister plenipotentiary of France be furnished with a copy of the above act; and that copies be transmitted to the ministers of these states at foreign courts; and that in the mean time it be published.

OCTOBER 17, 1782.

On the motion of Mr. Madison, seconded by Mr. Duane,

Resolved, That the secretary for foreign affairs inform the several ministers of the United States in Europe, that it is the desire and express direction of Congress, that they transmit full and frequent communications as well of their proceedings with the courts at which they respectively reside, as of those which

relate to negotiations for peace, and also of all such other transactions and events as may in any manner concern the United States.

OCTOBER 22, 1782.

On the report of a committee, consisting of Mr. Madison, Mr. Carroll and Mr. Osgood, to whom was referred a letter of 18th August, from the honourable J. Adams, with several other papers,

Resolved, That Mr. J. Adams be informed, that Congress approve of the reason assigned in his letter of the 9th day of June last, for not then proposing a treaty of alliance with the United Provinces; but that the accomplishment of such a coalition among the parties at war with Great Britain, as will extinguish all possibility and hope in the latter of disuniting her enemies by negotiation, being viewed by Congress as a very important object, it is their wish, that no opportunity may be lost of accelerating the said treaty whenever the concurrence of his most christian majesty's minister and other circumstances shall have prepared the way for the proposition.

NOVEMBER 12, 1782.

On motion of Mr. Madison, seconded by Mr. Bland,

Resolved, That the appointment of Thomas Jefferson, esquire, as a minister plenipotentiary for negotiating peace, made on the fifteenth day of June, 1781, be and the same is hereby renewed; and that on his acceptance thereof he be invested with all the powers,



and be subject to all the instructions, which have been or may be issued by Congress to the ministers plenipotentiary for negotiating peace, in the same manner as if his original appointment had taken effect.

### NOVEMBER 18, 1782.

On a report from the superintendent of finance, to whom was referred a report of a committee on a memorial of Mr. A. Lee,

Resolved, That Arthur Lee, esquire, be permitted to deliver up to the comptroller of the treasury sundry loan office certificates in his possession, amounting to nine thousand nine hundred and fifty dollars and fifty-five ninetieths of a dollar, and that the same be, on such delivery, cancelled; and that the superintendent of finance do thereupon pay the said Arthur Lee the sum of two thousand two hundred and thirty-eight pounds seventeen shillings and nine pence sterling, with interest from the tenth day of August, 1781, at six per cent. by bills of exchange in his favour, in livres, at the rate of ten pence half penny sterling each.

On the report of a committee, consisting of Mr. Lee, Mr. Rutledge and Mr. Madison, to whom, upon a reconsideration, the resolution of the 28th of May last was referred,

Resolved, That a commissioner be appointed by Congress, with full power and authority to liquidate and finally to settle the accounts of all the servants of the United States, who have been intrusted with the expenditure of publick money in Europe, and all other accounts of the United States in Europe; and to com-

mence and prosecute such suits, causes and actions as may be necessary for that purpose ; or for the recovery of any property of the said United States in the hands of any person or persons whatsoever.

That the said commissioner be authorized to appoint one or more clerks, with such allowance as he may think reasonable.

That the said commissioner and clerks respectively take an oath before some person duly authorized to administer an oath, faithfully to execute the trust reposed in them respectively.

Congress proceeded to the election of a commissioner ; and the ballots being taken,

Mr. Thomas Barclay was elected, having been previously nominated by Mr. Williamson.

Resolved, That Congress will hereafter make adequate provision for the said commissioner, according to the nature and extent of the services which he shall perform.

Ordered, That the superintendent of finance report the necessary instructions for the said commissioner, pursuant to the order of the 29th of May last.

#### NOVEMBER 20, 1782.

The report of the committee, consisting of Mr. Lee, Mr. Izard and Mr. Wharton, to whom were referred a letter of 24th of May last from the superintendent of finance, and the orders given to captain Harding, being taken into consideration, and after debate postponed—

On motion of Mr. Duane, seconded by Mr. Madison,

Resolved, That the superintendent of finance be directed to instruct the commissioner for settling the publick accounts in Europe to take proper measures for adjusting, without delay, the accounts of Mr. de Beaumarchais, or Roderique Hortales and Co. and to report such settlement to Congress, that order may be taken for payment of the balance, if any shall be justly due; and that in the mean time no further remittances or payments be made to Mr. Beaumarchais, or Roderique Hortales and Co. by virtue of any former resolution of Congress.

NOVEMBER 25, 1782.

On the report of a committee, consisting of Mr. Williamson, Mr. Madison and Mr. Peters, to whom was referred a motion of Mr. Madison,

Resolved, That the secretary for foreign affairs be and he is hereby authorized, to communicate to the ministers of foreign powers who may reside near Congress, all such acts and resolutions of Congress, and all such articles of intelligence received by Congress, as he may judge proper, those only excepted which Congress may specially require to be kept secret; in which cases he shall make previous application to Congress.

## DECEMBER 3, 1782.

The secretary for foreign affairs having assigned to Congress satisfactory reasons for relinquishing his office, and having requested permission to resign,

Resolved, That Thursday the 9th inst. be assigned for electing another person to fill the office of secretary for foreign affairs; and that Mr. Livingston be informed, that Congress do approve of his proposal of continuing to perform the duties of the office until a person shall be appointed to succeed him.

## DECEMBER 10, 1782.

Pursuant to the order of the 18th of November last, the superintendent of finance reported the draft of a letter to Thomas Barclay, esquire, commissioner for settling the publick accounts in Europe, containing instructions to the said commissioner; and the same being read,

Ordered, That it be returned to the superintendent to be transmitted; the letter being as follows :

Office of Finance, December 5, 1782.

SIR,

On the 28th of May last the United States in Congress assembled resolved, that a commissioner be appointed to liquidate and finally settle the accounts of all the servants of the United States who have been intrusted with the expenditure of publick moneys in Europe. On the 29th of July last it was resolved,

that the resolution of the 28th of May be reconsidered; and on motion it was ordered, that the said resolution be committed. On the 18th of November last, on the report of a committee, to whom upon a reconsideration the resolution of the 28th day of May last was referred, it was resolved, that a commissioner be appointed by Congress with full powers and authority to liquidate and finally to settle the accounts of all the servants of the United States in Europe; and to commence and prosecute such suits, causes and actions as may be necessary for that purpose, or for the recovery of any property of the said United States in the hands of any person or persons whatsoever. That the said commissioner be authorized to appoint one or more clerks, with such allowance as he may think reasonable; and that the said commissioner and clerks respectively take an oath before some person duly authorized to administer an oath, faithfully to execute the trust reposed in them respectively. On the same day you was elected the commissioner; and it was resolved, that Congress would hereafter make adequate provision for the said commissioner, according to the nature and extent of the services which he shall perform. And on the 20th of November last it was resolved, that the superintendent of finance be directed to instruct the commissioner for settling the publick accounts in Europe to take proper measures for adjusting, without delay, the accounts of Mr. de Beaumarchais, or Roderique Hortales & Co., and to report such settlement to Congress, that order may be taken for payment of the balance, if any shall be justly due; and that in the mean time no further remittan-

ces or payments be made to Mr. de Beaumarchais or Roderique Hortales & Co. by virtue of any former resolutions of Congress.

Enclosed herein you will find a commission authorizing you to act in this business; and I shall now endeavour to give you such explanations and directions as may be necessary for the accomplishment of it, consistently with the views and intentions of the United States in Congress.

You will undoubtedly remark, that no sum is fixed upon as the compensation for this duty, the reason of which is apparent, namely, that until the completion of it neither the nature nor extent can be perfectly known. This might perhaps have induced a monthly or annual stipend to any other commissioner; but as your other duties may and probably will occupy a part of your time and attention, which must nevertheless be indeterminate, so it follows, that no points could properly be assumed by which the reasonable extent of such a stipend could be known. I have every reason to believe, that it is the intention of Congress to make a generous allowance for the performance of this service, and I am persuaded that by attention, assiduity and the faithful exertion of your talents and abilities, you will merit their regard.

The appointment of your clerks, as well as the ascertaining their number and reward, are left to your discretion. You will on this occasion consult the principles of true economy, which dictate the employing as many persons as are capable of performing the service, and no more; the taking care that those employed are capable of performing the business com-

mitted to them; and the obtaining such a number of such persons on the cheapest terms for which they can be procured. But the worst economy in the world is to employ improper men. That you may be enabled to form a judgment of the talents necessary to a clerk you will observe, that Congress in their ordinance of the 11th September, 1781, for regulating the treasury and adjusting the publick accounts, ordained and declared, that the clerks, the number of whom should be regulated by the superintendent of finance, should be appointed by the comptroller. That it should be their duty respectively to examine all accounts which should be committed to them by the comptroller, to correct all errors, and to note in writing what may appear exceptionable either as to the propriety of the charges, or the validity of the vouchers; and to transmit the accounts, with his remarks, to the auditor: and that the party for himself, and the clerk on behalf of the publick, should be heard before the auditor. From the nature of the commission intrusted to you it follows, that you must both commit the account to the clerk, and afterwards audit it, as well as finally determine on and adjust it; which last is done here by the comptroller, except in cases where the appointment of a commissioner has been necessary, with authorities similar to yours. It is to be apprehended, that the accounts will in many instances be exhibited to you informally; and as it is not only useful in the first settling of complicated accounts to adhere to settled forms, but absolutely necessary to the clear and easy understanding of them after they are settled, so it will frequently become ne-

cessary to have the accounts restated, and all the vouchers to them numbered by your clerks. And although your own care and attention will always be requisite to detect and discover errors and frauds, yet so much will depend on the accuracy and abilities of the clerks in these investigations, that I cannot too strongly recommend to your attention the choice of able accountants for that purpose.

With respect to the accounts of Mr. de Beaumarchais, much has been said, and therefore I might dispense perhaps with saying any thing; but as I have reason to believe, that whatever may have been the characters of the persons concerned, either for abilities or integrity, the business which has passed through their hands has not been well done, I must desire that these accounts undergo your strictest scrutiny. You will probably find some other large accounts, which merit a like attention. In every such case, the observations made here will be equally applicable. You are too well acquainted with mercantile business not to know when, and how, and what commissions are chargeable on a transaction. I believe that knowledge and information on this subject will be found very necessary. They will be indispensable should it be attempted to charge several commissions on the same thing, whether it be done openly as such, or covertly as brokerage, factorage and the like, or still more covertly by an increase of original price. Hence, therefore, it will be found necessary to consider well the original prices; and it is much to be lamented that samples of the articles cannot be laid before you; because many have been received of a quality not only



base, but despicable. It is not possible at this distance of time and place to ascertain by whom such articles were purchased; and indeed many of those which have been shipped never arrived. Under such circumstances it becomes your duty to require proof of the quality of such articles as appear charged to the United States; and the idea will naturally suggest itself, that the character of the party making the charge will influence the necessity of such proof, just as the validity of the proof itself will be influenced by the character of the witnesses. Had these transactions been merely confined to the purchase and delivery of goods, they might perhaps easily have been investigated; but they extend themselves to many other things, among which is the transportation and expense incident to it. Under this head two objects present themselves immediately to view: first, whether due care was taken in the modes of transportation adopted; and secondly, whether the expense has been reasonable or exorbitant. With respect to the latter, it will certainly be your duty to correct improper or exorbitant charges. But in the former case your conduct must be directed by circumstances in their nature so various as to admit of no prescribed rule; and therefore I can only recommend it to you to consult the interests of the United States as far as the principles of justice will permit. I know it is unnecessary to tell you that the delivery of goods purchased and transported should be shown before the charges are admitted; but I must desire that the evidence on this subject may be so clear and plain as to enable us to call the receivers of them to account. Cases will doubt-

less occur of loss by the accidents of the sea, and by enemies : these also should be clearly proved, and the causes as much as possible investigated.

Your commission will entitle you to aid and protection in the execution of the duties committed to you ; and you will make the necessary applications on that subject to the proper persons whenever circumstances shall require. A primary object will be, to discover what sums have at any time or times been paid to the use of the United States. These can, I suppose, be discovered, and the names of the persons to whom they have been paid, although it is possible that in certain cases the person *by* whom they have been paid will not be known to you. The first account you form will be a general one, under the title of loans and subsidies obtained in Europe on account of the United States. The debit of this account you may leave in blank, but the credit side will consist of the sums paid to the use of the United States, and the persons to whom they were paid. Every of these persons will, of course, be debited in particular accounts for the respective sums so credited. These sums, then, they are to account for ; and where they have paid them over to others, such payments are again to be accounted for, until they are traced to a final appropriation, which will be of articles purchased for, or services rendered to, the United States. In the course of this investigation, however, it may happen, that in some case of payment by one to another the receiver shall not account properly, on which the question will arise, how far the payment is to operate a discharge to the party by whom it was made. This question admits of

so many modifications, according to the varieties of possible circumstances, that no provision can be made which will be applicable to all. I have therefore thought it best to enclose for your perusal the instructions\* on this subject to commissioners appointed for settling the old accounts of the civil departments. You will govern yourself by the spirit of these instructions according to circumstances as they arise.

I have already observed, that the final appropriation of moneys must be traced to articles purchased and services rendered ; but such a general distinction would not be sufficiently clear in the stating of accounts : you will place this final appropriation, there-

\* Office of Finance, October 3, 1782.

SIR,

In the course of the business committed to your care a doubt will naturally arise, how far payments to deputies in a department shall discharge the principal. I think it proper therefore to give you my sentiments.

When of two officers appointed by Congress, the one is from the nature of his office to receive money from the other, in such case, the payment on publick account, and for the purposes of such office, must finally discharge the party paying. In all other cases, the advances made should be carried (in the first instance) to the credit of the person who made them, and be charged to the receiver. But in any case where there shall have been a default, the amount thereof must be recharged to the immediate superiour of the defaulter ; and if it be still unaccounted for and unpaid by him, then it must be recharged to his immediate superiour ; and so on, until it finally stand as a charge against some person appointed by Congress ; and then in the last resort, Congress (who are alone competent to it) will determine upon a consideration of all circumstances, whether the principal shall be held to pay the United States, or whether he shall be finally discharged.

I am, sir, &c.

fore, under one or other of these following general heads.

1. *Salaries and Expenses of Publick Ministers, Commissioners and Agents.* In this account you will charge all moneys advanced to any publick servants of the United States in Europe, on account of their salaries or expenses.

2. *Clothier General's Department.* In this account you will charge every article of clothing which may have been purchased.

3. *Commissary of Military Stores Department.* In this account you will charge all arms, ammunition and the like.

4. *Quarter Master General's Department.* In this you will charge tents, sheet tin for camp kettles, and other articles properly belonging to that department.

5. *Marine Department.* In this you will charge all moneys expended in building or buying ships of war and fitting them out, with the incidental charges; also naval stores purchased for the United States, and the like.

6. *Hospital Department.* In this you will charge all instruments, medicines, &c. &c. appertaining to that department.

7. *Merchandise General.* In this you will charge such articles of stores as do not fall within the second, third, fourth, fifth and sixth heads, if any such there be, and also any articles which you shall be doubtful as to the account they ought to be carried to.

8. *Transport Service.* In this you will charge the purchase, freightment, hire, insurance and the like,

of ships or vessels for the purpose of bringing any articles to America.

9. *Contingent Services.* In this you will charge the expense of land transportations, expresses, storages, wharfages, and other like articles ; also all those things which do not fall properly under some general head.

10. *Prisoners and Americans in Europe.* In this you will charge all moneys paid for or to American prisoners, or other Americans, taking care so to designate and specify these charges, and the parties, as that those who are able may be called on for repayment. The names and usual places of abode will, so far as they are attainable, be of importance.

11. *Foreign Officers.* In this you will charge all sums paid or advanced to foreign officers, coming to or returning from America.

12. *Interest of Debts.* In this you will charge all sums paid on the interest bills of exchange issued from the several loan offices, and any other interest moneys which may have been paid.

13. *Bills of Exchange.* In this you will charge all sums paid on bills of exchange drawn by order of Congress.

It is not improbable that in the course of your business you may find it necessary to raise some other such general accounts ; and if so, you will raise them accordingly. You will take care to attend strictly to the propriety of all charges made, and to the validity of the vouchers by which they are supported. You will examine very particularly into the accounts of armed vessels fitted out in Europe on account of the United States, especially of those wherein any individuals

shall appear to have been interested. And you will bring those persons to account into whose hands any prizes or moneys for the sale of prizes may have come ; so that justice may be done as well to the publick as to the captors concerned therein.

Whenever you finally settle an account, you will take care to be possessed of the several vouchers, which, together with the account, are to be kept in your consular office until farther orders ; but you will transmit quadruplicate copies of the several general accounts by safe conveyances as soon as possible.

#### DECEMBER 21, 1782.

The committee, consisting of Mr. Madison, Mr. Rutledge and Mr. Gilman, appointed to confer with the secretary for foreign affairs on the subject of his department, report,

That he is willing, if it be the desire of Congress, to remain in the said department until the ensuing spring ; but that it will be necessary for him to make a short visit to the state of New York in the month of January, which the committee think will not probably interfere with the publick business : Whereupon,

Resolved, That the election of a secretary for foreign affairs be postponed until the first Monday in May next ; and that Mr. Livingston be requested to continue to discharge the duties of that department until such election shall be made ; and that he have leave of absence for the purpose of making a visit to the state of New York.

## DECEMBER 27, 1782.

On a report from the secretary of foreign affairs, to whom were referred sundry letters from doctor Franklin and Mr. J. Adams,

Resolved, That doctor Franklin be informed, that the allowance he has heretofore made and now makes to Mr. William Temple Franklin, acting in the character of his secretary, meets the approbation of Congress; and that his future allowance be 300 louis d'ors per annum, until the farther order of Congress.

Resolved, That Mr. Adams be informed, that Congress agree to the purchase he has made of a house at the Hague on account of the United States; and direct him to take measures for transferring to them the title thereof. That on his furnishing an account of the balance still due on such purchase, the superintendent of finance take order for the payment thereof.

## DECEMBER 30, 1782.

His excellency the President having informed Congress that the honourable T. Jefferson was arrived in town,

Ordered, That Mr. Jefferson have access to the several offices of Congress, in order that he may gain a knowledge of the affairs of the United States, and prepare himself for the execution of the trust reposed in him.

## DECEMBER 31, 1782.

On the report of a committee, consisting of Mr. Madison, Mr. Rutledge, Mr. Clark, Mr. Hamilton and Mr. Osgood, to whom was referred a letter of 14th October last from the minister plenipotentiary at the court of Versailles,

Resolved, That the ministers plenipotentiary for negotiating a peace be instructed, in any commercial stipulations with Great Britain which may be comprehended in a treaty of peace, to endeavour to obtain for the citizens and inhabitants of the United States a direct commerce to all parts of the British dominions and possessions, in like manner as all parts of the United States may be opened to a direct commerce of British subjects; or at least that such direct commerce be extended to all parts of the British dominions and possessions in Europe and the West Indies; and the said ministers are informed, that this stipulation will be particularly expected by Congress, in case the citizens and subjects of each party are to be admitted to an equality in matters of commerce with natives of the other party.

## JANUARY 1, 1783.

On a report of the secretary for foreign affairs—

The minister plenipotentiary of his most christian majesty having communicated to Congress, through the secretary for foreign affairs, on the 7th instant, the resolution taken to embark the army under the command



of the count de Rochambeau, and on the 29th their having actually embarked and sailed, together with his majesty's intention to direct them to return whenever an object should offer in which they might effectually co-operate with the troops of the United States—

Resolved, That the secretary for foreign affairs inform the minister of France, that though Congress cannot see without regret the departure of an army to whose bravery and good conduct they are so greatly indebted for the reduction of the enemy's force in this country, yet that they have too much confidence in the attention of his majesty to the interests of the alliance not to be persuaded that the order for their departure was dictated by a conviction that they could elsewhere be more usefully employed against the common enemy. That they wish him to make known to his majesty the grateful sense they entertain of his attention to their immediate interest manifested in the important aid thus long afforded them, and in his generous determination to direct his troops to return to this country whenever circumstances will admit of an advantageous co-operation with the arms of the United States. That they desire through him to recommend in a particular manner the count de Rochambeau, and the army under his command, to the favour of his majesty, having the highest reason to be satisfied with their bravery and good conduct, and with that strict discipline to which they are indebted for the perfect harmony which has so happily subsisted between them and the soldiers and citizens of the United States.

Resolved, That the President make the acknowledgments of Congress in a particular manner to his

excellency the count de Rochambeau, and signify to him the high sense they entertain of the distinguished talents displayed by him, with so much advantage to these states, in the most important conjunctures, as well as of the strict and exemplary discipline which have been uniformly conspicuous in the troops under his command, and which have deservedly acquired the admiration and esteem of the citizens of these states, by whom his signal services, and the delicate attention at all times paid to their private rights, will ever be held in affectionate remembrance.

JANUARY 3, 1783.

The minister plenipotentiary of France transmitted to the secretary for foreign affairs a note, of which the following is a translation.

NOTE.

Philadelphia, December 31, 1782.

The minister plenipotentiary of France underwritten, has had the honour to communicate to the secretary for the department of foreign affairs several facts and circumstances relative to the negotiation that has been opened at Paris, between the belligerent powers, in order to effect a general peace. That minister will communicate it to Congress; but the undersigned minister plenipotentiary has likewise received orders to express himself to that assembly the satisfaction which the king his master has felt for the conduct they have held on the overtures that were made at different

periods, by the British commissioners commanding at New York, to bring about a partial negotiation with the United States, or any of them. The king has seen with pleasure the resolutions taken by his allies in those circumstances, and has been pleased to see how much they agree with those he has taken himself. He has observed with an equal satisfaction the unanimity which has subsisted among the different states in the union, who have thought proper to express their sentiments on the subject of a partial peace. The determination they have expressed to reject with abhorrence every proposition of that kind, has fully confirmed his majesty in the opinion he had formed of their fidelity to fulfil their engagements, and of the wisdom that presides over their councils. The communications made to the secretary for the department of foreign affairs give room to presume, that this just and wise as well as prudent and advantageous conduct will soon bring the allies to a happy termination of the present war. The undersigned minister believes, however, that it is his duty to inform Congress, that at the time the British ministry manifested those pacifick dispositions, they entertained just apprehensions about the fate of several naval operations, which have, on the contrary, had a much more favourable issue than the court of London seemed to expect. It is possible that those unexpected successes may alter their dispositions; and on this supposition the undersigned minister thinks that it becomes the wisdom of the United States not to slacken in their efforts and preparations for an ensuing campaign.

Congress may rest persuaded that his majesty will, on his side, take all the necessary measures to carry it on with vigour, and that all his resources will be applied to this important object.

(Signed) LE CHR. DE LA LUZERNE.

On report of the secretary for foreign affairs, to whom was referred the foregoing note :

Resolved, That the secretary for foreign affairs inform the minister of France, that Congress learn with great pleasure that the steps taken by Congress and the respective states their constituents, in opposition to the attempts of the British court to bring about a partial negotiation, has been satisfactory to his most christian majesty. That his majesty's conduct in the progress of the negotiations commenced in Europe, as it has been communicated to Congress, is sufficient to inspire a just abhorrence of every act derogatory to the principles of the alliance, and serves to fortify the resolutions which his repeated acts of friendship and a sense of their own honour and dignity had dictated to the United States in Congress assembled and the states they represent.

JANUARY 15, 1783.

The honourable the minister plenipotentiary of his most christian majesty having notified to Congress, that the term allowed to the capitulants of St. Christopher's, Nevis and Montserrat, for receiving cargoes from Great Britain, and for loading back the vessels under neutral colours for that kingdom, is expired; and that the

gouverneur general of those islands is instructed to grant no more permits for such purposes—

Ordered, That the notification be published.

JANUARY 21, 1783.

The superintendent of finance having laid before Congress a copy of a contract between his most christian majesty and the United States of America, entered into and executed on the 16th July, 1782, by the count de Vergennes and Dr. B. Franklin, for ascertaining the sums of money advanced on loan by his majesty to the United States, and settling the terms of payment; and it being stipulated in the said contract that the ratifications thereof shall be exchanged in nine months from the date, or sooner, if possible—

Ordered, That the secretary prepare and lay before Congress the form of a ratification.

A letter of 8th October, 1782, from the honourable J. Adams, was read, accompanied with a certified copy of a treaty of amity and commerce, and of a convention respecting recaptured vessels, agreed to between their high mightinesses the states general of the Netherlands and the United States of America, on the said 8th day of October, 1782.

JANUARY 22, 1783.

The form of a ratification being brought in and agreed to, the contract between his most christian majesty and the United States of America, entered into on the 16th July, 1782, was ratified as follows :

The United States in Congress assembled—To all who shall see these presents, send greeting.

Whereas Benjamin Franklin, our minister plenipotentary at the court of Versailles, in pursuance of the powers in him vested, did on the sixteenth day of July, in the year of our Lord one thousand seven hundred and eighty-two, with Charles Gravier de Vergennes, &c. counsellor of the king in all his councils, commander of his orders, minister and secretary of state, &c. vested with full powers of his most christian majesty for the purpose, enter into, conclude and sign a contract between his most christian majesty and the United States of North America, in the words following, to wit :

Du 16 Juillet, 1782.

Contrat entre le Roi, et les treize Etats Unis de l'Amérique Septentrionale.

Le roi ayant bien voulu avoir égard aux demandes qui lui ont été faites, au nom, et de la part des Provinces Unies de l'Amérique Septentrionale, de les assister dans l'état de guerre et d'invasion, où elles gémissent depuis plusieurs années, et sa majesté après avoir fait avec les dites provinces confédérées un traité d'amitié et de commerce en date du 6 Février, 1778 ; ayant eu la bonté de les soutenir non seulement par ses forces de terre et de mer, mais encore par des avances des secours pécuniaires aussi abondants qu'efficaces dans la crise et le besoin où elles étaient réduites, il a été jugé convenable et nécessaire de constater d'une manière positive le montant des dites avan-

ces ; les conditions sous lesquelles le roi s'est porté à les faire ; les époques auxquelles le Congrès des dits Etats Unis, s'est engagé de les rembourser au trésor royal de sa majesté, et d'éclairer enfin cet objet de manière à prévenir dans l'avenir toutes difficultés capables d'altérer la bonne harmonie que sa majesté est résolue de maintenir et consacrer entre elle et les dits Etats Unis. Pour remplir un dessein aussi louable, et dans la vue d'affermir les liens de commerce et d'amitié qui subsistent entre sa majesté et les dits Etats Unis, nous, Charles Gravier de Vergennes, &c. conseiller du roi en tous ses conseils, commandeur de ses ordres, ministre et secrétaire d'état et de ses commandements et finances, muni des pleins pouvoirs de sa majesté à nous donnés à l'effet des présentes :

Et nous, Benjamin Franklin, ministre plénipotentiaire des Etats Unis de l'Amérique Septentrionale parreillement muni de pouvoirs du Congrès des dits états au même effet des présentes, après nous être duement communiqués nos pouvoirs respectifs, avons arrêté les articles qui suivent.

#### ARTICLE I.

Il a été calculé et vérifié que les sommes avancées à titre de prêt par sa majesté au Congrès des dits Etats Unis, pendant les années 1778, 1779, 1780, 1781, et la présente, 1782, montent à la somme de dix-huit millions de livres, (argent de France,) suivant vingt et une reconnaissances ci-dessous mentionnées que le ministre soussigné du Congrès en a fourni en vertu de ses pouvoirs.

## SAVOIR :

La 1 <sup>re</sup> .	du 28 Février	1778	de	750,000	
La 2 <sup>e</sup> .	du 19 Mai		Id.	750,000	
La 3 <sup>e</sup> .	3 Aout		Id.	750,000	
La 4 <sup>e</sup> .	1 <sup>er</sup> Novembre		Id.	750,000	
				<hr/>	3,000,000
La 5 <sup>e</sup> .	10 Juin	1779		250,000	
La 6 <sup>e</sup> .	16 Septembre		Id.	250,000	
La 7 <sup>e</sup> .	4 Octobre		Id.	250,000	
La 8 <sup>e</sup> .	21 Décembre		Id.	250,000	
				<hr/>	1,000,000
La 9 <sup>e</sup> .	29 Février	1780		750,000	
La 10 <sup>e</sup> .	23 Mai		Id.	750,000	
La 11 <sup>e</sup> .	21 Juin		Id.	750,000	
La 12 <sup>e</sup> .	5 Octobre		Id.	750,000	
La 13 <sup>e</sup> .	27 Novembre		Id.	1,000,000	
				<hr/>	4,000,000
La 14 <sup>e</sup> .	15 Février	1781		750,000	
La 15 <sup>e</sup> .	15 Mai		Id.	750,000	
La 16 <sup>e</sup> .	15 Aout		Id.	750,000	
La 17 <sup>e</sup> .	1 <sup>er</sup> Aout		Id.	1,000,000	
La 18 <sup>e</sup> .	15 Novembre		Id.	750,000	
				<hr/>	4,000,000
La 19 <sup>e</sup> .	10 Avril	1782		1,500,000	
La 20 <sup>e</sup> .	1 <sup>er</sup> Juillet		Id.	1,500,000	
La 21 <sup>e</sup> .	5 du dit mois			3,000,000	
				<hr/>	6,000,000
Somme égale à celle, ci-dessus					<hr/>
de dix-huit millions ci					18,000,000

Par lesquelles reconnaissances le ministre sus dit a promis au nom du Congrès et solidairement pour les



treize Etats Unis, faire payer et rembourser au trésor royal de sa majesté le premier, Janvier, 1788, au domicile du Sr. Grand, banquier, à Paris, la dite somme de dix-huit millions (argent de France) avec les intérêts à cinq pour cent, l'an.

#### ARTICLE II.

Considérant que le remboursement d'un capital aussi considérable en un seul terme stipulé au premier Janvier, 1788, génèrait infiniment les opérations de la finance du Congrès des dits Etats Unis, et serait même peut-être impraticable sur ce pied, sa majesté a bien voulu par ce motif déroger, à cet égard, à la teneur des reconnaissances que le ministre du Congrès a fournies, de dix-huit millions de livres tournois énoncées en l'article ci-dessus, et consentir que le remboursement de ce capital soit fait en argent comptant à son trésor royal à Paris, en douze années seulement, à commencer de la troisième après l'époque de la paix.

#### ARTICLE III.

Quoique les reconnaissances du ministre du Congrès des dits Etats Unis, portent que les dix-huit millions de livres dont il s'agit seront payés et remboursés au trésor royal avec les intérêts à cinq pour cent l'an, sa majesté voulant donner aux Etats Unis une nouvelle preuve de son affection et de son amitié, elle a bien voulu faire don et remise de la totalité des arrérages des intérêts échus jusqu'à ce jour, et

de ceux à écheoir jusqu'à l'époque du traité de paix ; faveur que le ministre du Congrès reconnait émaner de la pure munificence du roi et la recevoir au nom des dits Etats Unis, avec une profonde et vive reconnaissance.

#### ARTICLE IV.

Le remboursement des dix-huit millions de livres tournois dont il s'agit, sera fait en argent comptant au trésor royal de sa majesté à Paris en douze parties égales, et aux termes stipulés en l'article 2 ci-dessus. Les intérêts de la dite somme à cinq pour cent l'an commenceront seulement à courir de l'époque du traité de paix ; seront acquittés à chaque terme de remboursement partiel du capital, et diminueront à mesure et en proportion des paiements ; le Congrès et les dits Etats Unis restant au surplus libres de devancer le terme de leur libération par des remboursements anticipés, au cas que la situation de leurs finances leur en donnât la facilité.

#### ARTICLE V.

Quoique l'emprunt de cinq millions de florins de Hollande consenti par les états généraux des Provinces Unies des pays bas, aux termes de l'obligation passée le 5 Novembre, 1781, entre sa majesté et les dits états généraux a été stipulé sous le nom de sa majesté, et garanti par elle, il est néanmoins reconnu par ces présentes que le dit emprunt a été fait réellement pour le compte et le service des Etats Unis de l'Amérique

Septentrionale et que le capital, montant par évaluation modérée à la somme de dix millions de livres tournois en a été payée aux dits Etats Unis suivant la reconnaissance du solde de la dite somme que le ministre soussigné du Congrès en a fourni le sept Juin dernier.

ARTICLE VI.

Par la convention du dit jour 5 Novembre, 1781, le roi a bien voulu promettre et s'engager de fournir et restituer au comptoir général des états généraux des pays bas, le capital du dit emprunt avec les intérêts à quatre pour cent par an, sans aucun frais ou déductions quelconques pour les prêteurs, de manière que le dit capital soit entièrement remboursé après l'espace de quinze années ; les remboursements devant se faire en dix termes égaux, dont le premier écherra dans la sixième année à compter de la date du dit emprunt et ainsi de suite d'année en année jusqu'au remboursement final de la susdite somme ; mais il a été pareillement reconnu par le présent acte, que cet engagement n'a été pris par le roi à la prière du ministre soussigné des Etats Unis, que sous la promesse par lui faite au nom du Congrès et solidairement pour les treize Etats Unis de faire rembourser et restituer au trésor royal de sa majesté à Paris, le capital, les intérêts et frais du dit emprunt suivant les conditions et aux époques fixées par la convention susdite du 5 Novembre, 1781.

## ARTICLE VII.

Il a été arrêté en conséquence et convenu que la somme de dix millions de livres tournois formant par modération le principal de l'emprunt de cinq millions de florins de Hollande, ci-dessus mentionné, sera remboursée et restituée en argent comptant au trésor royal de sa majesté à Paris avec les intérêts à quatre pour cent par an, en dix parties égales d'un million chacune et en dix terme dont le premier écherra le 5 Novembre de l'année, 1787 ; le second au 5 Novembre, 1788, et ainsi de suite d'année en année jusqu'au remboursement final de la sus-dite somme de dix millions, les intérêts diminuant à mesure et en proportion des remboursemens partiels du capital ; mais par une suite des sentimens d'affection du roi, pour les Etats Unis de l'Amérique, sa majesté a bien voulu prendre à sa charge les frais de commission et de banque du dit emprunt, dèsquels frais sa majesté a fait don et remise aux dits états, ce que leur ministre soussigné a accepté avec reconnaissance au nom du Congrès comme une nouvelle marque de la générosité et de l'amitié de sa majesté pour les dits Etats Unis.

## ARTICLE VIII.

A l'égard des intérêts du dit emprunt, pendant les cinq années qui précéderont celle du premier terme de remboursement du capital, comme le roi s'est engagé à les payer au comptoir général des états généraux des pays bas sur le pied de quatre pour cent par an et

d'année en année à compter du cinq Novembre, 1781, suivant la convention du même jour, le ministre du Congrès reconnaît que la restitution en est due à sa majesté, par les Etats Unis, et s'engage au nom des dits états à les faire payer et rembourser aux mêmes époques et sur le même pied au trésor royal de sa majesté la première année d'arrérages d'intérêt devant être acquittée le 5 Novembre prochain et ainsi de suite pendant chacune des cinq années qui précéderont celle du premier terme de remboursement du capital fixé ci-dessus au 5 Novembre, 1787.

Les hautes parties contractantes se garantissent réciproquement l'observation fidèle du présent contrat, dont les ratifications seront échangées dans l'espace de neuf mois à compter de ce jour ou plus tôt s'il est possible. En foi de quoi, nous, plénipotentiaires susdits de sa majesté très chrétienne et des treize Etats Unis de l'Amérique Septentrionale, en vertu de nos pouvoirs respectifs avons signé ces présentés et y avons fait apposer le cachet de nos armes.

Fait à Versailles le seizième jour du mois de Juillet,  
mil sept cent quatre vingt deux.

GRAVIER DE VERGENNES. [L. s.]

B. FRANKLIN. [L. s.]

## TRANSLATION.

A Contract between the King and the thirteen United States of North America, entered into by the Count de Vergennes and Mr. Franklin, 16th July, 1782.

The king having been pleased to attend to the request made to him in the name and on behalf of the United Provinces of North America for assistance in the war and invasion under which they had for several years groaned; and his majesty, after entering into a treaty of amity and commerce with the said confederated provinces, on the 6th of February, 1778, having had the goodness to support them not only with his forces by land and sea, but also with advances of money as abundant as they were effectual in the critical situation to which their affairs were reduced: It has been judged proper and necessary to state exactly the amount of those advances, the conditions on which the king made them, the periods at which the Congress of the United States have engaged to repay them to his majesty's royal treasury; and in fine, to state this matter in such a way as for the future to prevent all difficulties capable of interrupting the good harmony which his majesty is resolved to maintain and preserve between him and the said United States. For executing so laudable a purpose, and with a view to strengthen the bands of amity and commerce which subsist between his majesty and the said United States—We, Charles Gravier de Vergennes, &c. counsellor of the king in all his councils, commander of his

orders, minister and secretary of state, and of his commands and finances, vested with full powers of his majesty to us given for this purpose: and we, Benjamin Franklin, minister plenipotentiary of the United States of North America, in like manner vested with full powers of the Congress of the said states for the present purpose, after duly communicating our respective powers, have agreed to the following articles :

## ARTICLE 1.

It is agreed and certified, that the sums advanced by his majesty to the Congress of the United States under the title of a loan, in the years 1778, 1779, 1780, 1781, and the present 1782, amount to the sum of eighteen millions of livres, money of France, according to the following twenty-one receipts of the above-mentioned underwritten minister of Congress, given in virtue of his full powers, to wit :

1.	28 February,	1778,	750,000	
2.	19 May,	do.	750,000	
3.	3 August,	do.	750,000	
4.	1 November,	do.	750,000	
			<hr/>	3,000,000
5.	10 June,	1779,	250,000	
6.	16 September,	do.	250,000	
7.	4 October,	do.	250,000	
8.	21 December,	do.	250,000	
			<hr/>	1,000,000
9.	29 February,	1780,	750,000	
10.	23 May,	do.	750,000	

11.	21 June,	1780,	750,000	
12.	5 October,	do.	750,000	
13.	27 November,	do.	1,000,000	
			<hr/>	4,000,000
14.	15 February,	1781,	750,000	
15.	15 May,	do.	750,000	
16.	15 August,	do.	750,000	
17.	1 August,	do.	1,000,000	
18.	15 November,	do.	750,000	
			<hr/>	4,000,000
19.	10 April,	1782,	1,500,000	
20.	1 July,	do.	1,500,000	
21.	5 Of the same month,		3,000,000	
			<hr/>	6,000,000
	Amounting in the whole to			
	eighteen millions, viz.			18,000,000

By which receipts the said minister has promised, in the name of C<sup>o</sup>ngress and in behalf of the thirteen United States, to cause to be paid and reimbursed to the royal treasury of his majesty, on the first of January, 1788, at the house of his grand [of the sieur grand] banker at Paris, the said sum of eighteen millions money of France, with interest at five per cent. per annum.

#### ARTICLE II.

Considering that the payment of so large a capital at the one stipulated period, the first of January, 1788, may greatly injure the finances of the Congress of the United States, and it may perhaps be even impracti-



cable on that footing, his majesty has been pleased for that reason to recede in that respect from the tenor of the receipts which the minister of Congress has given for the eighteen millions livres tournois mentioned in the foregoing article, and has consented that the payment of the capital in ready money at the royal treasury be in twelve equal payments of 1,500,000 livres each, and in twelve years only, to commence from the third year after a peace.

#### ARTICLE III.

Although the receipts of the minister of the Congress of the United States specify that the eighteen millions of livres above mentioned are to be paid at the royal treasury, with interest at five per cent. per annum, his majesty, being willing to give the said United States a new proof of his affection and friendship, has been pleased to make a present of, and to forgive the whole arrears of interest to this day, and from thence to the day of the date of the treaty of peace; a favour which the minister of the Congress of the United States acknowledges to flow from the pure bounty of the king, and which he accepts in the name of the said United States with profound and lively acknowledgments.

#### ARTICLE IV.

The payment of the said eighteen million of livres tournois shall be in ready money at the royal treasury of his majesty at Paris, in twelve equal parts, and at

the terms stipulated in the above second article. The interest of the said sum, at five per cent. per annum, shall commence with the date of the treaty of peace, and shall be paid at every period of the partial payments of the capital, and shall diminish in proportion with the payments. The Congress of the said United States being left, however, at liberty to free themselves sooner from this obligation by anticipated payments, in case the state of their finances will admit.

#### ARTICLE V.

Although the loan of five millions of florins of Holland, agreed to by the states general of the United Provinces of the Netherlands, on the terms of the obligation passed on the 5th of November, 1781, between his majesty and the said states general, has been made in his majesty's name, and guarantied by him, it is nevertheless acknowledged by these presents, that the said loan was made in reality on account and for the service of the United States of North America, and that the capital, amounting at a moderate valuation to the sum of ten millions livres tournois, has been paid to the said United States agreeably to a receipt for the payment of the said sum given by the undersigned minister of Congress, the seventh day of June last.

#### ARTICLE VI.

By the convention of the said 5th of November, 1781, the king has been pleased to promise and en-

15  
gage to furnish and pay, at the general counter of the states general of the Netherlands, the capital of the said loan with the interest at 4 per cent. per annum, without any charge or deduction whatever to the lenders, so that the said capital shall be wholly repaid after the space of ~~five~~ years, the payments to be made in ten equal periods, the first of which to commence the sixth year from the date of the loan, and afterwards from year to year to the final payment of the said sum. But it is in like manner acknowledged by this act, that this engagement was entered into by the king at the request of the undersigned minister of the United States, and on the promise by him made in the name of Congress, and on behalf of the thirteen United States, to cause to be reimbursed and paid at the royal treasury of his majesty at Paris, the capital, interest, and cost of the said loan, according to the conditions and terms fixed by the said convention of the 5th of November, 1781.

## ARTICLE VII.

It is accordingly agreed and settled, that the sum of ten millions livres tournois, being by a moderate computation the principal of the loan of five millions of Holland florins abovementioned, shall be reimbursed and paid in ready money at the royal treasury of his majesty at Paris, with the interest at four per cent. per annum, in ten equal payments of one million each, and in ten terms, the first of which shall be on the 5th of November, 1787, and the second the 5th November, 1788, and so from year to year till the final payment of

the said sum of ten millions, the interest lessening in proportion with the partial payments of the capital. But in consequence of the king's affection for the United States, his majesty has been pleased to charge himself with the expense of commissions and bank for the said loan, of which expenses his majesty has made a present to the United States; and this their undersigned minister accepts, with thanks, in the name of Congress, as a new proof of his majesty's generosity and friendship for the said United States.

#### ARTICLE VIII.

With regard to the interest of the said loan during the five years preceding the first term of payment of the capital, as the king has engaged to pay it at the general counter of the states general of the Netherlands at the rate of four per cent. yearly and every year, counting from the 5th November, 1781, according to the convention of that day, the minister of Congress acknowledges that the repayment of that is due to his majesty by the United States; and he engages in the name of the said United States to cause payment thereof to be made, at the same time and at the same rate, at the royal treasury of his majesty, the first year's interest to be paid the 5th of November next, and so yearly during the five years preceding the first term for the payment of the capital, fixed as above on the 5th of November, 1787.

The high contracting parties reciprocally bind themselves to the faithful observance of this contract, the

ratifications of which shall be exchanged in the space of nine months from this day, or sooner if possible.

In testimony whereof, we, the said plenipotentiaries of his most christian majesty, and the thirteen United States of North America, in virtue of our respective powers, have signed these presents, and thereunto fixed the seal of our arms.

Done at Versailles, the sixteenth day of July, one thousand seven hundred and eighty-two.

(Signed,) GRAVIER DE VERGENNES. [L. s.]  
B. FRANKLIN. [L. s.]

Now KNOW YE, That we the said United States in Congress assembled, impressed with a most lively sense of the generosity and affection manifested by his most christian majesty in the above contract, have ratified and confirmed, and by these presents do ratify and confirm the said contract, and every article and clause thereof. And we do hereby empower our minister plenipotentiary at the court of Versailles to deliver this our act of ratification in exchange for the ratification of the said contract on the part of his most christian majesty.

In testimony whereof, we have caused our seal to be hereunto affixed. Witness his excellency Elias Boudinot, President, this twenty-second day of January, one thousand seven hundred and eighty-three, and of our sovereignty and independence, the seventh.

## JANUARY 23, 1783.

On the report of a committee, consisting of Mr. Madison, Mr. Hamilton and Mr. Ellsworth, to whom were referred the letter of the 8th of October, 1782, from the minister plenipotentiary at the Hague, with copies of a treaty of amity and commerce, and of a convention concerning vessels recaptured,

Resolved, That the said treaty of amity and commerce, and the said convention concerning vessels recaptured, between their high mightinesses the states general of the Netherlands and the United States of America, dated at the Hague, the 8th day of October, 1782, be accepted and ratified in the forms following :

The United States of America in Congress assembled—To all who shall see these presents, Greeting.

Whereas by our commission dated at Philadelphia, the twenty-ninth day of December, 1780, John Adams, formerly a delegate from Massachusetts, &c. was nominated and constituted our minister, with full powers on the part of the United States of America, to concert and conclude with persons equally empowered on the part of their high mightinesses the states general of the United Netherlands, a treaty of amity and commerce, having for its basis, the most perfect equality, and for its object, the mutual advantage of the parties, we promising in good faith to ratify whatever should be transacted by virtue of the said commission : And whereas our said minister, in pursuance of his full powers, at the Hague, on the 8th day

of October, 1782, with George Van Randwyck, &c. &c. plenipotentiaries, named for that purpose, on the part of their high mightinesses the states general of the United Netherlands, did conclude and sign, on the part of their said high mightinesses, &c. and of the United States of America, a treaty of amity and commerce in the words following, to wit :

A Treaty of Amity and Commerce between their High Mightinesses the States General of the United Netherlands, and the United States of America, to wit : New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Their high mightinesses the states general of the United Netherlands, and the United States of America, to wit, New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, desiring to ascertain, in a permanent and equitable manner, the rules to be observed relative to the commerce and correspondence which they intend to establish between their respective states, countries and inhabitants, have judged that the said end cannot be better obtained, than by establishing the most perfect equality and reciprocity for the basis of their agreement, and by avoiding all those burdensome preferences, which are usually the sources of debate, embar-

rassment and discontent ; by leaving also each party at liberty to make respecting commerce and navigation such ulterior regulations as it shall find most convenient to itself, and by founding the advantages of commerce solely upon reciprocal utility and the just rules of free intercourse, reserving withal to each party, the liberty of admitting at its pleasure other nations to a participation of the same advantages.

On these principles their said high mightinesses the states general of the United Netherlands have named for their plenipotentiaries from the midst of their assembly, messieurs their deputies for the foreign affairs ; and the said United States of America, on their part, have furnished with full powers Mr. John Adams, late commissioner of the United States of America at the court of Versailles, heretofore delegate in Congress from the state of Massachusetts Bay, and chief justice of the said state, who have agreed and concluded as follows, to wit :

#### ARTICLE I.

There shall be a firm, inviolable and universal peace and sincere friendship between their high mightinesses the lords the states general of the United Netherlands and the United States of America, and between the subjects and inhabitants of the said parties, and between the countries, islands, cities and places situated under the jurisdiction of the said United Netherlands and the said United States of America, their subjects and inhabitants of every degree, without exception of persons or places.



## ARTICLE II.

The subjects of the said states general of the United Netherlands shall pay in the ports, havens, roads, countries, islands, cities or places of the United States of America, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favoured are, or shall be obliged to pay ; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another in the said states, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

## ARTICLE III.

The subjects and inhabitants of the said United States of America shall pay in the ports, havens, roads, countries, islands, cities or places of the said United Netherlands, or any of them, no other nor greater duties or imposts of whatever nature or denomination they may be, than those which the nations most favoured are or shall be obliged to pay ; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another in the said states, or from any one towards any one of those ports, from or to

any foreign port of the world ; and the United States of America, with their subjects and inhabitants, shall leave to those of their high mightinesses the peaceable enjoyment of their rights in the countries, islands and seas in the East and West Indies, without any hindrance or molestation.

#### ARTICLE IV.

There shall be an entire and perfect liberty of conscience allowed to the subjects and inhabitants of each party, and to their families, and no one shall be molested in regard to his worship, provided he submits, as to the publick demonstration of it, to the laws of the country. There shall be given moreover, liberty, when any subjects or inhabitants of either party shall die in the territory of the other, to bury them in the usual burying places, or in decent and convenient grounds to be appointed for that purpose, as occasion may require ; and the dead bodies of those who are buried shall not, in any wise, be molested. And the two contracting parties shall provide, each one in his jurisdiction, that their respective subjects and inhabitants may henceforward obtain the requisite certificates in cases of deaths in which they shall be interested.

#### ARTICLE V.

Their high mightinesses the states general of the United Netherlands, and the United States of America, shall endeavour, by all the means in their power, to defend and protect all vessels and other effects belong-

ing to their subjects and inhabitants respectively, or to any of them, in their ports, roads, havens, internal seas, passes, rivers, and as far as their jurisdiction extends at sea ; and to recover and cause to be restored to the true proprietors, their agents, or attorneys, all such vessels and effects, which shall be taken under their jurisdiction. And their vessels of war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessels belonging to the subjects and inhabitants of either party which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places with which one of the parties is in peace and the other at war, nor destined for any place blocked, and which shall hold the same course, or follow the same route ; and they shall defend such vessels as long as they shall hold the same course or follow the same route, against all attacks, force and violence of the common enemy, in the same manner as they ought to protect and defend the vessels belonging to their own respective subjects.

#### ARTICLE VI.

The subjects of the contracting parties may, on one side and on the other, in the respective countries and states, dispose of their effects by testament, donation or otherwise ; and their heirs, subjects of one of the parties, and residing in the country of the other, or elsewhere, shall receive such successions, even *ab intestato*, whether in person, or by their attorney or substitute, even although they should not have obtained letters of

naturalization, without having the effect of such commission contested under pretext of any rights or prerogatives of any province, city or private person; and if the heirs, to whom such successions may have fallen, shall be minors, the tutors or curators, established by the judge domiciliary of the said minors, may govern, direct, administer, sell and alienate the effects fallen to the said minors by inheritance; and, in general, in relation to the said successions and effects, use all the rights and fulfil all the functions, which belong, by the dispositions of the laws, to guardians, tutors and curators: provided nevertheless, that this disposition cannot take place, but in cases where the testator shall not have named guardians, tutors, curators, by testament, codicil, or other legal instrument.

#### ARTICLE VII.

. It shall be lawful and free for the subjects of each party to employ such advocates, attorneys, notaries, solicitors or factors, as they shall judge proper.

#### ARTICLE VIII.

Merchants, masters and owners of ships, mariners, men of all kinds, ships and vessels and all merchandises, and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be seized or detained in any of the countries, lands, islands, cities, places, ports, shores or dominations whatsoever of the other confederate, for any military expedition, publick or private use of any one, by arrests,

violence, or any colour thereof; much less shall it be permitted to the subjects of either party to take or extort by force, any thing from the subjects of the other party without the consent of the owner; which, however, is not to be understood of seizures, detentions and arrests, which shall be made by the command and authority of justice, and by the ordinary methods, on account of debts or crimes, in respect whereof the proceeding must be by way of law according to the forms of justice.

#### ARTICLE IX.

It is further agreed and concluded, that it shall be wholly free for all merchants, commanders of ships and other subjects and inhabitants of the contracting parties, in every place subjected to the jurisdiction of the two powers respectively, to manage themselves their own business. And moreover as to the use of interpreters or brokers, as also in relation to the loading or unloading of their vessels, and every thing which has relation thereto, they shall be, on one side and on the other, considered and treated upon the footing of natural subjects, or at least upon an equality with the most favoured nation.

#### ARTICLE X.

The merchant ships of either of the parties coming from the port of an enemy, or from their own, or a neutral port, may navigate freely towards any port of an enemy of the other ally; they shall be, neverthe-

less, held, whenever it shall be required, to exhibit, as well upon the high seas as in the ports, their sea letters and other documents, described in the twenty-fifth article, stating expressly that their effects are not of the number of those which are prohibited as contraband. And not having any contraband goods for an enemy's port, they may freely and without hindrance, pursue their voyage towards the port of an enemy. Nevertheless, it shall not be required to examine the papers of vessels convoyed by vessels of war, but credence shall be given to the word of the officer, who shall conduct the convoy.

## ARTICLE XI.

If by exhibiting the sea letters and other documents described more particularly in the twenty-fifth article of this treaty, the other party shall discover there are any of those sorts of goods which are declared prohibited and contraband, and that they are consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, nor to open any chest, coffer, packs, casks, or other vessels found therein, or to remove the smallest parcel of her goods, whether the said vessel belongs to the subjects of their high mightinesses the states general of the United Netherlands, or to the subjects or inhabitants of the said United States of America, unless the lading be brought on shore, in presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange or alienate the same until after that due and lawful pro-

ess shall have been had against such prohibited goods of contraband, and the court of admiralty, by a sentence pronounced, shall have confiscated the same, saving always as well the ship itself as any other goods found therein, which are to be esteemed free, and may not be detained on pretence of their being infected by the prohibited goods, much less shall they be confiscated as lawful prizé; but on the contrary, when by the visitation at land it shall be found that there are no contraband goods in the vessel, and it shall not appear by the papers that he who has taken and carried in the vessel has been able to discover any there, he ought to be condemned in all the charges, damages and interests of them, which he shall have caused, both to the owner of vessels, and to the owners and freighters of cargoes with which they shall be loaded, by his temerity in taking and carrying them in, declaring most expressly, that free vessels shall assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itself equally to the persons who shall be found in a free vessel, who may not be taken out of her, unless they are military men actually in the service of an enemy.

#### ARTICLE XII.

On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, although it be not comprehended under the sort of prohibited goods, the whole may be confiscated in the same manner as if it

belonged to the enemy; except, nevertheless, such effects and merchandises as were put on board such vessel before the declaration of war, or in the space of six months after it, which effects shall not be in any manner subject to confiscation, but shall be faithfully and without delay restored in nature to the owners, who shall claim them, or cause them to be claimed before the confiscation and sale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale, which ought to be publick: provided, nevertheless, that if the said merchandises are contraband, it shall by no means be lawful to transport them afterwards to any port belonging to enemies.

#### ARTICLE XIII.

And that more effectual care may be taken for the security of subjects and people of either party, that they do not suffer molestation from the vessels of war or privateers of the other party, it shall be forbidden to all commanders of vessels of war and other armed vessels of the said states general of the United Netherlands, and the said United States of America, as well as to all their officers, subjects and people, to give any offence or do any damage to those of the other party; and if they act to the contrary, they shall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges; and, moreover, obliged to make satisfaction for all damages and interests thereof by



reparation under pain and obligation of their persons and goods.

ARTICLE XIV.

For further determining of what has been said, all captains of privateers or fitters-out of vessels armed for war, under commission and on account of private persons, shall be held before their departure, to give sufficient caution before competent judges, either to be entirely responsible for the malversations which they may commit in their cruises or voyages, as well as for the contraventions of their captains and officers, against the present treaty and against the ordinances and edicts which shall be published in consequence of and conformity to it, under pain of forfeiture and nullity of the said commission.

ARTICLE XV.

All vessels and merchandises of whatsoever nature, which shall be rescued out of the hands of any pirates or robbers navigating the high seas without requisite commission, shall be brought into some port of one of the two states, and deposited in the hands of the officers of that port, in order to be restored entire to the true proprietor as soon as due and sufficient proofs shall be made concerning the property thereof.

ARTICLE XVI.

If any ships or vessels belonging to either of the parties, their subjects or people, shall, within the

coasts or dominations of the other, stick upon the sands, or be wrecked, or suffer any other sea damages, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof; and the vessels, effects and merchandises, or the part of them which shall have been saved, or the proceeds of them if, being perishable, they shall have been sold, being claimed, within a year and a day, by the masters or owners, or by their agents or attorneys, shall be restored, paying only the reasonable charges, and that which must be paid, in the same case, for the salvage by the proper subjects of the country: there shall also be delivered them safe conducts, or passports, for their free and safe passage from thence, and to return each one to his own country.

## ARTICLE XVII.

In case the subjects or people of either party, with their shipping, whether publick and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter or harbour, to retreat and enter into any of the rivers, creeks, bays, ports, roads or shores belonging to the other party, they shall be received with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may

remove and depart when and whither they please, without any let or hindrance.

ARTICLE XVIII.

For the better promoting of commerce on both sides, it is agreed, that if a war should break out between their high mightinesses the states general of the United Netherlands and the United States of America, there shall always be granted to the subjects on each side, the term of nine months after the date of the rupture, or the proclamation of war, to the end that they may retire with their effects, and transport them where they please, which it shall be lawful for them to do, as well as to sell or transport their effects and goods in all freedom, and without any hindrance, and without being able to proceed, during the said term of nine months, to any arrest of their effects, much less of their persons: on the contrary, there shall be given them for their vessels and their effects, which they would carry away, passports and safe conducts for the nearest ports of their respective countries, and for the time necessary for the voyage; and no prize made at sea shall be adjudged lawful, at least if the declaration of war was not nor could not be known in the last port which the vessel taken has quitted; but for whatever may have been taken from the subjects and inhabitants of either party, and for the offences which may have been given them in the interval of the said terms, a complete satisfaction shall be given them.

## ARTICLE XIX.

No subject of their high mightinesses the states general of the United Netherlands shall apply for or take any commission or letters of marque for arming any ship or ships, to act as privateers against the said United States of America or any of them, or the subjects and inhabitants of the said United States or any of them, or against the property of the inhabitants of any of them, from any prince or state with which the said United States of America may happen to be at war; nor shall any subject or inhabitant of the said United States of America or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the high and mighty lords the states general of the United Netherlands, or against the subjects of their high mightinesses or any of them, or against the property of any one of them, from any prince or state with which their high mightinesses may be at war; and if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate.

## ARTICLE XX.

If the vessels of the subjects or inhabitants of one of the parties come upon any coast belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, or take in any cargo, they shall not be obliged to pay, neither for the vessels nor

the cargoes, any duties of entry in or out, nor to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandises of contraband.

ARTICLE XXI.

The two contracting parties grant to each other mutually the liberty of having each in the ports of the other, consuls, vice consuls, agents and commissaries of their own appointing, whose functions shall be regulated by particular agreement whenever either party chooses to make such appointments.

ARTICLE XXII.

This treaty shall not be understood in any manner to derogate from the ninth, tenth, nineteenth and twenty-fourth articles of the treaty with France, as they were numbered in the said treaty concluded the 6th of February, 1778, and which make the articles ninth, tenth, seventeenth and twenty-second of the treaty of commerce now subsisting between the United States of America and the crown of France; nor shall it hinder his catholick majesty from acceding to that treaty, and enjoying the advantages of the said four articles.

ARTICLE XXIII.

If at any time the United States of America shall judge necessary to commence negotiations with the

king or emperor of Morocco and Fez, and with the regencies of Algiers, Tunis or Tripoli, or with any of them, to obtain passports for the security of their navigation in the Mediterranean sea, their high mightinesses promise, that upon the requisition which the United States of America shall make of it, they will second such negotiations in the most favourable manner by means of their consuls residing near the said king, emperor and regencies.

Contraband.

ARTICLE XXIV.

The liberty of navigation and commerce shall extend to all sorts of merchandises, excepting only those which are distinguished under the name of contraband, or merchandises prohibited; and under this denomination of contraband and merchandises prohibited, shall be comprehended only warlike stores and arms, as mortars, artillery with their artifices and appurtenances, fusils, pistols, bombs, grenades, gunpowder, saltpetre, sulphur, match, bullets and balls, pikes, sabres, lances, halberds, casques, cuirasses and other sorts of arms; as also soldiers, horses, saddles and furniture for horses. All other effects and merchandises not before specified expressly, and even all sorts of naval matters, however proper they may be for the construction and equipment of vessels of war, or for the manufacture of one or another sort of machines of war by land or sea, shall not be judged contraband; neither by the letter, nor according to any pretended interpretation whatever, ought they or can they be comprehended under the no-

tion of effects prohibited or contraband ; so that all effects and merchandises which are not expressly before named, may, without any exception and in perfect liberty, be transported by the subjects and inhabitants of both allies, from and to places belonging to the enemy, excepting only the places which at the same time shall be besieged, blocked or invested, and those places only shall be held for such which are surrounded nearly by some of the belligerent powers.

ARTICLE XXV.

To the end that all dissention and quarrel may be avoided and prevented, it has been agreed, that in case that one of the two parties happens to be at war, the vessels belonging to the subjects or inhabitants of the other ally shall be provided with sea letters, or passports, expressing the name, the property and the burden of the vessel, as also the name and place of abode of the master or commander of the said vessel, to the end that thereby it may appear that the vessel really and truly belongs to subjects or inhabitants of one of the parties ; which passports shall be drawn and distributed according to the form annexed to this treaty : each time that the vessel shall return, she should have such her passport renewed, or at least they ought not to be of more ancient date than two years before the vessel has been returned to her own country.

It has been also agreed, that such vessels, being loaded, ought to be provided not only with the said passports or sea letters, but also with a general pass-

port, or with particular passports, or manifests, or other publick documents, which are ordinarily given to vessels outward-bound in the ports from whence the vessels have set sail in the last place, containing a specification of the cargo, of the place from whence the vessel departed, and of that of her destination; or instead of all these, with certificates from the magistrates, or governours of cities, places and colonies from whence the vessel came, given in the usual form, to the end that it may be known whether there are any effects prohibited or contraband on board the vessels, and whether they are destined to be carried to an enemy's country or not. And in case any one judges proper to express in the said documents the persons to whom the effects on board belong, he may do it freely, without however being bound to do it; and the omission of such expression cannot and ought not to cause a confiscation.

ARTICLE XXVI.

If the vessels of the said subjects or inhabitants of either of the parties sailing along the coasts or on the high seas, are met by a vessel of war or privateer, or other armed vessel of the other party, the said vessels of war, privateers or armed vessels, for avoiding all disorder, shall remain without the reach of cannon, but may send their boats on board the merchant vessel which they shall meet in this manner, upon which they may not pass more than two or three men, to whom the master or commander shall exhibit his passport, containing the property of the vessel according to the



form annexed to this treaty ; and the vessel, after having exhibited such a passport, sea letter and other documents, shall be free to continue her voyage, so that it shall not be lawful to molest her, or search her in any manner, nor to give her chase, nor to force her to alter her course.

ARTICLE XXVII.

It shall be lawful for merchants, captains and commanders of vessels, whether publick and of war, or private and of merchants, belonging to the said United States of America or any of them, or to their subjects and inhabitants, to take freely into their service and receive on board of their vessels, in any port or place in the jurisdiction of their high mightinesses aforesaid, seamen or others, natives or inhabitants of any of the said states, upon such conditions as they shall agree on, without being subject for this to any fine, penalty, punishment, process or reprehension whatsoever ; and reciprocally, all merchants, captains and commanders, belonging to the said United Netherlands, shall enjoy, in all the ports and places under the obedience of the said United States of America, the same privilege of engaging and receiving seamen or others, natives or inhabitants of any country of the domination of the said states general ; provided that neither on one side nor the other, they may not take into their service such of their countrymen who have already engaged in the service of the other party contracting, whether in war or trade, and whether they meet them by land or sea, at least if the captains or masters under the command

of whom such persons may be found, will not, of his own consent, discharge them from their service, upon pain of being otherwise treated and punished as deserters.

ARTICLE XXVIII.

The affair of refraction shall be regulated in all equity and justice, by the magistrates of cities respectively, where it shall be judged that there is any room to complain in this respect.

ARTICLE XXIX.

The present treaty shall be ratified and approved by their high mightinesses the states general of the United Netherlands, and by the United States of America, and the acts of ratification shall be delivered in good and due form on one side and on the other, in the space of six months, or sooner if possible, to be computed from the day of the signature.

In faith of which, we the deputies and plenipotentiaries of the lords the states general of the United Netherlands, and the minister plenipotentiary of the United States of America, in virtue of our respective authorities and full powers, have signed the present treaty, and apposed thereto the seals of our arms. Done at the Hague, the 8th of October, 1782.

The form of the passport which shall be given to ships and vessels, in consequence of the 25th article of this treaty.

To all who shall see these presents, Greeting.

Be it known, that leave and permission are hereby given to                    master and commander of the ship or vessel called                    of the burden of                    tons, or thereabouts, lying at present in the port or haven of                    bound for                    and laden with                    to depart and proceed with his said ship or vessel on his said voyage; such ship or vessel having been visited, and the said master and commander having made oath before the proper officer, that the said ship or vessel belongs to one or more of the subjects, people or inhabitants of                    and to him or them only.

In witness whereof, we have subscribed our names to these presents, and affixed the seal of our arms thereto, and caused the same to be countersigned by                    at                    this                    day of                    in the year of our Lord Christ,

Form of the certificate which shall be given to ships or vessels in consequence of the 25th article of this treaty.

We                    magistrates, or officers of the customs of the city or port of                    do certify and attest, that on the                    day of                    in the year of our Lord,                    C. D. of                    personally

appeared before us, and declared by solemn oath, that the ship or vessel called                      of                      tons, or thereabouts, whereof                      of                      is at present master or commander, does rightfully and properly belong to him or them only; that she is now bound from the city or port of                      to the port of                      laden with goods and merchandises hereunder particularly described and enumerated, as follows :

In witness whereof, we have signed this certificate and sealed it with the seal of our office, this day of                      in the year of our Lord Christ,

#### Form of the Sea Letter.

Most serene, serene, most puissant, puissant, high, illustrious, noble, honourable, venerable, wise and prudent lords, emperors, kings, republicks, princes, dukes, earls, barons, lords, burgomasters, schepens, counselors, as also judges, officers, justiciaries and regents, of all the good cities and places, whether ecclesiastical or secular, who shall see these patents or hear them read :—We, burgomasters and regents of the city of                      make known, that the master of                      appearing before us, has declared upon oath, that the vessel called the                      of the burden of about                      lasts, which he at present navigates, is of the United Provinces, and that no subjects of the enemy have any part or portion therein, directly nor indirectly; so may God Almighty help him. And as we wish to see the said master prosper in his lawful affairs, our prayer is, to all the beforementioned, and to each of

them separately, where the said master shall arrive with his vessel and cargo, that they may please to receive the said master with goodness, and to treat him in a becoming manner, permitting him upon the usual tolls and expenses, in passing and repassing, to pass, navigate and frequent the ports, passes and territories, to the end to transact his business where and in what manner he shall judge proper; whereof we shall be willingly indebted.

In witness and for cause whereof, we affix hereto the seal of this city. [In the margin.] By ordinance of the high and mighty lords the states general of the United Netherlands.

NOW BE IT KNOWN, That we, the said United States of America in Congress assembled, have accepted and approved, and do by these presents ratify and confirm the said treaty, and every article and clause thereof: and we do authorize and direct our minister plenipotentiary at the Hague, to deliver this our act of ratification in exchange for the ratification of the said treaty by their high mightinesses the states general of the United Netherlands.

In testimony whereof, we have caused our seal to be hereunto affixed. Witness his excellency Elias Boudinot, President, this twenty-third day of January, one thousand seven hundred and eighty-three, and of our sovereignty and independence, the seventh.

The United States of America in Congress assembled—To all who shall see these presents, Greeting.

Whereas John Adams, our minister plenipotentiary at the Hague, on the 8th day of October, 1782, with George Van Randwyck, B. V. D. Santheuvel, P. V. Bleiswyk, W. C. H. Van Lynden, D. J. Van Heeckeren, Joan Van Kuffeler, F. G. Van Dedem *tot den Gelder*, H. Tjassens, minister plenipotentiary of the lords the states general of the United Netherlands, did conclude and sign, on the part of the said lords the states general of the United Netherlands, and of the United States of America, a convention concerning vessels recaptured, in the words following, to wit :

Convention between the Lords the States General of the United Netherlands, and the United States of America, concerning vessels recaptured.

The lords the states general of the United Netherlands, and the United States of America, being inclined to establish some uniform principles with relation to prizes made by vessels of war, and commissioned by the two contracting powers, upon their common enemies, and to vessels of the subjects of either party captured by the enemy and recaptured by vessels of war, commissioned by either party, have agreed upon the following articles :

## ARTICLE I.

The vessels of either of the two nations, recaptured by the privateers of the other, shall be restored to the first proprietor, if such vessels have not been four and twenty hours in the power of the enemy ; provided the owner of the vessel recaptured pay therefor one third of the value of the vessel, as also that of the cargo, the cannons and apparel, which third shall be valued by agreement between the parties interested, or, if they cannot agree thereon among themselves, they shall address themselves to the officers of the admiralty of the place where the privateer who has retaken the vessel shall have conducted her.

## ARTICLE II.

If the vessel recaptured has been more than twenty-four hours in the power of the enemy, she shall belong entirely to the privateer who has retaken her.

## ARTICLE III.

In case a vessel shall have been recaptured by a vessel of war belonging to the states general of the United Netherlands, or to the United States of America, she shall be restored to the first owner, he paying a thirtieth part of the value of the ship, her cargo, cannons and apparel, if she has been recaptured in the interval of twenty-four hours, and the tenth part, if she has been recaptured after the twenty-four hours ;

which sums shall be distributed, in form of gratifications, to the crews of the vessels which shall have retaken her. The valuation of the said thirtieth parts and tenth parts shall be regulated according to the tenor of the first article of the present convention.

ARTICLE IV.

The restitution of prizes, whether they may have been retaken by vessels of war or by privateers, in the meantime and until requisite and sufficient proofs can be given of the property of vessels recaptured, shall be admitted in a reasonable time, under sufficient sureties for the observation of the aforesaid articles.

ARTICLE V.

The vessels of war and privateers of one and of the other of the two nations, shall be reciprocally, both in Europe and in the other parts of the world; admitted in the respective ports of each with their prizes, which may be unloaded and sold according to the formalities used in the state where the prize shall have been conducted, as far as may be consistent with the twenty-second article of the treaty of commerce: provided always, that the legality of prizes by the vessels of the low countries shall be decided conformably to the laws and regulations established in the United Netherlands; as likewise, that of prizes made by American vessels shall be judged according to the laws and regulations determined by the United States of America.



## ARTICLE VI.

Moreover, it shall be free for the states general of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary relative to the conduct which their respective vessels and privateers ought to hold, in relation to the vessels which they shall have taken and conducted into the ports of the two powers.

In faith of which, we, the deputies and plenipotentiaries of the lords the states general of the United Netherlands, and minister plenipotentiary of the United States of America, have, in virtue of our respective authorities and full powers, signed these presents, and confirmed the same with the seal of our arms.

Done at the Hague, the 8th of October, 1782.

NOW BE IT KNOWN, That we, the said United States of America in Congress assembled, have accepted and approved, and by these presents ratify and confirm the same, and do authorize and direct the minister plenipotentiary of the United States at the Hague to deliver this, our act of ratification, in exchange for the ratification of the said convention by the lords the states general of the United Netherlands.

In testimony whereof we have caused our seal to be hereunto affixed.

Witness, his excellency Elias Boudinot, President, this twenty-third day of January, one thousand seven hundred and eighty-three, and of sovereignty and independence the seventh.

The committee having reported the draft of a proclamation to be issued by Congress, the same was agreed to as follows :

#### A PROCLAMATION.

Whereas in pursuance of a plenipotentiary commission, given on the twenty-ninth day of December, one thousand seven hundred and eighty, to the honourable John Adams, esquire, a treaty of amity and commerce between their high mightinesses the states general of the United Netherlands and the United States of America, was on the eighth day of October, one thousand seven hundred and eighty-two, concluded by the said John Adams, with plenipotentiaries named for that purpose by their said high mightinesses the states general of the United Netherlands : And whereas the said treaty hath this day been approved and ratified by the United States in Congress assembled, as the same is contained in the words following, to wit :

[Here insert the treaty.]\*

And whereas a convention concerning vessels recaptured, was, at the place and on the day abovementioned, concluded by the said minister plenipotentiary on

\* See page 290.

the part of these United States, with the said plenipotentiaries on the part of the said lords the states general of the United Netherlands ; and the same hath been this day approved and ratified by the United States in Congress assembled, as it is contained in the words following, to wit :

[Here insert the convention.]\*

Now therefore, to the end that the said treaty and convention may, with all good faith be performed and observed on the part of these United States, all the citizens and inhabitants thereof, and more especially all captains 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, are hereby enjoined and required, to govern themselves strictly in all things according to the stipulations above recited.

Done in Congress, this twenty-third day of January, in the year of our Lord, one thousand seven hundred and eighty-three, and of our sovereignty and independence, the seventh.

#### FEBRUARY 14, 1783.

The committee, consisting of Mr. Jones, Mr. Rutledge and Mr. Wilson, to whom was referred a letter of the 7th from the honourable Thomas Jefferson, reported thereon : Whereupon, on motion of Mr. Gorham, seconded by Mr. Wolcott,

\* See page 313.

Ordered, That the secretary for foreign affairs inform Mr. Jefferson, that it is the pleasure of Congress, considering the advices lately received in America, and the probable situation of affairs in Europe, that he do not proceed on his intended voyage until he shall receive their further instructions.

MARCH 7, 1783.

On the report of a committee, consisting of Mr. Rutledge, Mr. Gorham and Mr. Fitzsimmons, to whom was referred the letter of the 14th of October last, from Dr. Franklin, so far as it relates to the mode of paying the salaries of the ministers and other officers of the United States in Europe,

Resolved, That the salaries of the ministers and other officers of the United States in Europe be estimated in future in dollars, at the rate of four shillings and six pence sterling per dollar.

That they be paid in bills of exchange upon France, or Holland, at the rate of five livres five sous tournois, per dollar, without regard to the variations which may be occasioned by the course of exchange.

That these resolutions retrospect to the first day of January, 1782, when the salaries of the said officers were made payable in America; and that the excess beyond the said sums in bills of exchange, which has accrued, or which shall accrue, upon the quarter due on the first day of January last, be carried to the credit of the United States, and accounted for by the secretary for foreign affairs in the adjustment of the accounts of his department on the first day of April next.

## MARCH 24, 1783.

A letter of February 5, from the marquis de la Fayette, announcing a general peace, and a copy of orders given by the count d'Estaing, vice admiral of France to the chev. du Quesne, commander of the corvette Triumph, despatched from Cadiz the 6th of February last, for the purpose of putting a stop to all hostilities by sea, being laid before Congress and read,

Resolved, That the agent of marine be and he is hereby directed immediately to recall all armed vessels cruising under commissions from the United States of America.

## APRIL 1, 1783.

On the report of a committee, consisting of Mr. Osgood, Mr. Izard, Mr. A. Lee, Mr. Hamilton and Mr. Gervais, to whom were referred a letter of the 15th of December, from the honourable H. Laurens, one of the 13th of March, from the honourable T. Jefferson, and one of the 28th of September, from the honourable F. Dana,

Resolved, That the honourable Henry Laurens have leave to return to America, agreeably to his request.

Resolved, That the secretary for foreign affairs inform the honourable T. Jefferson, in answer to his letter of the 13th of March, that Congress consider the object of his appointment so far advanced as to render it unnecessary for him to pursue his voyage; and that Congress are well satisfied with the readiness he has

shown in undertaking a service which, from the present situation of affairs, they apprehend can be dispensed with.

Resolved, That Mr. Dana, having intimated his intention of returning to America, Congress do approve of the same; provided he should not be engaged in a negotiation with the court of St. Petersburg at the time of receiving this resolution; in which case it is the desire of Congress that he should finish such negotiation before he returns.

APRIL 4, 1783.

On the report of the agent of marine, to whom were referred a letter of the 5th December, 1782, from the governour of New Orleans, and a letter of the 2d of March last, from the governour of Havanna, respecting a criminal contempt of publick faith, and a violation of the law of nations, alleged to have been committed by Messrs. Church and Haydon, inhabitants of Boston, in the capture of a Spanish brig, the property of don Antonio Argote, and in firing upon a boat carrying the flag of his catholick majesty—

Resolved, That the proper mode for don Antonio Argote to obtain redress of any injuries he may have sustained from Messrs. Church and Haydon is by prosecution in due course of law; and that a letter be written by the President to the supreme executive of the state of Massachusetts, enclosing a copy of the said letters, and recommending to the said executive to give all such countenance, protection and assistance to the said don Antonio Argote, in his attempts to ob-

tain legal satisfaction for the injuries alleged to have been done to him by the said Messrs. Church and Haydon, as becomes the United States to give to the subjects of powers in amity, who shall complain of a violation of their rights. .

Ordered, That so much of the foregoing letters as relates to the violation of the laws of nations and rights of neutrality, together with a note from the honourable the minister of France accompanied with the copy of a letter of 5th December from the governor of New Orleans, and a letter of 25th March from don Antonio Argote, stating the violation of the laws of nations and rights of neutrality alleged to have been committed by Church and Haydon aforesaid, be referred to a committee of three.

APRIL 11, 1783.

The secretary for foreign affairs, to whom was referred a letter of 21st January, from the honourable B. Franklin, with an agreement between the ministers plenipotentiary of the United States of America and the minister plenipotentiary of his Britannick majesty, on the 20th January last, relative to a cessation of hostilities, reported the draft of a proclamation as follows :

By the United States of America in Congress assembled.

### A PROCLAMATION,

Declaring the Cessation of Arms, as well by Sea as by Land, agreed upon between the United States of America and his Britannick Majesty, and enjoining the observance thereof.

Whereas provisional articles were signed at Paris, on the thirtieth day of November last, between the ministers plenipotentiary of the United States of America for treating of peace, and the minister plenipotentiary of his Britannick majesty, to be inserted in and to constitute the treaty of peace proposed to be concluded between the United States of America and his Britannick majesty, when terms of peace should be agreed upon between their most christian and Britannick majesties : And whereas preliminaries for restoring peace between their most christian and Britannick majesties were signed at Versailles, on the twentieth day of January last, by the ministers of their most christian and Britannick majesties : And whereas preliminaries for restoring peace between the said king of Great Britain and the king of Spain were also signed at Versailles, on the same twentieth day of January last ; by which said preliminary articles it hath been agreed, that as soon as the same were ratified, hostilities between the said kings, their kingdoms, states and subjects, should cease in all parts of the world ; and it



was further agreed, that all vessels and effects that might be taken in the channel and in the north seas after the space of twelve days from the ratification of the said preliminary articles, should be restored ; that the term should be one month, from the channel and north seas as far as the Canary islands, inclusively, whether in the ocean or the Mediterranean sea ; two months, from the said Canary islands as far as the equinoctial line, or equator ; and lastly, five months, in all other parts of the world, without any exception, or more particular description of time or place : And whereas it was declared by the minister plenipotentiary of the king of Great Britain, in the name and by the express order of the king his master, on the said twentieth day of January last, that the said United States of America, their subjects and their possessions, shall be comprised in the abovementioned suspension of arms at the same epochs and in the same manner as the three crowns abovementioned, their subjects and possessions respectively, upon condition, that on the part and in the name of the United States of America, a similar declaration shall be delivered, expressly declaring their assent to the said suspension of arms, and containing an assurance of the most perfect reciprocity on their part : And whereas the ministers plenipotentiary of these United States did, on the same twentieth day of January, in the name and by the authority of the said United States, accept the said declaration, and declare that the said states should cause all hostilities to cease against his Britannick majesty, his subjects and his possessions, at the terms and epochs agreed upon between his said majesty the king of Great

Britain, his majesty the king of France, and his majesty the king of Spain, so and in the same manner as had been agreed upon between those three crowns, and to produce the same effects: And whereas the ratifications of the said preliminary articles between their most christian and Britannick majesties were exchanged by their ministers on the third day of January last, and between his Britannick majesty and the king of Spain on the 9th day of February last: And whereas it is our will and pleasure, that the cessation of hostilities between the United States of America and his Britannick majesty should be conformable to the epochs fixed between their most christian and Britannick majesties—We have thought fit to make known the same to the citizens of these states; and we hereby strictly charge and command all our officers, both by sea and land, and other subjects of these United States, to forbear all acts of hostility, either by sea or by land, against his Britannick majesty or his subjects, from and after the respective times agreed upon between their most christian and Britannick majesties as aforesaid. And we do further require all governours and others, the executive powers of these United States respectively, to cause this our proclamation to be made publick, to the end that the same be duly observed within their several jurisdictions.

Done in Congress, at Philadelphia, this eleventh day of April, in the year of our Lord, one thousand seven hundred and eighty-three, and of our sovereignty and independence the seventh.

On the question to agree to the foregoing proclamation, the yeas and nays being required by Mr. Mercer—

New Hampshire,	Mr. White,	Ay. } ×
Massachusetts,	Mr. Holten, Mr. Osgood, Mr. Gorham, Mr. Higginson,	Ay. } Ay. } Ay. } Ay. } Ay.
Rhode Island,	Mr. Collins, Mr. Arnold,	Ay. } Ay. } Ay.
Connecticut,	Mr. Ellsworth, Mr. Wolcott, Mr. Dyer,	Ay. } Ay. } Ay. } Ay.
New York,	Mr. Floyd, Mr. Hamilton,	Ay. } Ay. } Ay.
New Jersey,	Mr. Boudinot, Mr. Clark,	Ay. } Ay. } Ay.
Pennsylvania,	Mr. Mifflin, Mr. Fitzsimmons, Mr. Wilson,	Ay. } Ay. } Ay. } Ay.
Maryland,	Mr. T. S. Lee, Mr. Carroll,	Ay. } Ay. } Ay.
Virginia,	Mr. Jones, Mr. Madison, Mr. Bland, Mr. Mercer,	Ay. } Ay. } Ay. } No. } Ay.
North Carolina,	Mr. Hawkins, Mr. Williamson,	Ay. } Ay. } Ay.

South Carolina,	Mr. Rutledge, Mr. Izard,	Ay. } Ay. } Ay.
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So it was resolved in the affirmative.

APRIL 15, 1783.

Congress took into consideration the articles agreed upon at Paris, on the 30th November last, entitled "Articles agreed upon by and between Richard Oswald, esquire, the commissioner of his Britannick majesty for treating of peace with the commissioners of the United States of America, in behalf of his said majesty on the one part, and John Adams, Benjamin Franklin, John Jay and Henry Laurens, four of the commissioners of the said states, for treating of peace with the commissioner of his said majesty, on their behalf on the other part, to be inserted in and to constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States; but which treaty is not to be concluded until terms of a peace shall be agreed upon between Great Britain and France, and his Britannick majesty shall be ready to conclude such treaty accordingly:" And thereupon,

Resolved, unanimously, That the said articles be ratified; and that a ratification in due form be sent to our ministers plenipotentiary at the court of Versailles, to be exchanged, if an exchange shall be necessary.

Resolved, That the agent of marine cause all the naval prisoners to be set at liberty.

Resolved, That the commander in chief be and he is hereby instructed to make the proper arrangements with the commander in chief of the British forces, for receiving possession of the posts in the United States occupied by the troops of his Britannick majesty, and for obtaining the delivery of all negroes and other property of the inhabitants of the United States, in the possession of the British forces or any subjects of or adherents to his said Britannick majesty; and that the secretary at war, in conjunction with the commander in chief, take proper arrangements for setting at liberty all land prisoners.

When the foregoing resolution was under debate, a motion was made by Mr. Clark, seconded by Mr. Dyer, to strike out the words "in conjunction with the "commander in chief;" and on the question, Shall these words stand, the yeas and nays being required by Mr. Williamson—

New Hampshire,	Mr. White,	No. } X
Massachusetts,	Mr. Holten, Mr. Gorham,	Ay. } Ay. Ay. }
Rhode Island,	Mr. Arnold,	Ay. } X
Connecticut,	Mr. Ellsworth, Mr. Dyer,	No. } No. No. }
New York,	Mr. Floyd, Mr. Hamilton,	Ay. } Ay. Ay. }
New Jersey,	Mr. Boudinot, Mr. Clark,	Ay. } DIVIDED. No. }

Pennsylvania,	Mr. Fitzsimmons, Mr. Peters,	Ay. } Ay. }	Ay.
Delaware,	Mr. Bedford,	Ay. } X	
Maryland,	Mr. T. S. Lee, Mr. Carroll,	Ay. } Ay. }	Ay.
Virginia,	Mr. Jones, Mr. Madison, Mr. Bland,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Hawkins, Mr. Williamson,	Ay. Ay.	
South Carolina,	Mr. Rutledge, Mr. Izard, Mr. Gervais,	Ay. } Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

Resolved, That the form of the ratification be as follows.

The United States in Congress assembled—To all who shall see these presents, Greeting.

Whereas in and by our commission, dated at Philadelphia, the fifteenth day of June, in the year of our Lord one thousand seven hundred and eighty-one, the honourable John Adams, Benjamin Franklin, John Jay, Henry Laurens and Thomas Jefferson, or a majority of them, or such of them as might assemble, or in case of the death, absence, indisposition or other impediment of the others, any one of them, were constituted and appointed our ministers with full power and authority, general and special, to confer, treat, agree and conclude with the ambassadors, commissioners and pleni-

potentiaries of the princes and states whom it might concern, vested with equal powers relating to the establishment of peace, and whatsoever should be agreed and concluded for us, and in our name to sign, and thereupon make a treaty or treaties, and to transact every thing that might be necessary for completing, securing and strengthening the great work of pacification in as ample form and with the same effect as if we were personally present and acted therein, we promising at the same time in good faith that we would accept, ratify, fulfil and execute what should be agreed, concluded and signed by our said ministers plenipotentiary, or a majority of them, or of such of them as might assemble, or in case of the death, absence, indisposition, or other impediment of the others, by any one of them : And whereas John Adams, Benjamin Franklin, John Jay and Henry Laurens, four of our said commissioners, in pursuance of the powers aforesaid, on the thirtieth day of November, in the year of our Lord one thousand seven hundred and eighty-two, with Richard Oswald, esquire, commissioner of his Britannick majesty for treating of peace with the commissioners of the United States of America, in virtue of powers to him granted by his said Britannick majesty, did conclude and sign, on the part of the United States of America and the crown of Great Britain, articles in the words following :

Articles agreed upon by and between Richard Oswald, esquire, the commissioner of his Britannick majesty for treating of peace with the commissioners of the United States of America, in behalf of his said

majesty on the one part, and John Adams, Benjamin Franklin, John Jay and Henry Laurens, four of the commissioners of the said states for treating of peace with the commissioner of his said majesty, on their behalf, on the other part—to be inserted in, and to constitute the treaty of peace, proposed to be concluded between the crown of Great Britain and the said United States; but which treaty is not to be concluded until terms of a peace shall be agreed upon between Great Britain and France, and his Britannick majesty shall be ready to conclude such treaty accordingly.

Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between states, it is agreed to form the articles of the proposed treaty on such principles of liberal equity and reciprocity, as that partial advantages (those seeds of discord) being excluded, such a beneficial and satisfactory intercourse between the two countries may be established, as to promise and secure to both perpetual peace and harmony.

#### ARTICLE I.

His Britannick majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free, sovereign and independent



states; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof; and that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz.

## ARTICLE II.

From the north-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix river to the highlands, along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantick ocean, to the north-westernmost head of Connecticut river; thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iroquois, or Cataraguy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superiour; thence through lake Superiour northward of the isles

Royal and Philipeaux to the Long lake; thence through the middle of said Long lake, and the water communication between it and the lake of the Woods, to the said lake of the Woods; thence through the said lake to the most north-western point thereof, and from thence in a due west course to the river Mississippi; thence by a line to be drawn along the middle of said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantick ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantick ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantick ocean, excepting such islands as now are, or heretofore have been within the limits of the said province of Nova Scotia.

## ARTICLE III.

It is agreed, that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand bank, and on all the other banks of Newfoundland; also in the gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same upon that island;) and also on the coasts, bays and creeks of all other of his Britannick majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen islands and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

## ARTICLE IV.

It is agreed, that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

## ARTICLE V.

It is agreed, that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of the thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any person who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation.

And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI.

That there shall be no future confiscations made, nor prosecutions commenced against any person or persons for or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage either in his person, liberty or property, and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

ARTICLE VII.

There shall be a firm and perpetual peace between his Britannick majesty and the said states, and between the subjects of the one and the citizens of the other; wherefore all hostilities both by sea and land shall then immediately cease: all prisoners on both sides shall be set at liberty, and his Britannick majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every port, place and harbour within the same; leaving in all fortifications the Ame-

rican artillery that may be therein; and shall also order and cause all archives, records, deeds and papers belonging to any of said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

ARTICLE VIII.

The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States.

ARTICLE IX.

In case it should so happen, that any place or territory belonging to Great Britain or to the United States should be conquered by the arms of either from the other, before the arrival of these articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

Done at Paris, the thirtieth day of November, one thousand seven hundred and eighty-two.

(Signed)	RICHARD OSWALD,	[L. S.]
	JOHN ADAMS,	[L. S.]
	B. FRANKLIN,	[L. S.]
	JOHN JAY,	[L. S.]
	HENRY LAURENS,	[L. S.]

Witnesses.

(Signed) Caleb Whiteford, Secretary to the British Commission.

W. T. Franklin, Secretary to the American Commission.

## SEPARATE ARTICLE.

It is hereby understood and agreed, that in case Great Britain, at the conclusion of the present war, shall recover, or be put in possession of West Florida, the line of north boundary between the said province and the United States shall be a line drawn from the mouth of the river Yassous, where it unites with the Mississippi, due east to the river Apalachicola.

Done at Paris, the thirtieth day of November, one thousand seven hundred and eighty-two.

(Signed)	RICHARD OSWALD,	[L. S.]
	JOHN ADAMS,	[L. S.]
	B. FRANKLIN,	[L. S.]
	JOHN JAY,	[L. S.]
	HENRY LAURENS,	[L. S.]

Attest.

Caleb Whiteford, Secretary to the British Commission.

W. T. Franklin, Secretary to the American Commission.

NOW KNOW YE, That we, the United States in Congress assembled, have ratified and confirmed, and by these presents do ratify and confirm, the said articles, and every part, article and clause thereof, on our part. Concluded and signed as aforesaid.

In testimony whereof, we have caused our seal to be hereunto affixed. Witness his excellency Elias Boudinot, President, this fifteenth day of April, one thousand seven hundred and eighty-three, and of our sovereignty and independence the seventh.

MAY 1, 1783.

A letter having been read from the minister of France to the secretary for foreign affairs, requesting him to inform Congress of the proposed departure of the duke de Lauzun's legion and other detachments of count Rochambeau's army for France, and expressing, with the duke de Lauzun, the sense that he and the other officers and men of this army entertain of the harmony which has subsisted between them and the inhabitants of these states, and of the hospitality with which they have been treated by them—

Resolved, That the secretary for foreign affairs inform the minister of France, that Congress learn with pleasure the satisfaction which the duke de Lauzun and the officers and men of the French army in America express in the harmony which has subsisted between them and the inhabitants of these states, since it exhibits at the same time a strong proof of the good disposition and discipline of the commanders, officers and men, and the just sense the people of this country entertain of the important services they have rendered.

As a further testimony of which,

Resolved, That the secretary for foreign affairs inform the duke de Lauzun, and the officers and men under his command, that the United States in Congress assembled are highly sensible of their successful exertions in the cause of America, and of the strict attention which they have at all times paid to the rights of its citizens. And while they rejoice at the events which



have brought tranquillity to these states, it adds to their pleasure to reflect, that it restores those who have been active in procuring it to their friends and their country.

On the report of a committee, consisting of Mr. Gorham, Mr. Fitzsimmons and Mr. Holten, to whom was referred a memorial from Mr. Hawkins and Mr. Williamson,

Ordered, That the secretary for foreign affairs forward to the British general and admiral commanding at New York, a copy of the papers laid before Congress by Mr. Hawkins and Mr. Williamson, delegates from the state of North Carolina, respecting the capture of a flag, that justice may be done.

On the report of a committee, consisting of Mr. Hamilton, Mr. Ellsworth and Mr. Rutledge, to whom was referred a letter of February 5, from the honourable J. Adams,

Ordered, That a commission be prepared to Messrs. J. Adams, B. Franklin and J. Jay, authorizing them, or either of them in the absence of the others, to enter into a treaty of commerce between the United States of America and Great Britain, subject to the revisal of the contracting parties previous to its final conclusion; and in the mean time to enter into a commercial convention to continue in force one year.

That the secretary for foreign affairs lay before Congress, without delay, a plan of a treaty of commerce and instructions relative to the same, to be transmitted to the said commissioners.

MAY 2, 1783.

On motion of Mr. Hamilton, seconded by Mr. Wilson—

Whereas it is the desire of Congress, when the reduction of the army shall take place, to enable the officers and soldiers to return to their respective homes with convenience and satisfaction, for which purpose it will be indispensable to advance them a part of their pay before they leave the field: And whereas, at the present juncture, there are many other engagements for which the publick faith is pledged, and the punctual performance of which is essential to the credit of the United States, neither of which important objects can be effected without the vigorous exertions of the several states in the collection of taxes: Therefore,

Resolved, That the respective states be called upon, in the most earnest manner, to make every effort in their power to forward the collection of taxes, that such a sum may without delay be paid into the common treasury as will be adequate to the publick exigences; and that Congress confidently rely, for an immediate and efficacious attention to the present requisition, upon the disposition of their constituents, and [not] only to do justice to those brave men, who have suffered and sacrificed so much in the cause of their country, and whose distresses must be extreme should they be sent from the field without the payment of a part of their well-earned dues, but also to enable Congress to maintain the faith and reputation of the

United States, both which are seriously concerned in relieving the necessities of a meritorious army, and fulfilling the publick stipulations.

Resolved, That as an additional mean of accomplishing the same end, a further application be immediately made to his most christian majesty, to induce him to add three millions of livres to the six millions already granted, in part of the loan of four millions of dollars requested by the resolution of the 14th day of September, 1782 : and that his said majesty be informed, that Congress will consider his compliance, in this instance, as a new and valuable proof of his friendship peculiarly interesting in the present conjuncture of the affairs of the United States ; and will apply a part of the requisitions now subsisting upon the several states to the repayment of the said three millions.

Resolved, That the superintendent of finance be directed to take the necessary arrangements for carrying the views of Congress into execution ; and that he be assured of their firm support towards fulfilling the engagements he has already taken or may take on the publick account during his continuance in office.

#### MAY 5, 1783.

A motion was made by Mr. Bland, seconded by Mr. Mercer, as follows :

Whereas nine states did not assent to the resolution passed on Friday last in the following words, to wit :  
“ Resolved, That as an additional mean of accomplishing the same end, a further application be immediate-

“ly made to his most christian majesty to induce him  
 “to add three millions of livres to the six millions al-  
 “ready granted, in part of the loan of four millions of  
 “dollars requested by the resolution of the 14th day of  
 “September, 1782 ; and that his majesty be informed,  
 “that Congress will consider his compliance in this in-  
 “stance as a new and valuable proof of his friendship,  
 “peculiarly interesting in the present conjuncture of  
 “the affairs of the United States ; and will apply a  
 “part of the requisitions now subsisting upon the seve-  
 “ral states, to the repayment of the said three millions”  
 —be erased from the journal as unconstitutional.

On the question to agree to this motion, the yeas  
 and nays being required by Mr. Mercer—

New Hampshire,	Mr. White,	No. } ×
Massachusetts,	Mr. Holten,	No. }
	Mr. Gorham,	No. } No.
	Mr. Higgenson,	No. }
Rhode Island,	Mr. Collins,	No. }
	Mr. Arnold,	No. } No.
Connecticut,	Mr. Ellsworth,	No. }
	Mr. Dyer,	No. } No.
New York,	Mr. Hamilton,	No. } ×
New Jersey,	Mr. Boudinot,	No. }
	Mr. Clark,	No. } No.
	Mr. Condict,	No. }
Pennsylvania,	Mr. Fitzsimmons,	No. }
	Mr. Wilson,	No. } No.
	Mr. Peters,	No. }

Maryland,	Mr. Hemsley,	No. } X
Virginia,	Mr. Madison,	No. }
	Mr. Bland,	Ay. } DIVIDED.
	Mr. A. Lee,	No. }
	Mr. Mercer,	Ay. }
North Carolina,	Mr. Hawkins,	Ay. }
	Mr. Williamson,	No. } DIVIDED.
South Carolina,	Mr. Rutledge,	No. }
	Mr. Izard,	No. } No.
	Mr. Gervais,	No. }

So it passed in the negative.

#### MAY 16, 1783.

On the report of a committee, consisting of Mr. Williamson, Mr. Carroll and Mr. Osgood, to whom was referred so much of a letter of 11th June, 1781, from the honourable doctor Franklin, and of a letter of 4th October, 1781, from the honourable J. Adams, as respects allowances to be made to the ministers of the United States at foreign courts,

Resolved, That the payment of couriers and the postage of letters shall be charged to the United States, by their ministers at foreign courts, as contingent expenses, and shall be allowed as such, exclusive of their salaries.

#### MAY 21, 1783.

The committee, consisting of Mr. Madison, Mr. Gorham and Mr. Fitzsimmons, to whom was referred a letter of 21st April, from the secretary for foreign affairs,

together with letters of 16th and 19th December, 1782, o. s. from Mr. Dana, having reported thereon, and the report being postponed, a motion was made by Mr. Hamilton, seconded by Mr. Madison, in the words following :

That Mr. Dana be informed, that the treaties lately entered into for restoring peace have caused such an alteration in the affairs of these states, as to have removed the primary object of his mission to the court of Russia, the acquisition of new supports to their independence. That with respect to a commercial treaty with Russia, they consider the benefits of it to this country in an extensive degree as rather remote, and have therefore little present inducement to enter into it, besides a desire of cultivating the friendship of that court, and preserving a consistency with the disposition already manifested towards forming a connexion therewith, and also of laying a foundation of a future intercourse, when the circumstances of the two countries may be more favourable to the same. That as experience will enable both nations to form a better judgment hereafter of the principles upon which that intercourse may be most advantageously conducted, Congress would wish any treaty now formed to be of temporary duration, and limited to a fixed period. That in this view, unless Mr. Dana shall have already formed engagements or made proposals, from which he cannot easily recede, of a more indefinite and extensive nature, before this reaches him, he be instructed to confine the duration of the proposed treaty of commerce to fifteen years, agreeable to the term limited for a similar treaty with the court of Sweden ; and

to stipulate expressly, that the same shall be subject to the revisal of Congress previous to its final conclusion, and that in all matters he insist upon exact reciprocity.

That so soon as this object shall be accomplished, or if he discovers any repugnancy on the part of the court of Russia to entering into a treaty with these states on liberal principles, he be permitted to return.

That with respect to the money mentioned in his letter of 25th August, November 10th, and 19th December, 1782, and 20th January, 1783, to be employed in presents to the ministers of that court, he be informed, as that by the confederation no persons holding offices under the United States are permitted to receive presents from foreign powers, so it is not consistent with the situation or policy of these states to adopt that practice in their transactions with other nations.

This being under debate, it was moved and agreed to amend it, by inserting the following clause after the words "new supports to their independence:":

That though Congress approve the principles of the armed neutrality, founded on the liberal basis of a maintenance of the rights of neutral nations and of the privileges of commerce, yet they are unwilling, at this juncture, to become a party to a confederacy which may hereafter too far complicate the interests of the United States with the politicks of Europe, and therefore, if such a progress is not yet made in this business as may make it dishonourable to recede, it is their desire, that no further measures may be taken at

present towards the admission of the United States into that confederacy.

A motion was made by Mr. Rutledge, seconded by Mr. Holten, to strike out the last clause respecting money; and on the question, Shall that clause stand, the yeas and nays being required by Mr. Mercer—

Massachusetts,	Mr. Holten, Mr. Gorham, Mr. Higgenson,	No. } No. } No. }	No.
Rhode Island,	Mr. Collins, Mr. Arnold,	No. } No. }	No.
Connecticut,	Mr. Ellsworth, Mr. Dyer,	No. } Ay. }	DIVIDED.
New York,	Mr. Hamilton,	No. }	×
New Jersey,	Mr. Boudinot, Mr. Clark,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Fitzsimmons, Mr. Montgomery, Mr. Peters,	No. } Ay. } No. }	No.
Maryland,	Mr. Carroll, Mr. Hemsley,	Ay. } Ay. }	Ay.
Virginia,	Mr. Madison, Mr. Bland, Mr. Mercer,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Hawkins, Mr. Williamson,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Rutledge, Mr. Izard,	No. } No. }	No.

So the question was lost; and the clause was struck out.



A motion was then made by Mr. Williamson, seconded by Mr. Madison, in lieu of what was struck out to insert as follows : That with respect to the money mentioned, &c. (in the words of the original motion to the end, with this addition) and that he be instructed to decline paying the same, unless the steps already taken by him towards forming a treaty or treaties, shall, in his judgment, imply an engagement to make such payment.

And on the question to agree to this, the yeas and nays being required by Mr. Williamson—

Massachusetts,	Mr. Holten,	No. }	No.
	Mr. Gorham,	No. }	
	Mr. Higgenson,	No. }	
Rhode Island,	Mr. Collins,	Ay. }	Ay.
	Mr. Arnold,	Ay. }	
Connecticut,	Mr. Ellsworth,	Ay. }	Ay.
	Mr. Dyer,	Ay. }	
New York,	Mr. Hamilton,	Ay. } ×	
New Jersey,	Mr. Boudinot,	Ay. }	Ay.
	Mr. Clark,	Ay. }	
Pennsylvania,	Mr. Fitzsimmons,	Ay. }	Ay.
	Mr. Montgomery,	Ay. }	
	Mr. Peters,	Ay. }	
Maryland,	Mr. Carroll,	Ay. }	Ay.
	Mr. Hemsley,	Ay. }	
Virginia,	Mr. Madison,	Ay. }	Ay.
	Mr. Mercer,	Ay. }	
North Carolina,	Mr. Hawkins,	Ay. }	Ay.
	Mr. Williamson,	Ay. }	

South Carolina,	Mr. Rutledge, Mr. Izard,	No. } No. } No.
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So it was resolved in the affirmative.

On the question to agree to the original motion as amended, the yeas and nays being required by Mr. Hawkins—

Massachusetts,	Mr. Holten, Mr. Gorham, Mr. Higgenson,	No. } No. } No. } No.
Rhode Island,	Mr. Collins, Mr. Arnold,	Ay. } No. } DIVIDED.
Connecticut,	Mr. Ellsworth, Mr. Dyer,	Ay. } Ay. } AY.
New York,	Mr. Hamilton,	Ay. } X
New Jersey,	Mr. Boudinot, Mr. Clark,	Ay. } Ay. } AY.
Pennsylvania,	Mr. Fitzsimmons, Mr. Wilson, Mr. Peters,	Ay. } Ay. } Ay. } AY.
Maryland,	Mr. Carroll, Mr. Hemsley,	Ay. } Ay. } AY.
Virginia,	Mr. Madison, Mr. Mercer,	Ay. } Ay. } AY.
North Carolina,	Mr. Hawkins, Mr. Williamson,	Ay. } Ay. } AY.
South Carolina,	Mr. Rutledge, Mr. Izard,	No. } No. } No.

So the question was lost.

MAY 22, 1783.

Congress resumed the consideration of the subject under debate yesterday ; and the report of the committee being again postponed,

A motion was made by Mr. Madison, seconded by Mr. Carroll, that Mr. Dana be informed, that the treaties lately entered into for restoring peace have caused such an alteration in the affairs of these states, as to have removed the primary object of his mission to the court of Russia, the acquisition of new supports to their independence ; that he be instructed, in case he shall have made no propositions to the court of Russia on the subject of a treaty of commerce, to decline making such until he shall receive further instructions from Congress ; that in case he shall have made such propositions, he be informed, that it is the desire of Congress, that as far as it will consist with the honour of the United States he insist on a limitation of the treaty to the period of fifteen years ; and that the same be subject to the revisal and approbation of Congress, before they shall be obliged to accept or ratify it. That a committee be appointed to prepare and report the plan of a treaty proper to be transmitted to Mr. Dana.

A motion was made by Mr. Ellsworth, seconded by Mr. Gorham, to postpone the consideration of the foregoing motion, in order to consider the following :

That Mr. Dana be instructed, in case he has not already proceeded too far in the commercial treaty be-

tween the United States and the court of Russia, to stipulate, that the treaty be limited to the term of fifteen years; and that the same be subject to the revisal and approbation of Congress, before they shall be under obligations to accept or ratify it.

And on the question for postponing for the purpose abovementioned, the yeas and nays being required by Mr. Holten—

Massachusetts,	Mr. Holten, Mr. Gorham, Mr. Higgenson,	Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Collins, Mr. Arnold,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Ellsworth, Mr. Dyer,	Ay. } Ay. }	Ay.
New York,	Mr. Hamilton,	Ay. } ×	
New Jersey,	Mr. Boudinot, Mr. Clark,	No. } No. }	No.
Pennsylvania,	Mr. Mifflin, Mr. Fitzsimmons, Mr. Montgomery, Mr. Peters,	No. } No. } No. } No. }	No.
Maryland,	Mr. Carroll, Mr. Hemaley,	Ay. } No. }	DIVIDED.
Virginia,	Mr. Madison, Mr. Mercer,	No. } No. }	No.
North Carolina,	Mr. Hawkins, Mr. Williamson,	No. } No. }	No.

South Carolina,	Mr. Rutledge, Mr. Izard, Mr. Gervais,	Ay. } No. } No. }	No.
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So it was passed in the negative.

On the question to agree to the motion of Mr. Madison, the yeas and nays being required by Mr. Carroll—

Massachusetts,	Mr. Holten, Mr. Gorham, Mr. Higgenson,	No. } No. } No. }	No.
Rhode Island,	Mr. Collins, Mr. Arnold,	Ay. } No. }	DIVIDED.
Connecticut,	Mr. Ellsworth, Mr. Dyer,	No. } No. }	No.
New York,	Mr. Hamilton,	No. } x	
New Jersey,	Mr. Boudinot, Mr. Clark,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Mifflin, Mr. Fitzsimmons, Mr. Montgomery, Mr. Peters,	Ay. } Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Carroll, Mr. Hemsley,	Ay. } Ay. }	Ay.
Virginia,	Mr. Madison, Mr. Mercer,	Ay. } Ay. }	Ay.
North Carolina,	Mr. Hawkins, Mr. Williamson,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Rutledge, Mr. Izard, Mr. Gervais,	No. } No. } No. }	No.

So the question was lost.

The motion proposed by Mr. Ellsworth was then made; and on the question to agree thereto, the yeas and nays being required by Mr. Gorham—

Massachusetts,	Mr. Holten, Mr. Gorham, Mr. Higgenson,	Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Collins, Mr. Arnold,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Ellsworth, Mr. Dyer,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Boudinot, Mr. Clark,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Mifflin, Mr. Fitzsimmons, Mr. Montgomery, Mr. Peters,	Ay. } Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Carroll, Mr. Hemsley,	Ay. } Ay. }	Ay.
Virginia,	Mr. Madison, Mr. Mercer,	Ay. } Ay. }	Ay.
North Carolina,	Mr. Hawkins, Mr. Williamson,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Rutledge, Mr. Izard, Mr. Gervais,	Ay. } Ay. } No. }	Ay.

So it was

Resolved, That Mr. Dana be instructed, in case he has not already proceeded too far in the commercial

treaty between the United States of America and the court of Russia, to stipulate, that the treaty be limited to the term of fifteen years; and that the same be subject to the revision and approbation of Congress, before they shall be under obligations to accept or ratify it.

On motion of Mr. Higgenson,

Ordered, That a committee be appointed to prepare and report a plan of a commercial treaty proper to be transmitted to Mr. Dana.

The members chosen—Mr. Fitzsimmons, Mr. Higgenson and Mr. Rutledge.

MAY 26, 1783.

On motion of Mr. Hamilton, seconded by Mr. Izard—

Whereas by the articles agreed upon on the 30th of November last, by and between the commissioners of the United States of America for making peace, and the commissioner on the part of his Britannick majesty, it is stipulated, that his Britannick majesty shall with all convenient speed, and without causing any destruction or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every port, place and harbour within the same: And whereas a considerable number of negroes belonging to the citizens of these states have been carried off therefrom, contrary to the true intent and meaning of the said articles:

Resolved, That copies of the letters between the commander in chief and sir Guy Carleton, and other

papers on this subject, be transmitted to the ministers plenipotentiary of these states for negotiating a peace in Europe; and that they be directed to remonstrate thereon to the court of Great Britain, and take proper measures for obtaining such reparation as the nature of the case will admit.

Ordered, That a copy of the foregoing resolve be transmitted to the commander in chief; and that he be directed to continue his remonstrances to sir Guy Carleton respecting the permitting negroes belonging to the citizens of these states to leave New York, and to insist on the discontinuance of that measure.

MAY 30, 1783.

The committee, consisting of Mr. Hamilton, Mr. Ellsworth, Mr. Izard, Mr. Madison and Mr. Hawkins, appointed to take into consideration and report to Congress what further steps are proper to be taken by them or carrying into effect the stipulations contained in the articles between the United States and Great Britain, dated the 30th day of November last, having reported as follows :

Whereas by the treaty entered into at Paris, on the 30th day of November last, between the commissioners for making peace on the part of the United States, and the commissioner for making peace on the part of his Britannick majesty, it is stipulated, among other things, in the 4th, 5th and 6th articles as follows :

Article 4th. It is agreed, that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted.



Article 5th. It is agreed, that the Congress shall earnestly recommend it to the legislatures of the respective states to provide for the restitution of all estates, rights and properties, which have been confiscated belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation.

And it is agreed, that all persons who may have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

**Article 6th.** That there shall be no future confiscations made, nor any prosecutions commenced, against any person or persons, for or by reason of the part which he or they may have taken in the present war ; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty or property ; and that those who may be in confinement on such charges at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

And whereas Congress are desirous of giving speedy and full effect to all the stipulations in the said treaty on the part of the United States, and of accelerating thereby the blessings of peace, in confidence that the conduct of his Britannick majesty will be governed by a like disposition : Therefore,

Resolved, That the several states be required, and they are hereby required, to remove all obstructions which may interpose in the way of the entire and faithful execution of the fourth and sixth articles above recited ; and that it be at the same time earnestly recommended to them to take into serious consideration, the fifth article also above recited ; and to conform to the several matters therein contained with that spirit of moderation and liberality which ought ever to characterize the deliberations and measures of a free and enlightened nation.

A motion was made by Mr. Peters, seconded by Mr. Izard, that the said report be committed ; and on the question for commitment, the yeas and nays being required by Mr. Hamilton—

Massachusetts,	Mr. Holten, Mr. Gorham,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Collins, Mr. Arnold,	Ay. } Ay. }	Ay.
New York,	Mr. Hamilton,	No. } x	
New Jersey,	Mr. Boudinot, Mr. Clark, Mr. Conduct,	Ay. } Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Mifflin, Mr. Fitzsimmons, Mr. Wilson, Mr. Montgomery, Mr. Peters,	Ay. } Ay. } Ay. } Ay. } Ay. }	Ay.
Delaware,	Mr. M'Comb, Mr. Bedford,	Ay. } Ay. }	Ay.
Virginia,	Mr. Madison, Mr. Bland, Mr. Mercer,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Hawkins, Mr. Williamson,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Rutledge, Mr. Izard, Mr. Beresford,	Ay. } Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

On motion of Mr. Bland, seconded by Mr. Hawkins,

Resolved, That no commercial agent of the United States in foreign ports shall be entitled to a salary, unless such salary is expressed in the resolution appointing the agent.

Congress proceeded to the election of a commercial agent of the United States at the port of Havanna; and the ballots being taken, Mr. Oliver Pollock was elected, he having been previously nominated by Mr. Clark.

The committee, consisting of Mr. Mercer, Mr. Fitzsimmons and Mr. Bland, to whom were referred the resolutions of the general assembly of Virginia, passed on the 17th of December, 1782, and a letter of the 19th March, 1783, from the supreme executive council of the state of Pennsylvania, report,

That by the resolutions of the general assembly of Virginia, the delegates of that state are instructed to move Congress, that they may direct their deputies who shall represent these states in the general Congress for adjusting a peace or truce, neither to agree to any restitution of property confiscated by the state, nor submit that the laws made by any independent state of this union be subjected to the adjudication of any power or powers on earth.

Upon these resolutions the committee remark, that by the fourth article of the provisional treaty, concluded between the ministers of these United States and the commissioner of his Britannick majesty, it is expressly stipulated, "that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted." From which stipulation the committee conceive the commissioners of these states cannot retract without a violation of the national faith; and that the honour and the interest of these United

States require that it should be substantially complied with.

Resolved, That Congress agree to the said report.

The committee, consisting of Mr. Wilson, Mr. Bedford and Mr. Mercer, to whom was referred so much of the report of the foregoing committee as related to the letter from the executive council of Pennsylvania, together with sundry motions made in Congress, report,

That the letter from the executive council of Pennsylvania, stating the hardships which will arise to the citizens of Pennsylvania, if the fourth article in the treaty aforesaid is taken strictly, brings to view the situation of numbers of the inhabitants of every state who are debtors to people residing in Great Britain. That several states in the union have found it necessary to restrict the recovery of debts due among their own citizens, before the present war, upon principles of justice and convenience; nor can foreigners complain of being put upon the same footing: Whereupon,

Resolved, That the ministers of these United States for making peace with Great Britain be instructed to represent to the ministers of that kingdom the hardship which would result to the citizens of these United States if their creditors in Great Britain were permitted to press them for the immediate payment of the debts contracted before the war; and to endeavour to procure such an amendment as that no execution shall issue for any debt contracted before the war, in less than three years after the signing of the definitive treaty. And that the said ministers be informed, that

Congress are of opinion, that all demands for interest accruing during the war would be highly inequitable and unjust. The citizens of the United States, subjected by the war commenced by Great Britain, to continual depredations of private property peculiarly distressing to individuals, have been excluded in a great measure from a commercial intercourse with foreign nations, and consequently deprived of all market for their produce. They cannot, therefore, consistently with the plain principles of justice be said to have enjoyed the use of the capital sums due from them previous to the war, the only equitable foundation of a claim to interest ; but have stood the involuntary insurers of their original debts under circumstances manifestly prejudicial, and attended with certain loss. And if the said ministers shall find it necessary or expedient, it is the desire of Congress, that they endeavour to obtain a precise definition of that article of the preliminary treaty which stipulates payment of debts, expressly excluding all demand for interest, in order to prevent any disputes which may hereafter arise from the unexplicit terms of that article.

That the said ministers be farther instructed, to contend for an express stipulation in the definitive treaty of peace, providing for a fair liquidation of all charges for subsistence of prisoners of war, and other reasonable demands, and for a proper provision for the discharge, in a reasonable period, of whatever balances may appear to be justly due.

JUNE 2, 1783.

Ordered, That a commission issue to Oliver Pollock, as commercial agent of the United States at the Havanna.

The form of a commission being prepared at the table, was agreed to, as follows :

The United States in Congress assembled—To Oliver Pollock, Esquire, Greeting.

We, reposing special trust and confidence in your abilities and integrity, have constituted and appointed, and by these presents do constitute und appoint you our commercial agent, during our pleasure, at the city and port of Havanna, to manage the occasional concerns of Congress, to assist the American traders with your advice, and to solicit their affairs with the Spanish government, and to govern yourself according to the orders you may from time to time receive from the United States in Congress assembled. And that you may effectually execute the office to which you are appointed, we request the governour, judges and all other officers of his catholick majesty to afford you all countenance and assistanee.

In testimony whereof, we have caused the seal of the United States to be hereunto affixed. Witness his excellency Elias Boudinot, President of the United States in Congress assembled, the second day of June, in the year of our Lord, one thousand seven hundred and eighty-three, and of our sovereignty and independence, the seventh.

JUNE 4, 1783.

On motion of Mr. Hamilton, seconded by Mr. Clark—

Mr. Livingston having signified to Congress his desire of relinquishing the exercise of the office of foreign affairs, and his intention of returning to the state of New York,

Resolved, That the secretary of Congress be directed to receive the papers of the said office into his care till a successor to Mr. Livingston can be appointed; and that next Wednesday be assigned for the election of a secretary for the department of foreign affairs.

Resolved unanimously, That the thanks of Congress be presented to Mr. Livingston for his services during his continuance in office; and that he be assured, Congress entertain a high sense of the ability, zeal and fidelity, with which he hath discharged the important trust reposed in him.

JUNE 10, 1783.

On the report of a committee, consisting of Mr. Rutledge, Mr. Fitzsimmons and Mr. Madison, to



whom was referred so much of the letter of 5th December, from the governour of New Orleans, and a letter of 2d March, from the governour of Havanaa, as relates to the violation of the laws of nations and the rights of neutrality alleged to have been committed by Church and Heydon, together with a note from the honourable the minister of France, accompanied with a letter of 25th March, from don Anton. Argote—

Resolved, That copies of the papers abovementioned, together with a copy of the decree of the court of appeals in the case of the brig San Antonio, be transmitted to the governour of the state of Massachusetts; and that he be requested to cause proper inquiry to be made into the criminal charge against messieurs Church and Heydon, and such measures taken as may be most effectual for procuring satisfaction for the injury done, as is alleged, to the flag of his catholick majesty; and that copies of this resolution, and of the decree of the court of appeals aforesaid, be transmitted to the honourable the minister of France, and to the governour of New Orleans.

JUNE 11, 1788.

On motion of Mr. Peters, seconded by Mr. Holten,  
Ordered, That the election of a secretary for foreign affairs be postponed till Tuesday next.

On the report of a committee, consisting of Mr. A. Lee, Mr. Izard and Mr. Williamson, to whom was re-committed their report on the ceremonial of foreign ministers,

Resolved, That every foreign minister, on his being admitted to his first audience, shall be introduced by the secretary for foreign affairs to a seat provided for him facing the President of Congress, the President and members being seated, and the President covered, the minister being uncovered, and so to remain, unless he be of the rank of an ambassador.

The minister being seated, shall deliver his letter of credence to the secretary of Congress by his own secretary, who shall stand by him during his audience. If the minister chooses to address Congress, he shall rise when he speaks.

The letter of credence being delivered by the secretary of Congress to the interpreter, when such officer shall be necessary, he shall read it in its own original language, and then present a translation of it to the secretary of Congress, who shall read the same; upon which the President, after reading his answer uncovered, shall deliver the same to the secretary of Congress, who shall present it to the minister, who shall rise to receive it.

The minister then shall be reconducted to his carriage by the secretary for foreign affairs.

If the minister is of the rank of an ambassador, ordinary or extraordinary, he shall be covered when he takes his seat. In that case too the President shall rise when the ambassador is introduced, and also when he reads his answer.

In any subsequent publick audience of a foreign minister, the same ceremonial shall be observed, except so far as it relates to the delivery and reading of the credentials.

Every foreign minister, after his first audience, shall pay the first visit to the President and other members of Congress.

JUNE 12, 1783.

The committee, consisting of Mr. Madison, Mr. Ellsworth and Mr. Hamilton, to whom was referred a report of the secretary for foreign affairs on a letter of 20th March last, from Mr. Dumas, and sundry papers enclosed, report,

That it appears from the said letter and the papers enclosed, that propositions have been made on the part of the states general to the ministers of the United States of America at Paris, in order to render an express stipulation in favour of the freedom of navigation less necessary in the treaty of peace between Great Britain and the United Provinces of the Netherlands, either to accede to the treaty of the armed neutrality already concluded between some powers of Europe, or to enter into similar engagements with France, Spain and the United Provinces of the Netherlands; or in case France and Spain should refuse to enter into a convention founded on the principles of the armed neutrality, or wish to delay it till after the general peace, to form a separate convention for similar purposes between the United Provinces of the Netherlands and the United States of America.

That the answers to these propositions do not appear from the papers transmitted, though there is room to infer from Mr. Dumas's letters of the 4th and 18th

of February, that the two first of these propositions were encouraged by our ministers, and that the states general proposed to act in consequence thereof, and had made the last proposition, in order to be prepared, in case either or both of the two first should fail.

It appears from the report of the secretary for foreign affairs, that no powers are at present vested in any person in Europe to agree to any treaty similar to that entered into by Russia, Sweden, Denmark and the United Provinces of the Netherlands, after the peace shall be concluded. The resolution of the 5th of October, 1780, empowers the ministers of these states, if invited thereto, to accede to such regulations conformable to the spirit of the declaration of the empress of Russia as may be agreed upon by the Congress expected to assemble in pursuance of the invitation of her imperial majesty. Our ministers received no invitation; and special powers were afterwards given to Mr. Dana, which in their nature superseded that resolution. Mr. Dana was, by his commission and instructions, empowered to sign the treaty or convention for the protection of commerce in behalf of the United States, either with her imperial majesty in conjunction with the other neutral powers, or, if that shall be inadmissible, separately, with her imperial majesty, or any of those, that is, those neutral powers. The treaty being only made to continue during the war, his powers terminated with the war, or at most extended only to signing it with the neutral powers, and not to form a new and separate treaty.

Whereupon Congress came to the following resolution:

Whereas the primary object of the resolution of October 5, 1780, and of the commission and instructions to Mr. Dana, relative to the accession of the United States to the neutral confederacy, no longer can operate; and as the true interest of these states requires that they should be as little as possible entangled in the politicks and controversies of European nations, it is inexpedient to renew the said powers either to Mr. Dana, or to the other ministers of these United States in Europe; but, inasmuch as the liberal principles, on which the said confederacy was established, are conceived to be in general favourable to the interests of nations, and particularly to those of the United States, and ought in that view to be promoted by the latter as far as will consist with their fundamental policy:

Resolved, That the ministers plenipotentiary of these United States for negotiating a peace be and they are hereby instructed, in case they should comprise in the definitive treaty any stipulations amounting to a recognition of the rights of neutral nations, to avoid accompanying them by any engagements which shall oblige the contracting parties to support those stipulations by arms.

JULY 29, 1783.

Congress took into consideration a treaty of amity and commerce concluded between the king of Sweden and the United States of America, signed at Paris on the third day of April last; and the same was accepted

and ratified, nine states being present, in the manner following :

The United States of America in Congress assembled—To all who shall see these presents, Greeting.

Whereas by our commission dated at Philadelphia, on the twenty-eighth day of September, 1782, the honourable Benjamin Franklin was invested with full powers, on the part of the United States of America, to concert and conclude with a person or persons equally empowered on the part of his majesty the king of Sweden, a treaty of amity and commerce, having for its basis the most perfect equality, and for its object the mutual advantage of the parties, we promising in good faith to ratify whatever should be transacted by virtue of the said commission : And whereas our said minister, in pursuance of his full powers, did, at Paris, on the third day of April, in the year of our Lord one thousand seven hundred and eighty-three, with count Gustavus Philip de Creutz, minister plenipotentiary named for that purpose, on the part of his majesty the king of Sweden, conclude and sign a treaty of amity and commerce in the words following, to wit :

\* A Treaty of Amity and Commerce, concluded between his Majesty the King of Sweden, and the United States of North America.

The king of Sweden, of the Goths and Vandals, &c. &c. &c. and the thirteen United States of North

\* The French side of this treaty omitted. See U. S. Laws, Bioren's edition, Vol. I. p. 176.

America, to wit : New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the counties of New Castle, Kent and Sussex on Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, desiring to establish, in a stable and permanent manner, the rules which ought to be observed relative to the correspondence and commerce which the two parties have judged necessary to establish between their respective countries, states and subjects ; his majesty and the United States have thought that they could not better accomplish that end, than by taking for a basis of their arrangements the mutual interests and advantage of both nations, thereby avoiding all those burdensome preferences, which are usually sources of debate, embarrassment and discontent, and by leaving each party at liberty to make, respecting navigation and commerce, those interior regulations which shall be most convenient to itself.

With this view, his majesty the king of Sweden has nominated and appointed for his plenipotentiary count Gustavus Philip de Creutz, his ambassador extraordinary to his most christian majesty, and knight commander of his orders ; and the United States, on their part, have fully empowered Benjamin Franklin, their minister plenipotentiary to his most christian majesty : the said plenipotentiaries, after exchanging their full powers, and after mature deliberation in consequence thereof, have agreed upon, concluded and signed the following articles :

## ARTICLE I.

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between the king of Sweden, his heirs and successors, and the United States of America, and the subjects of his majesty, and those of the said states, and between the countries, islands, cities and towns, situated under the jurisdiction of the king and of the said United States, without any exception of persons or places; and the conditions agreed to in this present treaty, shall be perpetual and permanent between the king, his heirs and successors, and the said United States.

## ARTICLE II.

The king and the United States engage mutually, not to grant hereafter any particular favour to other nations in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favour freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

## ARTICLE III.

The subjects of the king of Sweden shall not pay in the ports, havens, roads, countries, islands, cities and towns of the United States, or any of them, any other nor greater duties or imposts, of what nature



soever they may be, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another of the United States, or in going to or from the same, from or to any part of the world, whatever.

#### ARTICLE IV.

The subjects and inhabitants of the said United States shall not pay in the ports, havens, roads, islands, cities and towns under the dominion of the king of Sweden, any other or greater duties or imposts of what nature soever they may be, or by what name soever called, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another of the dominion of his said majesty, or in going to or from the same, from or to any part of the world whatever.

#### ARTICLE V.

There shall be granted a full, perfect and entire liberty of conscience to the inhabitants and subjects of each party, and no person shall be molested on account of his worship; provided he submits so far as regards the publick demonstration of it to the laws of

the country. Moreover, liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose; and the two contracting parties will provide each in its jurisdiction, that the subjects and inhabitants respectively may obtain certificates of the death, in case the delivery of them is required.

#### ARTICLE VI.

The subjects of the contracting parties in the respective states may freely dispose of their goods and effects, either by testament, donation or otherwise, in favour of such persons as they may think proper; and their heirs, in whatever place they shall reside, shall receive the succession even *ab intestato*, either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances, as well as the capital and effects which the subjects of the two parties, in changing their abode, shall be desirous of removing from the place of their abode, shall be exempted from all duty called "*droit de détraction*," on the part of the government of the two states respectively. But it is at the same time agreed, that nothing contained in this article shall in any manner derogate from the ordinances published in Sweden against emigrations, or which may hereafter be published, which shall remain in full force and vigour. The United States on their part, or any of them, shall be at liberty to make respecting this matter, such laws as they think proper.

## ARTICLE VII.

All and every the subjects and inhabitants of the kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels in all safety and freedom, and without any regard to those to whom the merchandises and cargoes may belong, from any port whatever; and the subjects and inhabitants of the two states shall likewise be permitted to sail and trade with their vessels, and with the same liberty and safety to frequent the places, ports and havens of powers, enemies to both or either of the contracting parties, without being in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from one port of an enemy to another port of an enemy, whether it be under the jurisdiction of the same or of different princes. And as it is acknowledged by this treaty, with respect to ships and merchandises, that free ships shall make their merchandises free, and that every thing which shall be on board of ships belonging to subjects of the one or the other of the contracting parties, shall be considered as free, even though the cargo or a part of it should belong to the enemies of one or both; it is nevertheless provided, that contraband goods shall always be excepted; which being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed, that the same liberty be extended to persons who may be on board a free ship, with this effect, that although they be enemies to both

or either of the contracting parties, they shall not be taken out of the free ship, unless they are soldiers in the actual service of the said enemies.

ARTICLE VIII.

This liberty of navigation and commerce shall extend to all kinds of merchandises, except those only which are expressed in the following article, and are distinguished by the name of contraband goods :

ARTICLE IX.

Under the name of contraband or prohibited goods, shall be comprehended arms, great guns, cannon balls, arquebuses, muskets, [mortars,] bombs, petards, grenades, saucisses, pitch balls, carriages for ordnance, musket rests, bandoliers, cannon powder, matches, saltpetre, sulphur, bullets, pikes, sabres, swords, morions, helmets, cuirasses, halberds, javelins, pistols, holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops.

ARTICLE X.

These which follow shall not be reckoned in the number of prohibited goods, that is to say ; all sorts of cloths, and all other manufactures of wool, flax, silk, cotton or any other materials, all kinds of wearing apparel, together with the things of which they are com-

monly made, gold, silver, coined or uncoined, brass, iron, lead, copper, latten, coals, wheat, barley, and all sorts of corn or pulse, tobacco, all kind of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oil, wines, sugar, all sorts of salt and provisions, which serve for the nourishment and sustenance of man ; all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail cloth, anchors and any parts of anchors, ship masts, planks, boards, beams, and all sorts of trees and other things proper for building or repairing ships ; nor shall any goods be considered as contraband, which have not been worked into the form of any instrument or thing for the purpose of war, by land or by sea, much less such as have been prepared or wrought up for any other use : all which shall be reckoned free goods, as likewise all others which are not comprehended and particularly mentioned in the foregoing article ; so that they shall not, by any pretended interpretation, be comprehended among prohibited or contraband goods ; on the contrary, they may be freely transported by the subjects of the king and of the United States, even to places belonging to an enemy, such places only excepted as are besieged, blocked or invested ; and those places only shall be considered as such, which are nearly surrounded by one of the belligerent powers.

#### ARTICLE XI.

In order to avoid and prevent on both sides, all disputes and discord, it is agreed, that in case one of the parties shall be engaged in a war, the ships and vessels

belonging to the subjects or inhabitants of the other shall be furnished with sea letters or passports, expressing the name, property and port of the vessel, and also the name and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of one or the other party. These passports, which shall be drawn up in good and due form, shall be renewed every time the vessel returns home in the course of the year. It is also agreed, that the said vessels when loaded shall be provided not only with sea letters, but also with certificates containing a particular account of the cargo, the place from which the vessel sailed, and that of her destination, in order that it may be known whether they carry any of the prohibited or contraband merchandises mentioned in the ninth article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

#### ARTICLE XII.

Although the vessels of the one and of the other party may navigate freely and with all safety, as is explained in the seventh article, they shall nevertheless be bound at all times when required, to exhibit as well on the high sea as in port, their passports and certificates abovementioned. And not having contraband merchandise on board for an enemy's port, they may freely and without hindrance pursue their voyage to the place of their destination. Nevertheless, the

exhibition of papers shall not be demanded of merchant ships under the convoy of vessels of war, but credit shall be given to the word of the officer commanding the convoy.

ARTICLE XIII.

If on producing the said certificates, it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an enemy's port, it shall not however be lawful to break up the hatches of such ships, nor to open any chest, coffers, packs, casks or vessels, nor to remove or displace the smallest part of the merchandises, until the cargo has been landed in the presence of officers appointed for the purpose, and until an inventory thereof has been taken; nor shall it be lawful to sell, exchange or alienate the cargo or any part thereof, until legal process shall have been had against the prohibited merchandises, and sentence shall have passed declaring them liable to confiscation, saving nevertheless as well the ships themselves, as the other merchandises which shall have been found therein, which, by virtue of this present treaty, are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandise, and much less confiscated as lawful prize. And in case the contraband merchandise be only a part of the cargo, and the master of the vessel agrees, consents and offers to deliver them to the vessel that has discovered them, in that case the latter, after receiving the merchandises which are good prize, shall imme-

diately let the vessel go, and shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties, if upon examination she be found to be loaded only with merchandises declared to be free, the owner, or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

#### ARTICLE XIV.

It is likewise agreed, that whatever shall be found to be laden by the subjects of either of the two contracting parties, on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belonged to the enemy, excepting nevertheless such goods and merchandises as were put on board before the declaration of war, and even six months after the declaration, after which term none shall be presumed to be ignorant of it; which merchandises shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within eight months, and could not be made sooner after the sale, which is to be publick : provided nevertheless, that if the said merchandises be contraband, it shall not in any wise be lawful to carry them afterward to a port belonging to the enemy.



## ARTICLE XV.

And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men of war of the other party, or by privateers, all captains and commanders of ships of his Swedish majesty, and of the United States, and all their subjects, shall be forbidden to do any injury or damage to those of the other party ; and if they act to the contrary, having been found guilty on examination by their proper judges, they shall be bound to make satisfaction for all damages and the interest thereof, and to make them good under pain and obligation of their persons and goods.

## ARTICLE XVI.

For this cause, every individual who is desirous of fitting out a privateer, shall, before he receives letters patent, or special commission, be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum, to answer all damages and wrongs which the owner of the privateer, his officers or others in his employ, may commit during the cruise, contrary to the tenor of this treaty, and contrary to the edicts published by either party, whether by the king of Sweden or by the United States, in virtue of this same treaty, and also under the penalty of having the said letters patent and special commission revoked and made void.

## ARTICLE XVII.

One of the contracting parties being at war and the other remaining neuter, if it should happen that a merchant ship of the neutral power be taken by the enemy of the other party, and be afterwards retaken by a ship of war or privateer of the power at war, also ships and merchandises of what nature soever they may be, when recovered from a pirate or sea rover, shall be brought into a port of one of the two powers, and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters and owners of ships, seamen, people of all sorts, ships and vessels, and in general, all merchandises and effects of one of the allies or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, towns, ports, rivers or domains whatever of the other ally, on account of any military expedition, or any publick or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the subjects of one of the parties to seize or take any thing by force from the subjects of the other party, without the consent of the owner. This, however, is not to be understood to comprehend seizures, detentions and arrests made by order and by the authority of justice, and according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice.

## ARTICLE XVIII.

If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides :

1. If the ships of one of the two nations, retaken by the privateers of the other, have not been in the power of the enemy more than twenty-four hours, they shall be restored to the original owner, on payment of one third of the value of the ship and cargo. If, on the contrary, the vessel retaken has been more than twenty-four hours in the power of the enemy, it shall belong wholly to him who has retaken it.

2. In case, during the interval of twenty-four hours, a vessel be retaken by a man of war of either of the two parties, it shall be restored to the original owner, on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part if it has been retaken after the twenty-four hours ; which sums shall be distributed as a gratification among the crew of the men of war that shall have made the recapture.

3. The prizes made in manner abovementioned shall be restored to the owners, after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

4. The men of war and privateers of the two nations shall reciprocally be admitted with their prizes into each others ports ; but the prizes shall not be un-

loaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and regulations established by the United States of America.

5. Moreover, the king of Sweden and the United States of America shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men of war and privateers respectively shall be bound to observe, with regard to vessels which they shall take and carry into the ports of the two powers.

#### ARTICLE XIX.

The ships of war of his Swedish majesty and those of the United States, and also those which their subjects shall have armed for war, may, with all freedom, conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations; and the said prizes, upon entering the said ports, shall not be subject to arrest or seizure, nor shall the officers of the places take cognizance of the validity of the said prizes, which may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to show.

## ARTICLE XX.

In case any vessel belonging to either of the two states, or to their subjects, shall be stranded, shipwrecked, or suffer any other damage on the coasts or under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof; and passports shall be granted to them to secure their return to their own country. The ships and merchandises wrecked, or their proceeds, if the effects have been sold, being claimed in a year and a day, by the owners or their attorney, shall be restored, on their paying the costs of salvage, conformable to the laws and customs of the two nations.

## ARTICLE XXI.

When the subjects and inhabitants of the two parties, with their vessels, whether they be publick and equipped for war, or private, or employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the rivers, bays, roads or ports of either of the two parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection and assistance, and they shall be at liberty to supply themselves with refreshments, provisions, and every thing necessary for their sustenance, for the repair of their vessels,

and for continuing their voyage ; provided always, that they pay a reasonable price : and they shall not in any manner be detained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please, without any obstacle or hindrance.

ARTICLE XXII.

In order to favour commerce on both sides as much as possible, it is agreed, that in case a war should break out between the said two nations, which God forbid, the term of nine months, after the declaration of war, shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please, without the least obstacle ; nor shall any seize their effects, and much less their persons, during the said nine months ; but, on the contrary, passports, which shall be valid for a time necessary for their return, shall be given them for their vessels, and the effects which they shall be willing to carry with them. And if any thing is taken from them, or if any injury is done to them by one of the parties, their people and subjects, during the term above prescribed, full and entire satisfaction shall be made to them on that account. The abovementioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their persons and effects.

## ARTICLE XXIII.

No subject of the king of Sweden shall take a commission or letters of marque for arming any vessel to act as a privateer against the United States of America, or any of them, or against the subjects, people or inhabitants of the said United States, or any of them, or against the property of the inhabitants of the said states, from any prince or state whatever, with whom the said United States shall be at war. Nor shall any citizen, subject or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque, for arming any vessel to cruise against the subjects of his Swedish majesty, or any of them, or their property, from any prince or state whatever with whom his said majesty shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

## ARTICLE XXIV.

The vessels of the subjects of either of the parties coming upon any of the coasts belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but, on the contrary, shall enjoy all the franchises and exemptions which are granted by the rules subsisting with respect to that object.

## ARTICLE XXV.

When a vessel belonging to the subjects and inhabitants of either of the parties, sailing on the high sea, shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all disorder, shall remain out of cannon shot, but may always send their boat to the merchant ship, and cause two or three men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport, stating the property of the vessel; and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage; and it shall not be lawful to molest or search her in any manner, or to give her chase, or force her to quit her intended course.

## ARTICLE XXVI.

The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice consuls, agents and commissaries, whose functions shall be regulated by a particular agreement.

## ARTICLE XXVII.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature.



In faith whereof, the respective plenipotentiaries have signed the above articles, and have thereunto affixed their seals.

Done at Paris, the third day of April, in the year of our Lord, one thousand seven hundred and eighty-three.

(Signed)

GUSTAV: PHILIP, *Comte de Creutz*. [L.S.]  
B. FRANKLIN. [L.S.]

#### SEPARATE ARTICLE.

The king of Sweden and the United States of North America agree, that the present treaty shall have its full effect for the space of fifteen years, counting from the day of the ratification; and the two contracting parties reserve to themselves the liberty of renewing it at the end of that term.

Done at Paris, the third day of April, in the year of our Lord, one thousand seven hundred and eighty-three.

(Signed)

GUSTAV: PHILIP, *Comte de Creutz*. [L.S.]  
B. FRANKLIN. [L.S.]

#### SEPARATE ARTICLES.

##### ARTICLE I.

His Swedish 'majesty shall use all the means in his power to protect and defend the vessels and effects

belonging to citizens or inhabitants of the United States of North America, and every of them, which shall be in the ports, havens, roads, or on the seas near the countries, islands, cities and towns of his said majesty, and shall use his utmost endeavours to recover and restore to the right owners, all such vessels and effects which shall be taken from them within his jurisdiction.

ARTICLE II.

In like manner the United States of North America shall protect and defend the vessels and effects belonging to the subjects of his Swedish majesty, which shall be in the ports, havens or roads, or on the seas near to the countries, islands, cities and towns of the said states, and shall use their utmost efforts to recover and restore to the right owners, all such vessels and effects which shall be taken from them within their jurisdiction.

ARTICLE III.

If in any future war at sea, the contracting powers resolve to remain neuter, and as such, to observe the strictest neutrality, then it is agreed, that if the merchant ships of either party should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea, without being able to have recourse to their own convoys, in that case, the commander of the ships of war of the other party, if required, shall, in good faith

and sincerity, give them all necessary assistance ; and in such case, the ships of war and frigates of either of the powers shall protect and support the merchant ships of the other ; provided nevertheless, that the ships claiming assistance are not engaged in any illicit commerce contrary to the principles of the neutrality.

#### ARTICLE IV.

It is agreed and concluded that all merchants, captains of merchant ships, or other subjects of his Swedish majesty, shall have full liberty in all places under the dominion or jurisdiction of the United States of America, to manage their own affairs, and to employ in the management of them whomsoever they please ; and they shall not be obliged to make use of any interpreter or broker, nor to pay them any reward unless they make use of them. Moreover, the masters of ships shall not be obliged, in loading or unloading their vessels, to employ labourers appointed by public authority for that purpose ; but they shall be at full liberty themselves to load or unload their vessels, or to employ in loading or unloading them whomsoever they think proper, without paying reward under the title of salary to any other person whatever ; and they shall not be obliged to turn over any kind of merchandises to other vessels, nor to receive them on board their own, nor to wait for their lading longer than they please ; and all and every of the citizens, people and inhabitants of the United States of America shall reciprocally have and enjoy the same privileges and

liberties in all places under the jurisdiction of the said realm.

ARTICLE V.

It is agreed, that when merchandises shall have been put on board the ships or vessels of either of the contracting parties, they shall not be subjected to any examination; but all examination and search must be before lading, and the prohibited merchandises must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship, or of him who has the command of her; in which case only, he shall be responsible and subject to the laws of the country in which he may be. In all other cases, neither the subjects of either of the contracting parties, who shall be with their vessels in the ports of the other, nor their merchandises, shall be seized or molested on account of contraband goods, which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects or citizens of the state whose merchandises are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandise being liable to punishment for such contravention.

Done at Paris, the third day of April, in the year of our Lord, one thousand seven hundred and eighty-three.

(Signed)

GUSTAV : PHILIP, *Comte de Creutz*. [L. s.]

B. FRANKLIN. [L. s.]

Now BE IT KNOWN, That we, the said United States of America in Congress assembled, have accepted and approved, and do by these presents ratify and confirm the said treaty, and every article and clause thereof. And we do authorize and direct our minister plenipotentiary aforesaid to deliver this our act of ratification in exchange for the ratification of the said treaty by his majesty the king of Sweden.

In testimony whereof we have caused our seal to be hereunto affixed. Witness his excellency Elias Boudinot, President, this twenty-ninth day of July, one thousand seven hundred and eighty-three, and of our sovereignty and independence, the eighth.

On motion of Mr. Duane, seconded by Mr. Holten, Resolved, That Dr. Franklin, minister plenipotentiary of these United States for concluding a treaty with the king of Sweden, be and he hereby is instructed and fully empowered, to obtain amendments of the following inaccuracies in the commercial treaty with his said majesty this day ratified, namely "United States of North America," for "United States of America"—"the counties of New Castle, Kent and Sussex on Delaware," for "Delaware;" and to enter into the necessary instruments and stipulations for that purpose.

AUGUST 21, 1783.

On motion of Mr. Lee, seconded by Mr. Bland—

Whereas it is stipulated in the seventh article of the preliminaries agreed upon the 30th day of November, 1782, between the plenipotentiaries of his Britannick majesty and of the United States, “that the king of Great Britain shall order and cause all archives, records, deeds and papers, belonging to any of the said states or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong,”

Resolved, That the commander in chief be directed to make application to his Britannick majesty’s generals commanding at New York and Quebec, for the immediate delivery, to persons authorized to receive them, of all archives, records, deeds and papers belonging to any of the United States, or to any of their citizens, which may have fallen into the hands of his Britannick majesty’s officers during the course of the war.

Ordered, That copies of the foregoing resolution be sent to the several states.

SEPTEMBER 13, 1783.

A memorial from the honourable the minister plenipotentiary of France was read, enclosing a commission of chevalier D’Annemours, consul general of

France in the state of Maryland, the commonwealth of Virginia, and the states of North Carolina, South Carolina and Georgia : Whereupon,

Ordered, That the commission be registered ; and that it be recognised ; and an exequatur issued in due form.

#### SEPTEMBER 25, 1783.

The committee, consisting of Mr. Madison, Mr. Higgenson and Mr. Hamilton, to whom was referred a letter from Dr. Franklin, of the 15th of April last, reported the draft of a proclamation, which was agreed to as follows :

#### A PROCLAMATION.

Whereas in pursuance of a plenipotentiary commission, given on the twenty-eighth day of September, one thousand seven hundred and eighty-two, to the honourable Benjamin Franklin, a treaty of amity and commerce between his majesty the king of Sweden and the United States of America was, on the third day of April, one thousand seven hundred and eighty-three, concluded by the said Benjamin Franklin, with a minister plenipotentiary named for that purpose by the said king : And whereas the said treaty hath been duly approved and ratified by the United States in Congress assembled, and a translation thereof made in the words following :

[Here insert the treaty, in English, vide page 369.]

**NOW THEREFORE**, to the end that the said treaty may

with all good faith be performed and observed on the part of these states, all the citizens and inhabitants thereof, and more especially all officers and others in the service of the United States, are hereby enjoined and required, to govern themselves strictly in all things according to the stipulations above recited.

Done in Congress, at Princeton, this twenty-fifth day of September, in the year of our Lord, one thousand seven hundred and eighty-three, and of our sovereignty and independence, the eighth.

#### SEPTEMBER 26, 1783.

Congress took into consideration the report of a committee, consisting of Mr. Duane, Mr. Rutledge, Mr. Fitzsimmons, Mr. Gerry and Mr. Higgenson, appointed to consider the late despatches from the ministers of these United States at foreign courts, and to report what measures are necessary to be taken thereon: and the following paragraph being under debate, viz. "Your committee beg leave further to observe, that in those despatches, and particularly in Mr. Adams's letter of the 18th July, a sentiment is earnestly inculcated, which is indeed obvious in itself, that the union requires additional support from its members; and that, if the United States become respectable, it must be by means of more energy in government: for as some of the nations in Europe do not yet perceive this important truth, that the sphere of their own commerce will be eventually enlarged by the growth of America, but on the contrary, manifest a jealousy of our future prosperity."



“ it becomes the United States seriously to consider  
 “ their own interests, and to devise such general sys-  
 “ tems and arrangements, commercial or political, as  
 “ our own peculiar circumstances may, from time to  
 “ time, require : your committee therefore propose,  
 “ that a special committee be appointed to take this  
 “ important subject under deliberation, and to report  
 “ the result to Congress.”

And on the question to agree to the foregoing para-  
 graph, the yeas and nays being required by Mr.  
 Howell—

New Hampshire,	Mr. Foster,	No. } ×
Massachusetts,	Mr. Holten,	No. } ×
Rhode Island,	Mr. Ellery, Mr. Howell,	No. } No. No. }
Connecticut,	Mr. S. Huntington, Mr. B. Huntington,	Ay. } Ay. Ay. }
New York,	Mr. Duane, Mr. L'Hommedieu,	Ay. } Ay. Ay. }
New Jersey,	Mr. Boudinot, Mr. Clark,	Ay. } Ay. Ay. }
Pennsylvania,	Mr. Fitzsimmons, Mr. Montgomery, Mr. Peters,	Ay. } Ay. Ay. } Ay. }
Delaware,	Mr. Tilton, Mr. Bedford,	Ay. } Ay. Ay. }
Maryland,	Mr. Carroll,	Ay. } ×
Virginia,	Mr. Bland, Mr. Lee,	No. } No. No. }

North Carolina,	Mr. Hawkins, Mr. Williamson,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Read, Mr. Beresford,	Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

### SEPTEMBER 29, 1783.

On motion of Mr. Carroll, seconded by Mr. Mercer,

Resolved, That the injunction of secrecy in the late despatches be taken off, excepting on such parts as have relation to subjects heretofore under an injunction of secrecy, or desired to be kept secret by any of our ministers.

On the report of a committee, consisting of Mr. Gerry, Mr. Lee and Mr. Carroll, to whom was referred a motion of Mr. Gerry,

Resolved, That the minister or ministers for negotiating peace in behalf of the United States be and they are hereby instructed, to negotiate an explanation of the following paragraph of the declaration acceded to by the ministers plenipotentiary of the United States, the 20th of January, 1783, relative to captures, viz. That the term should be one month from the channel and North sea, as far as the Canary islands, inclusively, whether in the ocean or the Mediterranean.

Ordered, That a copy of the above instructions be sent to the court of appeals, and to the executives of the several states respectively.

The committee, consisting of Mr. Duane, Mr. Rutledge, Mr. Fitzsimmons, Mr. Gerry and Mr. Higgen

son, appointed to consider the late despatches from the ministers of the United States at foreign courts, and to report what measures are necessary to be taken thereon, reported as follows :

Whereas it appears from Mr. Adams's letters of the 23d of June, and 14th and 18th of July, from the ministers' joint letter of the 27th, and Dr. Franklin's of the 22d July, that the court of Great Britain has discovered great jealousy upon the subject of American commerce ; and the truth of this fact seems to be clearly evinced by two proclamations of his Britannick majesty of the                      and the                      the first of which restrains the importation of the produce of any of the United States to vessels belonging to Great Britain, and navigated according to her laws, or to vessels belonging to the state of which the cargo is the produce ; and the latter, when taken in conjunction with her subsisting trade laws, absolutely prohibits American vessels or subjects from trading to the British islands or colonies :

And whereas these regulations are highly injurious to the welfare and commerce of these United States, and peculiarly so to the eastern states, as the article of fish is excluded from those which are to be admitted on any condition : for if these restrictions are continued, and the vessels of each of the American states are confined in the importation into Great Britain to the products of that state only, the intercourse between the states will not only be straitened, but a great part of the carrying trade, which arises from the exportation of American produce to England, will be engross-

ed by the subjects of that kingdom, and a very important branch of our commerce thereby lost. And although the court of France hath not yet explicitly disclosed her intentions with respect to our future intercourse with her colonies, there is too much reason to apprehend that she will restrain it to those articles of import and export which do not interfere with her own exports or consumption, and which are in fact of very inconsiderable value :

And whereas it is of importance to counteract these systems so injurious to the United States ; and this can only be done by delegating a general power for regulating their commercial interests : Whereupon,

Resolved, That a committee be appointed to prepare an address to the states upon the subject of commerce, stating to them the regulations which are prevailing in Europe, the evils to be apprehended therefrom, and the steps proper to be taken to guard against and to counteract them.

The members—Mr. Fitzsimmons, Mr. Duane and Mr. Lee.

The committee having further reported as follows :

Whereas it appears that in those despatches, and particularly in Mr. Adams's letter of the 18th of July, a sentiment is earnestly inculcated, which is indeed obvious in itself, that the union requires additional support from its members ; and that if the United States become respectable it must be by means of more energy in government : for as some of the nations of Europe do not yet perceive this important truth, that the sphere of their own commerce will be eventually enlarged by the growth of America, but on the

contrary, manifest a jealousy of our future prosperity, it becomes the United States seriously to consider their own interests, and to devise such general systems and arrangements, commercial or political, as our own peculiar circumstances may from time to time require: Thereupon,

Resolved, That a special committee be appointed to take this important subject under deliberation, and report the result to Congress.

The members—Mr. Fitzsimmons, Mr. Duane and Mr. Lee.

The committee having further reported,

And whereas it appears from Mr. Adams's despatches of            and doctor Franklin's of the 22d July, that propositions for entering into treaties of amity and commerce with these United States have been made to our ministers by the king of Denmark, the court of Portugal, the emperor of Germany, the king of Prussia, the grand duke of Tuscany, and the court of Spain; and that many of the other powers of Europe discover a like disposition: Thereupon,

Resolved, That a committee be appointed to consider this subject; and whether the transmission of general outlines of treaties with those several powers, or instructions to our ministers as to the principles of such treaties, be most expedient; and to devise and report such outlines or instructions accordingly.

The members—Mr. S. Huntington, Mr. Duane and Mr. Lee.

The committee further reported, that instructions be transmitted to the ministers whom it concerns, immediately to stop all further loans in Europe.

That representations be made to the court of Denmark for obtaining compensation for the prizes sent into Bergen by the Alliance frigate.

That inquiry be made why the expedition of the Alliance and Bon Homme Richard, &c. was carried on at the expense and on account of the court of France ; and whether any part of the profit arising therefrom accrued to the United States ; or any of the expense thereof placed to their account ; and whether the proceeds of any of the prizes taken in that expedition, and which is due to the American officers and seamen employed therein, is deposited in Europe, and in whose hands, and to what amount.

That the ministers of these United States be instructed to encourage overtures for treaties of amity and commerce from the respectable and commercial powers of Europe, upon terms of the most perfect reciprocity, and subject to the revisal of Congress previous to their ratification : Whereupon,

Resolved, That these several subjects be referred to a special committee to report thereon proper instructions to the ministers of these United States.

The members—Mr. S. Huntington, Mr. Lee and Mr. Duane.

Ordered, That the instructions last given by Congress to Mr. Dana, with respect to the armed neutrality, be transmitted to the rest of our ministers in Europe for their information and government.

Resolved, That Congress do approve the intentions of the ministers for negotiating a peace to adopt the provisional treaty as the substance of the definitive

treaty, if no additional articles or explanations beneficial to the United States are likely to be soon obtained.

Resolved, That the thanks of Congress be given to the reverend doctor Wren, for his humane and benevolent attention to the citizens of these United States who were prisoners at Portsmouth in Great Britain during the war.

### OCTOBER 1, 1783.

Congress resumed the consideration of the before-mentioned report : And thereupon,

Resolved, That Mr. Jay be authorized to direct Mr. Carmichael to repair to Paris, should Mr. Jay be of opinion that the interest of the United States at the court of Madrid may not be injured by Mr. Carmichael's absence ; and that he bring with him the books and vouchers necessary to make a final and complete settlement of the accounts of publick money which have passed through the hands of Mr. Jay and himself ; and that Mr. Barclay attend Mr. Jay and Mr. Carmichael to adjust those accounts.

Resolved, That Mr. Jay have leave to go to Bath, should he find it necessary for the benefit of his health.

The following paragraph being under debate, viz.

That the ministers be informed that Congress do not intend to appoint any other than citizens of the United States to the office of consuls or vice consuls :

On the question to agree to this, the yeas and nays being required by Mr. Gerry—

Massachusetts,	Mr. Gerry,	Ay. }	AY.
	Mr. Holten,	Ay. }	

Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. }	Ay.
Connecticut,	Mr. S. Huntington, Mr. B. Huntington,	Ay. } No. }	DIVIDED.
New York,	Mr. Duane, Mr. L'Hommedieu,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Boudinot, Mr. Clark, Mr. Condict,	Ay. } No. } Ay. }	Ay.
Pennsylvania,	Mr. Montgomery, Mr. Peters,	Ay. } No. }	DIVIDED.
Delaware,	Mr. Bedford, Mr. Tilton,	Ay. } No. }	DIVIDED.
Maryland,	Mr. Carroll, Mr. M'Henry,	Ay. } No. }	DIVIDED.
Virginia,	Mr. Bland, Mr. Lee, Mr. Mercer,	Ay. } Ay. } No. }	Ay.
North Carolina,	Mr. Hawkins, Mr. Williamson,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Read, Mr. Beresford,	No. } Ay. }	DIVIDED.

So the question was lost.

Ordered, That the committee appointed to prepare instructions to the ministers of the United States prepare drafts of letters to the several ministers, to be signed by the President, on the respective subjects beforementioned.



## OCTOBER 10, 1783.

The committee, consisting of Mr. S. Huntington, Mr. Gerry and Mr. Duane, to whom were referred the letters from general du Portail, relating to himself and the other engineers of the royal corps in the service of his most christian majesty, report,

That major general du Portail, brigadier general Launoy and colonel Gouvion were permitted by his most christian majesty to serve in the army of the United States ; and for this purpose furloughs were granted to them by the king of France from time to time ; and it appears that from a desire to give a repeated manifestation of his attachment to the United States the services of these engineers were considered equally entitling them to the favour of the sovereign as if they had been performed in the armies of France.

That these gentlemen have distinguished themselves in their profession during their service in America as active, intelligent and useful officers ; and considering that they entered our service with the particular approbation and consent of their sovereign, it appears to your committee that it will be expedient to grant them some peculiar testimonies of the sense Congress entertain of their services, as well as to expedite their return to the corps to which they are attached in France : Whereupon,

Resolved, That major general du Portail, brigadier general Launoy and colonel Gouvion, who have served with distinguished merit in the department of engineers, have leave to retire from the service of the United

States, their affairs requiring their presence in Europe, and no arrangements having yet been made by which Congress might employ the abilities of those gentlemen, however desirous they might be of their services.

Resolved, That the secretary at war express to the minister plenipotentiary of his most christian majesty in America the high sense Congress entertain of the zeal, abilities and good conduct of these officers, during their service in the army of the United States, to the end that the said minister may convey to his court the approbation of Congress of their distinguished merit.

Resolved, That the superintendent of finance cause the accounts of major general du Portail, brigadier general Launoy and colonel Gouvion to be immediately adjusted, and advance to them respectively such sums as the state of the publick finances will in his opinion admit, giving them certificates on interest for the balances which may be found due to them.

#### OCTOBER 18, 1783.

On the report of a committee, consisting of Mr. Bland, Mr. B. Huntington and Mr. Howell, to whom was referred a memorial from major Jackson,

Resolved, That the sum actually expended by Mr. Jackson for defraying the necessary expenses of his journeys to and from Paris and Amsterdam, on the business committed to his charge by the honourable John Laurens, special minister to the court of France, and charged to the said Jackson, be passed to his credit.

Resolved, That fourteen hundred and fifty-five dollars be allowed to Mr. Jackson as a full compensation for his services while acting as secretary to the honourable John Laurens, on his mission to the court of France, his pay and emoluments in the army to cease during that period.

On the report of a committee, consisting of Mr. S. Huntington, Mr. Gerry and Mr. Duane, to whom was referred a letter of the 19th of September, from the commander in chief, Congress passed the following proclamation :

By the United States in Congress assembled.

#### A PROCLAMATION.

Whereas in the progress of an arduous and difficult war, the armies of the United States of America have eminently displayed every military and patriotick virtue, and are not less to be applauded for their fortitude and magnanimity in the most trying scenes of distress, than for a series of heroick and illustrious achievements, which exalt them to a high rank among the most zealous and successful defenders of the rights and liberties of mankind: And whereas by the blessing of divine Providence on our cause and our arms, the glorious period is arrived when our national independence and sovereignty are established, and we enjoy the prospect of a permanent and honourable peace :

We, therefore, the United States in Congress assembled, thus impressed with a lively sense of the distinguished merit and good conduct of the said armies, do give them the thanks of their country for their long,

eminent and faithful services. And it is our will and pleasure, that such part of the federal armies as stands engaged to serve during the war, and as by our acts of the 26th day of May, the 11th day of June, the 9th day of August, and the 26th day of September last, were furloughed, shall, from and after the third day of November next, be absolutely discharged, by virtue of this our proclamation, from the said service. And we do also declare, that the further services in the field of the officers who are deranged and on furlough, in consequence of our aforesaid acts, can now be dispensed with; and they have our full permission to retire from service without being longer liable, from their present engagements, to be called into command. And of such discharge and permission to retire from service respectively, all our officers civil and military, and all others whom it may concern, are required to take notice, and to govern themselves accordingly.

Given under the seal of the United States in Congress assembled. Witness his excellency Elias Boudinot, our President, in Congress, this 18th day of October, in the year of our Lord, one thousand seven hundred and eighty-three, and of the sovereignty and independence of the United States of America, the eighth.

OCTOBER 22, 1783.

On the report of a committee, consisting of Mr. Duane, Mr. Ellery and Mr. S. Huntington, to whom was referred a motion for transmitting copies of the preliminary articles of peace to the respective states,

Resolved, That an exemplification of the provisional articles for restoring peace between the United States of America and Great Britain, and of the act of ratification thereof by the United States, be transmitted to each of the respective states.

OCTOBER 24, 1783.

On the report of a committee, consisting of Mr. Huntington, Mr. Duane and Mr. Madison, to whom were referred communications made to Congress by the honourable the minister plenipotentiary of France, on the 19th of September last,

Resolved, That the minister plenipotentiary of France be informed, that Congress receive much pleasure from his communication of the resolution of the belligerent parties not to sign a definitive treaty of peace with Great Britain but in concert with the United States. That it gives them equal satisfaction to learn, that his most christian majesty had in view the commerce of the United States; and that it is their earnest wish that such a spirit of liberality may pervade commercial regulations, on both sides, as will extend the intercourse and mutual interests of the two nations, and preserve and increase the reciprocal confidence and affection which have so eminently distinguished their alliance.

OCTOBER 25, 1783.

The President having this day laid before Congress a letter from the honourable P. J. Van Berckel, en-

closing a copy of a letter of credence, by which it appears that he is appointed minister plenipotentiary from their high mightinesses the states general of the United Netherlands to the United States of America ; and the said minister having requested to be informed when and where Congress will admit him to an audience,

Resolved, That the said honourable P. J. Van Berckel be received as minister plenipotentiary from their high mightinesses the states general of the United Netherlands ; and that, agreeably to his request, he be admitted to a publick audience in Congress.

That the Congress room in Princeton, on Thursday next at noon, be appointed as the time and place for such audience.

That the superintendent of finance and secretary at war, or either of them, perform on this occasion the duties assigned to the secretary for foreign affairs in the ceremonial respecting foreign ministers ; and that they inform the supreme executives of New Jersey and Pennsylvania, his excellency the commander in chief, the honourable the minister plenipotentiary of France, and such civil and military gentlemen as are in or near Princeton, of the publick audience to be given to the honourable the minister plenipotentiary of their high mightinesses the states general of the United Netherlands.

Ordered, That the superintendent of finance and secretary at war, or either of them, take order for an entertainment to be given at the publick expense to the honourable P. J. Van Berckel, minister plenipotentiary from their high mightinesses the states gene-

ral of the United Netherlands to the United States of America, on Thursday next, the day assigned for the publick audience of the said minister.

A Copy of the Ceremonial on the reception of Foreign Ministers, with which Mr. Van Berckel was furnished by order of Congress.

When a minister plenipotentiary or envoy extraordinary shall arrive within any of the United States, he shall receive at all places where there are guards, sentries and the like, such military honours as are paid to a general officer of the second rank in the armies of the United States.

When he shall arrive at the place in which Congress shall be, he shall wait upon the President, and deliver his credentials, or a copy of them.

Every minister, on his being admitted to his first audience, shall be introduced by the secretary for foreign affairs to a seat provided for him facing the President of Congress, the President and members being seated, and the President covered, the minister being uncovered, and so to remain, unless he be of the rank of an ambassador.

The minister being seated, shall deliver his letter of credence to the secretary of Congress by his own secretary, who shall stand by him during his audience. If the minister chooses to address Congress, he shall rise when he speaks.

The letter of credence being delivered by the secretary of Congress to the interpreter, when such officer shall be necessary, he shall read it in its own original language, and then present a translation of it to the

secretary of Congress, who shall read the same : upon which, the President, after reading his answer uncovered, shall deliver the same to the secretary of Congress, who shall present it to the minister, who shall rise to receive it.

The minister then shall be reconducted to his carriage by the secretary for foreign affairs.

If the minister is of the rank of an ambassador, ordinary or extraordinary, he shall be covered when he takes his seat. In that case too, the President shall rise when the ambassador is introduced, and also when he reads his answer.

In any subsequent publick audience of a foreign minister, the same ceremonial shall be observed, except so far as relates to the delivery and reading the credentials.

Every minister, after his first audience, shall pay the first visit to the President and other members of Congress.

A foreign minister, on his arrival at the place where Congress shall reside, shall be informed by the secretary for foreign affairs, that if in any audience he shall choose to speak, it will be necessary previously to deliver in writing to the President what he intends to say at the audience ; and if he shall not incline thereto, it will, from the constitution of Congress, be impracticable for him to receive an immediate answer.

All speeches or communications in writing may, if the publick minister choose it, be in the language of their respective countries ; and all replies or answers shall be in the language of the United States.



## OCTOBER 29, 1783.

A letter of 26th from the honourable P. J. Van Berckel was read : Whereupon,

Resolved, That the audience to be given to the said minister be postponed till Friday next.

The committee, consisting of Mr. S. Huntington, Mr. A. Lee and Mr. Duane, to whom were referred sundry resolutions passed on the 29th of September and 1st October, instant, reported a draft of instructions, which was agreed to as follows :

By the United States in Congress assembled.

To the ministers plenipotentiary of the United States of America at the court of Versailles empowered to negotiate a peace, or to any one or more of them :

First. You are instructed and authorized to announce to his imperial majesty the emperor of Germany, or to his ministers, the high sense which the United States in Congress assembled entertain of his exalted character and eminent virtues, and their earnest desire to cultivate his friendship, and to enter into a treaty of amity and commerce for the mutual advantage of the subjects of his imperial majesty, and the citizens of these United States.

Secondly. You are instructed to meet the advances and encourage the disposition of the other commercial powers in Europe for entering into treaties of amity and commerce with these United States. In negotiations on this subject, you will lay it down as a princi-

ple in no case to be deviated from, that they shall respectively have for their basis the mutual advantage of the contracting parties on terms of the most perfect equality and reciprocity, and not to be repugnant to any of the treaties already entered into by the United States with France and other foreign powers. That such treaties shall, in the first instance, be proposed for a term not exceeding fifteen years, and shall not be finally conclusive until they shall respectively have been transmitted to the United States in Congress assembled, for their examination and final direction; and that, with the drafts or propositions for such treaties, shall be transmitted all the information which shall come within the knowledge of the said ministers respecting the same; and their observations after the most mature inquiry on the probable advantages or disadvantages and effects of such treaties respectively.

Thirdly. You are instructed to continue to press upon the ministers of his Danish majesty the justice of causing satisfaction to be made for the value of the ships and goods captured by the Alliance frigate and sent into Bergen, and how essentially it concerns the honour of the United States that their gallant citizens should not be deprived of any part of those prizes, which they had so justly acquired by their valour. That as far as Congress have been informed, the estimate of those prizes at fifty thousand pounds sterling is not immoderate; that no more however is desired than their true value, after every deduction which shall be thought equitable. That Congress have a sincere disposition to cultivate the friendship of his Danish majesty, and to promote a commercial inter-

course between his subjects and the citizens of the United States, on terms which shall promise mutual advantage to both nations. That it is therefore the wish of Congress, that this claim should still be referred to the equitable disposition of his Danish majesty, in full confidence that the reasonable expectations of the parties interested will be fully answered; accordingly you are fully authorized and directed, after exerting your best endeavours to enforce the said claim to the extent it shall appear to you to be well founded, to make abatements if necessary, and ultimately to accept such compensation as his Danish majesty can be prevailed upon to grant.

Fourthly. You are further instructed, to inquire and report to Congress the reasons why the expedition of the Alliance and Bon Homme Richard, and the squadron which accompanied them, was carried on at the expense and on account of the court of France: whether any part of the profit arising therefrom accrued to the United States; or any of the expense thereof hath been placed to their account: whether the proceeds of any of the prizes taken in that expedition, and which is due to the American officers and seamen employed therein, is deposited in Europe; and what amount; where; and in whose hands.

Fifthly. The acquisition of support to the independence of the United States having been the primary object of the instructions to our ministers respecting the convention of the neutral maritime powers for maintaining the freedom of commerce, you will observe, that the necessity of such support is superceded by the treaties lately entered into for restoring peace.

And although Congress approve of the principles of that convention, as it was founded on the liberal basis of the maintenance of the rights of neutral nations, and of the privileges of commerce, yet they are unwilling, at this juncture, to become a party to a confederacy which may hereafter too far complicate the interests of the United States with the politicks of Europe; and therefore, if such a progress is not already made in this business as may render it dishonourable to recede, it is the desire of Congress and their instruction to each of the ministers of the United States at the respective courts in Europe, that no further measures be taken at present towards the admission of the United States into that confederacy.

Sixthly. The ministers of these states for negotiating a peace with Great Britain are hereby instructed, authorized and directed, to urge forward the definitive treaty to a speedy conclusion; and unless there shall be an immediate prospect of obtaining articles or explanations beneficial to the United States, in addition to the provisional articles, that they shall agree to adopt the provisional articles as the substance of a definitive treaty of peace.

Seventhly. The minister or ministers of these United States for negotiating a peace are hereby instructed, to negotiate an explanation of the following paragraph of the declaration acceded to by them on the 20th of January, 1783, relative to captures, viz. "that the term should be one month from the channel and North sea as far as the Canary islands, inclusively, whether in the ocean or the Mediterranean."

**Eighthly.** Mr. Jay is hereby authorized to direct Mr. Carmichael to repair to Paris, should Mr. Jay be of opinion that the interest of the United States at the court of Madrid may not be injured by Mr. Carmichael's absence; and that Mr. Carmichael carry with him the books and vouchers necessary to make a final and complete settlement of the accounts of public moneys which have passed through the hands of Mr. Jay and himself; and that Mr. Barclay attend Mr. Jay and Mr. Carmichael to adjust those accounts.

**Ninthly.** Mr. Jay has leave to go to Bath, should he find it necessary for the benefit of his health.

Ordered, That the fifth instruction be also directed to Mr. Dana, and that with it be sent him a copy of the other instructions for his information.

On the report of a committee, consisting of Mr. S. Huntington, Mr. Lee and Mr. Duane, to whom was referred a letter from the burgomasters and senate of the imperial free city Hamburg,

Resolved, That the President, in terms expressive of the most sincere regard, communicate to the burgomasters and senate of the imperial free city Hamburg the high satisfaction with which the United States in Congress assembled are impressed by the annunciation of their friendship and attachment, and their affectionate congratulations on the establishment of the liberty and independence of the United States of America. That having founded the commercial system of these states on the basis of equality and reciprocity, Congress will cheerfully meet the wishes of the burgomasters and senate of Hamburg, and unite with them

in encouraging the most friendly intercourse between the citizens of the respective countries on such liberal principles as will best promote their mutual advantage and prosperity; and that it is the earnest prayer of the United States in Congress assembled, that the imperial free city Hamburg may continue to increase in commerce and splendour, and be blessed with uninterrupted tranquillity.

Resolved, That a committee be appointed to confer with Mr. John Abraham de Boor, charged by the said burgomasters and senate with their said letter to Congress, on the subject matter thereof; and that a copy of these resolutions be transmitted to Mr. de Boor.

The committee—Mr. Carroll, Mr. Gerry and Mr. Williamson.

#### OCTOBER 31, 1783.

A contract between his most christian majesty and the United States of America, entered into on the 25th day of February, 1783, being laid before Congress,

Resolved, That the same be ratified in the terms following:

The United States in Congress assembled—To all who shall see these presents, send greeting.

Whereas Benjamin Franklin, our minister plenipotentiary at the court of Versailles, in pursuance of the powers in him vested, did, on the twenty-fifth day of February, in the year one thousand seven hundred and eighty-three, with Charles Gravier de Vergennes, &c.

counsellor of the king in all his councils, commander of his orders, minister and secretary of state, &c. vested with full powers of his most christian majesty for the purpose, enter into, conclude and sign a contract between his most christian majesty and the United States of North America, in the words following, viz.

Contract between the King and the thirteen United States of North America, passed at Versailles, the 21st February, 1783.

The re-established peace between the belligerent powers, the advantages of a free commerce to all parts of the globe, and the independence of the thirteen United States of North America, acknowledged and founded on a solid and honourable basis, rendered it probable that the said states would be in a condition to provide hereafter for their necessities, by means of the resources within themselves, without being compelled to implore the continuation of the succours which the king has so liberally granted during the war: But the minister plenipotentiary of the said United States to his majesty, having represented to him the exhausted state to which they have been reduced by a long and disastrous war, his majesty has condescended to take into consideration the request made by the aforesaid minister, in the name of the Congress of the said states, for a new advance of money to answer numerous purposes of urgent and indispensable expenses in the course of the present year; his majesty has in consequence determined, notwithstanding the no less pressing necessities of his own

service, to grant to Congress a new pecuniary assistance, which he has fixed at the sum of *six millions livres tournois*, under the title of loan, and under the guaranty of the whole thirteen United States, which the minister of Congress has declared his acceptance of, with the liveliest acknowledgments, in the name of the said states.

And as it is necessary to the good order of his majesty's finances, and also useful to the operations of the finances of the United States, to assign periods for payment of the six millions livres in question, and to regulate the conditions and terms of reimbursement which should be made at his majesty's royal treasury at Paris, after the manner of what has been stipulated for the preceding advances, by a former contract of the 16th July, 1782—

We, Charles Gravier count de Vergennes, &c. counsellor of the king in his councils, commander of his orders, chief of the royal council of finances, counsellor of state, &c. minister and secretary of state, and of his commands and finances, invested with full powers by his majesty, given to us for the purpose of these presents :

And we, Benjamin Franklin, minister and plenipotentiary of the United States of North America, likewise invested with full powers by the Congress of said states for the same purpose of these presents, after having compared and duly communicated to each other our respective powers, have agreed on the following articles :



## ARTICLE I.

The payment of the six millions livres, French money abovementioned, shall be made from the funds of the royal treasury, in proportions of five hundred thousand livres during each of the twelve months of the present year, under the acknowledgments of the minister of the said United States, promising in the name of Congress, and in behalf of the thirteen United States, to reimburse and refund the said six millions livres, in ready money, at his majesty's royal treasury, at the house of the sieur grand banker at Paris, with interest at five per cent. per annum, at periods hereafter stipulated in the third and fourth articles. The advances which his majesty has been pleased to allow to be made on account of the six millions in question shall be deducted in the payments of the first month of this year.

## ARTICLE II.

For better understanding the fixing of periods for the reimbursement of the six millions at the royal treasury, and to prevent all ambiguity on this head, it has been found proper to recapitulate here the amount of the preceding aids granted by the king to the United States, and to distinguish them according to their different classes. The first is composed of funds lent successively by his majesty, amounting in the whole to the sum of eighteen millions livres, reimbursable in specie at the royal treasury in twelve equal portions

of a million five hundred thousand livres each, besides the interest, and in twelve years, to commence from the third year after the date of the peace, the interest, beginning to reckon at the date of the peace, to be discharged annually, shall diminish in proportion to the reimbursement of the capital, the last payment of which shall expire in the year 1798.

The second class comprehends the loan of five millions Dutch florins, amounting, by a moderate valuation, to ten millions livres tournois, the said loan made in Holland, in 1781, for the service of the United States of North America, under the engagement of the king to refund the capital with interest, at four per cent. per annum, at the general counter of the states general of the United Provinces of the Netherlands, in ten equal portions, reckoning from the sixth year of the date of the said loan, and under the like engagement on the part of the minister of Congress, and in behalf of the thirteen United States, to reimburse the ten millions of said loan in ready money at the royal treasury, with interest, at four per cent. per annum, in ten equal portions of a million each, and in ten periods from year to year, the first of which shall take place in the month of November, 1787, and the last in the same month, 1796 : The whole conformable to the conditions expressed in the contract of the 16th July, 1782.

In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance, from the pure generosity of the king, three millions of which were granted before the treaty of February, 1778, and six millions in 1781 ; which aids and subsidies amount

in the whole to nine millions livres tournois. His majesty here confirms, in case of need, the gratuitous gift to the Congress of the said thirteen United States.

#### ARTICLE III.

The new loan of six millions livres tournois, the subject of the present contract, shall be refunded and reimbursed in ready money at his majesty's royal treasury, in six equal portions of a million each, with interest at five per cent. per annum, and in six periods, the first of which shall take place in the year 1797, and so on, from year to year, until 1802, when the last reimbursement shall be completed.

#### ARTICLE IV.

The interest of five per cent. per annum, of the capital of the six millions mentioned in the preceding article, shall begin to be reckoned from the first of January, of the year 1784, and shall be paid in ready money at his majesty's royal treasury at Paris on the same day of each year, the first of which shall take place the first of January, 1785, and so on, from year to year, until the definitive reimbursement of the capital; his majesty being pleased, by a new act of generosity, to present and remit to the thirteen United States the partial interest of the present year, which the underwritten minister of Congress has declared to accept with acknowledgment in the name of the said United States.

## ARTICLE V.

The interest of the capital of the six millions shall diminish in proportion to the reimbursements at the periods fixed in the preceding article; Congress and the United States reserving, however, the liberty of freeing themselves by anticipated payments, should the state of their finances admit.

## ARTICLE VI.

The contracting parties will reciprocally guaranty the faithful observation of the foregoing articles, the ratifications of which shall be exchanged in the space of nine months from the date of this present contract, or sooner if possible.

In faith whereof, we, the ministers plenipotentiaries of his majesty and the Congress of the thirteen United States of North America, in virtue of our respective full powers, have signed the present contract, and thereunto affixed the seal of our arms. Done at Versailles, the twenty-fifth day of February, one thousand seven hundred and eighty-three.

(Signed)

GRAVIER DE VERGENNES. [L. S.]

B. FRANKLIN. [L. S.]

Now KNOW YE, That we, the said United States in Congress assembled, impressed with a lively sense of

the assistance and affection manifested by his most christian majesty in the above contract, have ratified and confirmed, and by these presents do ratify and confirm the said contract and every article thereof; and we do hereby empower our minister plenipotentiary at the court of Versailles to deliver this our own ratification, in exchange for the ratification of the said contract on the part of his most christian majesty.

In testimony whereof, we have caused our seal to be hereunto affixed. Witness his excellency Elias Boudinot, President, this thirty-first day of October, 1783, and of our sovereignty and independence, the eighth.

On the report of a committee, consisting of Mr. Duane, Mr. Gerry and Mr. Lee, to whom was referred a report of the secretary for foreign affairs respecting an agent or consul at Madeira,

Resolved, That a commercial agent be appointed to assist the merchants and other citizens of these United States trading to the island of Madeira and Porto Santo. The ballots being taken,

Mr. John Marsden Pintard was elected.

According to order, the honourable P. J. Van Berckel, minister plenipotentiary from their high mightinesses the states general of the United Netherlands, was admitted to an audience.

And upon being introduced, he addressed Congress in a speech, in French, of which the following is a translation :

## GENTLEMEN OF THE CONGRESS,

Previous to my laying before you the commission with which their high mightinesses the states general of the United Netherlands have honoured me, permit me to express the joy I feel on finding myself this day in this assembly, and meeting those illustrious men whom the present age admires, and whom posterity will always point to as models of patriotism, and whose merits eternity itself can alone recompense.

While all Europe kept its eyes fixed on your exploits, their high mightinesses could not refrain from very seriously interesting themselves therein, recollecting, as they always did, the dangers and difficulties to which their forefathers were subjected before they could free themselves from the yoke in which they were intralld. They knew better than any other the worth of independence; and they knew how to set a just value on the greatness of your designs. They applauded your generous enterprise, which was inspired by a love of your country, conducted with prudence, and supported with heroick courage; and they rejoiced at the happy success which crowned your labours.

In order to convince you of their affection, and the part they take in whatever regards your republick, my masters have charged me to congratulate you on the accomplishment of your desire, which had for its object the power of your own absolute will, and the enjoyment of that inestimable and natural treasure which places you in the rank of sovereign and independent powers.

How flattering is it to me to find myself this day the organ and interpreter of the sentiments and dispositions of my masters, and to have it in my power to assure you on their behalf, that there is nothing which they more ardently wish than the happiness of your republick and the establishment of the union of your states! May this union, founded on the principles of true patriotism and a love for the publick good, be cemented in such a manner that neither false ambition, jealousy or private interest may ever be able to do it the least injury! May the administration of a wise and prudent government dispense happiness and plenty among the people, and give them a glory extended from pole to pole, and lasting as ages.

GENTLEMEN,

Their high mightinesses are not content with sending compliments of congratulation, which are in themselves unfruitful, but being convinced that an intercourse of commerce and mutual good will are the surest means of binding closer the sacred bands of friendship, which already unite you together, they have commanded me to assure you, that they have nothing nearer at heart than to labour effectually to render this friendship fruitful and profitable; and to contribute as far as possible to the aggrandisement of an ally, from whom they promise themselves the same efforts.

This is a sketch, but a very feeble and imperfect sketch, of the sentiments of my masters, whose sincerity surpasses expression, but which is however manifested in the letter which I shall have the honour

to deliver to you. This, gentlemen, this is the purpose of the mission with which they have honoured me. May it be in my power worthily to answer their expectations, and at the same time to gain your affection and confidence, which are so necessary for the success of my undertaking! As to myself, without guile and without artifice, I shall always conduct myself with that rectitude, candour and cordiality which form the distinguishing character of a true republican, and which is at the same time the best security for my attaining the point of my ambition, which is that of gaining the approbation of Congress, the friendship of its members, and the esteem of the United States of America.

He then delivered the letter from their high mightinesses the states general, of which the following is a translation :

To the United States of America, in Congress assembled.

OUR FRIENDS AND ALLIES,

With very great satisfaction did we, by the reception of the honourable Mr. Adams, your minister with our state, acknowledge the independence of your republic; and with equal and much greater delight have we received the pleasing tidings of the conclusion of the preliminary articles of peace, by which the court of Great Britain has declared you free and independent states. We have long ardently wished for this happy period, having for several years past with



sorrow seen the troubles and difficulties with which you were obliged to struggle. And we do most cordially congratulate you on this happy event, sincerely taking a share in your present agreeable situation.

To give a testimony of our sentiments in this respect, and to convince you of our unfeigned esteem, we have thought it proper to send you an envoy extraordinary : we have for that purpose chosen a gentleman of distinction, whose personal qualifications are in great repute among us, the honourable Mr. Peter John Van Berckel, burgomaster of the city of Rotterdam, and a deputy in our assembly. We hope and trust that you will graciously receive this gentleman in quality of our minister plenipotentiary ; and when he shall have the honour to deliver you these presents, and to enter into farther negotiations with you, that you will give full faith unto him as unto ourselves, being assured that he will not be able to express in terms too strong the sentiments of esteem and reverence which we have for a long time possessed for that wisdom, courage and perseverance by which you have rendered yourselves famous throughout the world.

May God grant that your rising republick may become more and more prosperous, that it may increase in lustre and glory, and subsist to the end of time.

We shall at all times rejoice in your increasing felicity ; and we desire nothing more ardently than that we may maintain the strictest friendship and correspondence with you, for the good of the subjects and inhabitants of both countries.

This letter being read, the President returned the following answer to the minister :

SIR,

In a contest for the rights of human nature, the citizens of the United States of America could not but be impressed with the glorious example of those illustrious patriots, who, triumphing over every difficulty and danger, established the liberties of the United Netherlands on the most honourable and permanent basis. Congress at an early period of the war sought the friendship of their high mightinesses, convinced that the same inviolable regard for liberty, and the same wisdom, justice and magnanimity, which led their forefathers to glory, was handed down unimpaired to their posterity ; and our satisfaction was great in accomplishing with them a treaty of amity and commerce on terms so acceptable to both nations.

With the sincerest pleasure, sir, we receive the honourable testimonials of confidence and esteem of their high mightinesses, and their affectionate congratulations on the success of our efforts in the sacred cause of liberty.

We assure you, sir, that it is our earnest desire to unite with their high mightinesses in every measure, which can promote the most unreserved confidence, and the most friendly intercourse between two nations, which have vindicated their freedom amidst the most trying scenes of danger and distress, and have been equally blessed by the gracious interposition of divine Provi-

dence with that sovereignty and independence so essential to their safety and happiness.

Governed by the same ardent love of freedom, and the same maxims of policy, cemented by a liberal system of commerce, and earnestly disposed to advance our mutual prosperity by a reciprocity of good offices, we persuade ourselves that the most friendly and beneficial connexion between the two republicks will be preserved inviolate to the latest ages.

It adds, sir, greatly to our pleasure on this interesting occasion, that their high mightinesses have employed as their minister a gentleman so highly celebrated for rectitude and patriotism, and from whose illustrious family these United States have received the most distinguished proofs of regard and friendship.

#### NOVEMBER 1, 1783.

On the report of a committee, consisting of Mr. S. Huntington, Mr. A. Lee and Mr. Duane, to whom were referred a letter from captain J. P. Jones to the agent of marine, of the 13th of October, and a letter from him to Congress, of the 18th of the same month,

Resolved, That captain John Paul Jones be and he hereby is recommended to the minister plenipotentiary of the United States at the court of Versailles, as agent to solicit, under the direction of the said minister, for payment and satisfaction to the officers and crews for all prizes taken in Europe under his command, and to which they are any wise entitled; and that the said captain Jones shall receive the commission usually al-

lowed in such cases, out of the money which he shall recover, as agent for the said prizes, in full compensation for his services and expenses : provided always, that the said captain J. P. Jones, previous to his entering upon the execution of the said trust, shall give to the superintendent of finance, for the benefit of all concerned, sufficient bonds with good security, for the faithful discharge thereof, and for the just payment of the same to the said superintendent of finance, to be by him distributed to those persons who may be entitled thereto.

On the report of a committee, consisting of Mr. S. Huntington, Mr. Duane and Mr. Madison, to whom were referred, among other things, a letter from the superintendent of finance, of the 15th of September last, and sundry papers therein enclosed,

Resolved, That it be an instruction to the superintendent of finance, to inform the farmers general of France, that Congress are sensible of their generous attention to the circumstances of the war in which these United States have been so long engaged, and which, interrupting their commerce, deprived them of the means of seasonable remittances to satisfy the balance so justly due on the loan made by them. That the United States in Congress assembled, in providing for the national debt, by their act of the 18th day of April, 1783, were not unmindful of the demands of the said farmers general ; and when the system thereby adopted for the relief of the publick creditors shall have taken effect, the interest accruing on the balance due to the said farmers general will be punctually remitted ; and that if this arrangement shall not prove

satisfactory to the farmers general, they shall be assured in the name of the United States, that all the means in their power shall be employed to discharge the principal sum due to the said farmers general as soon as the condition of the publick finances will admit.

DECEMBER 13, 1783.

The President laid before Congress a joint letter from the ministers of the United States at Paris, dated at Passy, September 10, 1783, accompanied with the definitive treaty between Great Britain and the United States of America, signed at Paris, September 3, 1783, which were read.

DECEMBER 18, 1783.

Sundry letters and memorials were read, among which a letter of the 23d November, from the minister plenipotentiary of the United Netherlands, and a note respecting the capture and condemnation of the sloop Chester, and a letter of the 28th October, from governour Hancock, in behalf of the government of the commonwealth of Massachusetts, which were committed.

JANUARY 3, 1784.

A letter of the 17th December last, from Mr. F. Dana, was read, informing Congress of his arrival at Boston, after a passage of ninety-five days from Pe-

tersburg, and desiring to know whether it is the expectation of Congress that he should come on to the place of their sessions, and without loss of time to render a more particular account of his late mission: Whereupon,

On motion of Mr. Gerry, seconded by Mr. Read,  
Resolved, That the President inform Mr. Dana it is the desire of Congress to receive his communication relative to his mission to the court of Russia, and to the disposition of that court towards the United States, as soon as the circumstances of his affairs and the season shall admit of his attending Congress.

JANUARY 14, 1784.

On the report of a committee, consisting of Mr. Jefferson, Mr. Gerry, Mr. Ellery, Mr. Read and Mr. Hawkins, to whom were referred the definitive treaty of peace between the United States of America and his Britannick majesty, and the joint letter of the 10th September, from Mr. Adams, Mr. Franklin and Mr. Jay,

Resolved unanimously, nine states being present,  
That the said definitive treaty be and the same is hereby ratified by the United States in Congress assembled, in the-form following :

The United States in Congress assembled—To all persons to whom these presents shall come, Greeting.

Whereas definitive articles of peace and friendship between the United States of America and his Britannick majesty were concluded and signed at Paris, on

the third day of September, 1783, by the plenipotentiaries of the said United States and of his said Britannick majesty, duly and respectively authorized for that purpose, which definitive articles are in the words following :

In the name of the most holy and undivided Trinity.

It having pleased the divine Providence to dispose the hearts of the most serene and most potent prince, George the third, by the grace of God king of Great Britain, France and Ireland, defender of the faith, duke of Brunswick and Lunenburg, arch-treasurer and prince elector of the holy Roman empire, &c. and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore, and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony ; and having for this desirable end already laid the foundation of peace and reconciliation, by the provisional articles signed at Paris, on the 30th of November, 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in and to constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and his Britannick majesty should be ready to conclude such treaty accordingly ; and the treaty between Great Britain and France hav-

ing since been concluded, his Britannick majesty and the United States of America, in order to carry into full effect the provisional articles abovementioned according to the tenor thereof, have constituted and appointed, that is to say, his Britannick majesty on his part, David Hartley, esquire, member of the parliament of Great Britain, and the said United States on their part, John Adams, esquire, late a commissioner of the United States of America at the court of Versailles, late a delegate in Congress from the state of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States to their high mightinesses the states general of the United Netherlands, Benjamin Franklin, esquire, late delegate in Congress from the state of Pennsylvania, president of the convention of the said state, and minister plenipotentiary from the United States of America at the court of Versailles, John Jay, esquire, late President of Congress, and chief justice of the state of New York, and minister plenipotentiary from the said United States at the court of Madrid, to be the plenipotentiaries for the concluding and signing the present definitive treaty ; who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles :

#### ARTICLE I.

His Britannick majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Mary-



land, Virginia, North Carolina, South Carolina and Georgia, to be free, sovereign and independent states; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof.

#### ARTICLE II.

And that all disputes which might arise in future, on the subject of the boundaries of the United States, may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz. From the north-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of Saint Croix river to the highlands; along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantick ocean, to the north-westernmost head of Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said [lake] until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of the said lake to the water com-

munication between that lake and lake Superior; thence through lake Superior, northward of the isles Royal and Philipeaux, to the Long lake; thence through the middle of said Long lake, and the water communication between it and the lake of the Woods, to the said lake of the Woods; thence through the said lake to the most north-western point thereof; and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantick ocean. East, by a line to be drawn along the middle of the river Saint Croix, from its mouth in the bay of Fundy to its source; and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantick ocean from those which fall into the river Saint Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantick ocean, excepting such islands as now are or heretofore have

been within the limits of the said province of Nova Scotia.

ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand bank, and on all the other banks of Newfoundland; also in the gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island;) and also on the coasts, bays and creeks of all other of his Britannick majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen islands and Labrador so long as the same shall remain unsettled, but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose of the inhabitants, proprietors or possessors of the ground.

ARTICLE IV.

It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full

value, in sterling money, of all bona fide debts heretofore contracted.

ARTICLE V.

It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested, in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. And that Congress shall also recommend to the several states that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since

the confiscation. And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI.

That there shall be no further confiscations made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account suffer any future loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecution so commenced be discontinued.

ARTICLE VII.

There shall be a firm and perpetual peace between his Britannick majesty and the said states, and between the subjects of the one and the citizens of the other: Wherefore, all hostilities, both by sea and land, shall from henceforth cease; all prisoners on both sides shall be set at liberty; and his Britannick majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbour within the same;

leaving in all fortifications the American artillery that may be therein ; and shall also order and cause all archives, records, deeds and papers, belonging to any of the said states or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

#### ARTICLE VIII.

The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain and the citizens of the United States.

#### ARTICLE IX.

In case it should so happen that any place or territory belonging to Great Britain, or to the United States, should have been conquered by the arms of either from the other before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

#### ARTICLE X.

The solemn ratifications of the present treaty expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty.

In witness whereof, we the undersigned, their ministers plenipotentiary, have in their name, and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

Done at Paris, this third day of September, in the year of our Lord, one thousand seven hundred and eighty-three.

[L.S.]

DAVID HARTLEY.

[L.S.]

JOHN ADAMS.

[L.S.]

B. FRANKLIN.

[L.S.]

JOHN JAY.

Now know ye, That we the United States in Congress assembled, having seen and considered the definitive articles aforesaid, have approved, ratified and confirmed, and by these presents do approve, ratify and confirm the said articles and every part and clause thereof, engaging and promising that we will sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one, or transgressed in any manner, as far as lies in our power.

In testimony whereof, we have caused the seal of the United States to be hereunto affixed. Witness, his excellency Thomas Mifflin, President, this fourteenth day of January, in the year of our Lord, one thousand seven hundred and eighty-four, and in the eighth year of the sovereignty and independence of the United States of America.

On the question to agree to this, the yeas and nays being required by Mr. Howell—

New Hampshire,	Mr. Foster,	Ay. } ×
Massachusetts,	Mr. Gerry, Mr. Partridge, Mr. Osgood,	Ay. } Ay. } Ay. Ay. }
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. } Ay.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	Ay. } Ay. } Ay.
New Jersey,	Mr. Beatty,	Ay. } ×
Pennsylvania,	Mr. Miffin, Mr. Hand, Mr. Morris,	Ay. } Ay. } Ay. Ay. }
Delaware,	Mr. Tilton, Mr. M'Comb,	Ay. } Ay. } Ay.
Maryland,	Mr. Chase, Mr. Lloyd,	Ay. } Ay. } Ay.
Virginia,	Mr. Jefferson, Mr. Lee, Mr. Monroe,	Ay. } Ay. } Ay. Ay. }
North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } Ay. } Ay.
South Carolina,	Mr. Read, Mr. Beresford,	Ay. } Ay. } Ay.

So it was resolved in the affirmative.

Resolved, That the said ratification be transmitted with all possible despatch, under the care of a faithful person, to our ministers in France, who have negotiated the treaty, to be exchanged.

Resolved, That colonel Josiah Harmar be appointed to carry the said ratification.



Ordered, That the superintendent of finance furnish colonel Harmar with money to defray his necessary expenses.

Resolved, That a proclamation be immediately issued, notifying the said definitive treaty and ratification to the several states of the union, and requiring their observance thereof, in the form following :

By the United States in Congress assembled.

#### A PROCLAMATION.

Whereas definitive articles of peace and friendship between the United States of America and his Britannick majesty were concluded and signed at Paris, on the third day of September, 1783, by the plenipotentiaries of the said United States and of his said Britannick majesty duly and respectively authorized for that purpose, which definitive articles are in the words following :

[Here insert the treaty.]\*

And we the United States in Congress assembled, having seen and duly considered the definitive articles aforesaid, did by a certain act under the seal of the United States, bearing date this 14th day of January, 1784, approve, ratify and confirm the same, and every part and clause thereof, engaging and promising that we would sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one, or transgressed in any manner as far as should be in our power ; and being sincerely disposed to carry

\* See page 434.

the said articles into execution, truly, honestly and with good faith, according to the intent and meaning thereof, we have thought proper by these presents to notify the premises to all the good citizens of these United States, hereby requiring and enjoining all bodies of magistracy, legislative, executive and judiciary, all persons bearing office, civil or military, of whatever rank, degree or powers, and all others the good citizens of these states of every vocation and condition, that reverencing those stipulations entered into on their behalf under the authority of that federal bond by which their existence as an independent people is bound up together, and is known and acknowledged by the nations of the world, and with that good faith which is every man's surest guide, within their several offices, jurisdictions and vocations, they carry into effect the said definitive articles, and every clause and sentence thereof, sincerely, strictly and completely.

Given under the seal of the United States. Witness, his excellency Thomas Mifflin, our President, at Annapolis, this 14th day of January, in the year of our Lord, one thousand seven hundred and eighty-four, and of the sovereignty and independence of the United States of America, the eighth.

Resolved unanimously, nine states being present, that it be and is hereby earnestly recommended to the legislatures of the respective states to provide for the restitution of all estates, rights and properties which have been confiscated belonging to real British sub-

jects, and also of the estates, rights and properties of persons resident in districts which were in the possession of his Britannick majesty's arms at any time between the 30th day of November, 1782, and the 14th day of January, 1784, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested, in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated. And it is also hereby earnestly recommended to the several states to reconsider and revise all their acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail. And it is hereby also earnestly recommended to the several states, that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation.

Ordered, That a copy of the proclamation of this date, together with the recommendation, be transmitted to the several states by the secretary.

JANUARY 15, 1784.

On motion of Mr. Gerry, seconded by Mr. Read,  
Resolved, That a triplicate of the ratification of the definitive treaty be sent to our ministers plenipotentiary by lieutenant colonel David S. Franks, who is authorized and directed to take passage in the first vessel which shall sail from any port eastward of Philadelphia, for France, or any port in the channel, in which neither of the instruments of the ratification already forwarded may be sent; provided such vessel shall sail before the third day of February next.

Ordered, That the superintendent of finance furnish lieutenant colonel D. Franks with money to defray his necessary expenses in going and returning.

JANUARY 22, 1784.

The committee, consisting of Mr. Williamson, Mr. Osgood and Mr. Ellery, to whom was referred a letter of 29th October, 1783, from major general du Portail, requesting some immediate payment for himself and other officers belonging to the late corps of engineers; also a letter from brigadier general Armand, of the 15th instant, as well in behalf of himself and other officers belonging to the legionary corps late under his command, as of the said corps of engineers, report,

That the foreign officers lately in the service of the United States, who were not attached to the line of any particular state, complain of great and singular hardships under which they have laboured during the

late war. The pay which they received for a considerable time in depreciated money, was very unequal to their actual expenses, nor could they be profited by the recommendations of Congress on the subject of depreciation, which afforded immediate relief to the rest of the army, because there was no state to which they could look for the balance of their pay; hence it followed, that some of them have depended in a great measure for their support on remittances from their friends in France, while others, less fortunate, have contracted considerable debts in America. That in their present situation they neither have the means of subsisting in America, nor of returning to their native country, unless some part of the money due them by the publick shall be paid: Whereupon,

Resolved, That the superintendent of finance take order for paying to the foreign officers of the late corps of engineers, and to the foreign officers lately belonging to the legionary corps, commanded by brigadier general Armand, also to major Seconde, captain Beau-lieu, late of general Pulaski's corps, and to captain Ponthiere, late aid to the baron Steuben, such sums, on account of their pay, as may be necessary to relieve them from their present embarrassments, and enable those in America to return to their native country.

FEBRUARY 3, 1784.

On the report of a committee, consisting of Mr. Hand, Mr. Howell and Mr. Williamson, to whom was referred a letter from brigadier general Armand, in

behalf of the foreign officers of the corps of engineers, the legionary corps, &c.

Resolved, That the superintendent of finance be and he is hereby directed, to take measures, as far as may be consistent with the finances of the United States, for remitting annually to the foreign officers of the corps of engineers, the legionary corps lately commanded by brigadier general Armand, to major Seconde and captain Beaulieu, late of general Pulaski's corps, and to captain Ponthiere, late aid-de-camp to baron Steuben, the interest of such sums as may remain due to them respectively after the payments which shall have been made to them in consequence of the resolution of the 22d of January last.

#### FEBRUARY 11, 1784.

The committee, consisting of Mr. Ellery, Mr. Jefferson and Mr. Lee, to whom was referred a note from the honourable the minister of France, dated the 30th January, informing that "his most christian majesty, "from a desire to favour the progress of commerce "between his realm and these United States, has nominated four consuls and five vice consuls to reside "in the towns of this continent where he has judged "their presence to be necessary; and that he has appointed Mr. de Marbois consul general of the thirteen United States," report,

That they have conferred with Mr. de Marbois, who produced to them four commissions for the said consuls, and five brevets for the vice consuls, whereby it appears that the said sieur de Marbois is appointed

consul general of France for the thirteen United States of America. The sieur de L'etombe, consul of France for the states of New Hampshire, Massachusetts and Rhode Island; the sieur de St. Jean de Crevecoeur, consul of France for the states of Connecticut, New York and New Jersey; the said sieur de Marbois, consul of France for the states of Pennsylvania and Delaware; and the chevalier D'Annemours, consul of France for Maryland and Virginia. Also that the sieur Toscan is appointed vice consul at Portsmouth, in New Hampshire, the sieur de Marbois vice consul at Rhode Island, the sieur Oster vice consul at Richmond, in Virginia, the sieur Petry vice consul at Wilmington, in North Carolina, and the sieur de la Forêt vice consul at Savannah, in Georgia: Whereupon,

Resolved, That the commissions and brevets of the said officers be registered in the secretary's office; and that thereupon acts of recognition, in due form, be immediately issued to the states concerned, in order that they may furnish them respectively with their exequatur or notification of their quality, that the same may be made known and published.

#### MARCH 2, 1784.

According to the order of the day, Congress proceeded to the election of an under secretary in the office for foreign affairs, to take charge of the papers in that office; and the ballots being taken,

Mr. Henry Remsen, junior, was elected, having been previously nominated by Mr. Gerry.

On motion of Mr. Howell, seconded by Mr. Gerry,  
Resolved, That Mr. H. Remsen, junior, under secretary in the office for foreign affairs be and he is hereby authorized and directed, to take a list of all the papers in the office for foreign affairs, and lay the same before Congress; and that the members of Congress have access to the said papers under the regulations of the office.

MARCH 16, 1784.

On the report of a committee, consisting of Mr. Gerry, Mr. Jefferson, Mr. Sherman, Mr. Read and Mr. Williamson, to whom were referred a letter of November 1st, and one of December 25th, from doctor Franklin, with sundry papers enclosed, together with a letter of 20th October, and one of 14th November, from Thomas Barclay,

Resolved, that it is inconsistent with the interest of the United States to appoint any person, not a citizen thereof, to the office of minister, charge d'affaires, consul, vice consul, or to any other civil department in a foreign country; and that a copy of this resolve be transmitted to Messrs. Adams, Franklin and Jay, ministers of the said states in Europe.

That the said ministers be instructed to inform Mr. William Hodgden, merchant, of London, that Congress have a grateful sense of his benevolent and humane attention to the citizens of the United States who were prisoners in Great Britain during the late war.

That a copy of the application of the Danish minister to doctor Franklin, and of a paragraph of his letter



to Congress on the subject of the capture of the Danish ship *Providentia*, be sent to the supreme executive of Massachusetts, who are requested to order duplicate and authentick copies of the proceedings of their court of admiralty respecting the said ship and cargo to be sent to Congress.

That a copy of all the letters from Mr. Robert Montgomery, of Alicant, with their enclosures to Congress and the secretary for foreign affairs, be transmitted to the said ministers, who are instructed to inquire on what grounds Mr. Montgomery has undertaken to write in the name of the United States to the emperor of Morocco a letter, by which their character and interest may be so materially affected; and to take such measures therein as may be proper and consistent with the interest of the said states.

That a copy of a letter from Thomas Barclay, consul of the United States in France, of the 20th of October last, to Congress, be transmitted to the said ministers, who are instructed to take the necessary measures for obtaining free ports in that kingdom, one or more on the Atlantick, and one on the Mediterranean.

### MARCH 26, 1784.

Congress took into consideration the report of a committee, consisting of Mr. Jefferson, Mr. Gerry and Mr. Williamson, to whom were referred sundry letters from the ministers of the United States in Europe. And sundry instructions to the ministers relative to the formation of commercial treaties with sundry European

nations being under debate, and the third article or instruction being amended to read as follows :

“That these United States be considered in all such treaties, and in every case arising under them, as one nation, upon the principles of the federal constitution”—

A motion was made by Mr. Ellery, seconded by Mr. Howell, to strike out that instruction ; and on the question, Shall it stand, the yeas and nays being required by Mr. Read—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	No. } No. }	No.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	No. } No. }	No.
New York,	Mr. Paine,	Ay. } x	
New Jersey,	Mr. Beatty, Mr. Dick,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Mifflin, Mr. Montgomery,	Ay. } Ay. }	Ay.
Maryland,	Mr. Stone, Mr. Chase,	Ay. } Ay. }	Ay.
Virginia,	Mr. Jefferson, Mr. Hardy, Mr. Mercer, Mr. Lee, Mr. Monroe,	Ay. } Ay. } Ay. } No. } Ay. }	Ay.

North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Read, Mr. Beresford,	Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

#### APRIL 1, 1784.

Congress resumed the consideration of the report of the committee so far as relates to the formation of commercial treaties with sundry European nations; and the following paragraph being under debate, viz.

“That each party shall have a right to carry their own produce, manufactures and merchandise in their own bottoms to the ports of the other, and thence to take the produce and merchandise of the other, paying in both cases such duties only as are paid by the most favoured nation, freely where it is freely granted to such nation, and paying the compensation where such nation does the same”—

A motion was made by Mr. M'Henry, seconded by Mr. Gerry, to postpone the consideration of the said paragraph, in order to take up the following:

That each party shall have a right to carry their own produce, manufactures and merchandise in their own bottoms to the ports of the other, and thence to take the produce, manufactures and merchandise of the other, paying in both cases such duties as are paid by their subjects or citizens respectively; but if this cannot be obtained, then such duties as are paid by the most favoured nation.

And on the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. M<sup>c</sup>Henry—

New Hampshire,	Mr. Foster, Mr. Blanchard,	No. } No. }	No.
Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } No. }	DIVIDED.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	Ay. } Ay. }	Ay.
New York,	Mr. De Witt, Mr. Paine,	Ay. } No. }	DIVIDED.
New Jersey,	Mr. Beatty, Mr. Dick,	No. } No. }	No.
Pennsylvania,	Mr. Mifflin, Mr. Montgomery, Mr. Hand,	Ay. } No. } Ay. }	Ay.
Maryland,	Mr. M <sup>c</sup> Henry, Mr. Stone, Mr. Chase,	Ay. } Ay. } Ay. }	Ay.
Virginia,	Mr. Jefferson, Mr. Hardy, Mr. Lee, Mr. Mercer, Mr. Monroe,	No. } Ay. } Ay. } Ay. } No. }	Ay.
North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } No. }	DIVIDED.
South Carolina,	Mr. Read, Mr. Beresford,	No. } Ay. }	DIVIDED.

So the question was lost.

APRIL 2, 1784.

Congress resumed the consideration of the report so far as relates to the formation of treaties of amity and commerce; and it being determined,

That it will be advantageous to these United States to conclude such treaties with Russia, the emperor of Germany for his Austrian possessions, with Prussia, Denmark, Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, Rome, the two Sicilies, Venice, Sardinia and the Ottoman Porte—

And the instructions relative to the making the treaties being amended to read as follows :

That in the formation of these treaties the following points be carefully stipulated :

That each party shall have a right to carry their own produce, manufactures and merchandise in their own bottoms to the ports of the other, and thence to take the produce and merchandise of the other, paying, in both cases, such duties only as are paid by the most favoured nation, freely where it is freely granted to such nation, or paying the compensation where such nation does the same.

That with the nations holding territorial possessions in America a direct and similar intercourse be admitted between the United States and such possessions; or if this cannot be obtained, then a direct and similar intercourse between the United States and certain free ports within such possessions; that if this neither can be obtained, permission be stipulated to bring from such possessions in their own bottoms the produce and

merchandise thereof to these states directly, and for these states to carry in their own bottoms their produce and merchandise to such possessions directly ; or lastly, a permission to the inhabitants of such possessions to carry their produce and merchandise in their own bottoms to the free ports of other nations ; and thence to take back directly the produce and merchandise of these states.

That these United States be considered in all such treaties, and in every case arising under them, as one nation under the principles of the federal constitution.

That it be proposed, though not indispensably required, that if war should hereafter arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance ; and all fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed, and inhabiting unfortified towns, villages or places, who labour for the common subsistence and benefit of mankind, and peaceably following their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the enemy in whose power, by the events of war, they may happen to fall ; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price ; and all merchants and traders exchanging the products of different places, and thereby rendering the necessaries, conveniences and comforts of human life more easy to obtain, and

more general, shall be allowed to pass free and unmolested; and neither of the contracting powers shall grant or issue any commission to any private armed vessel empowering them to take or destroy such trading ships, or interrupt such commerce.

And in case either of the contracting parties shall happen to be engaged in war with any other nation, it is further agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition and military stores of all kinds, that no such articles, carrying by the ships or subjects of one of the parties to the enemies of the other, shall on any account be deemed contraband, so as to induce confiscation and a loss of property to individuals: nevertheless, it shall be lawful to stop such ships, and detain them for such length of time as the captors may think necessary, to prevent the inconvenience or damage that might ensue from their proceeding on their voyage, paying however a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall farther be allowed to use, in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But if the other contracting party will not consent to discontinue the confiscation of contraband goods, then that it be stipulated, that if the master of the vessel stopped will deliver out the goods charged to be contraband, he shall be admitted to do it; and the vessel shall not in

that case be carried into any port, but shall be allowed to proceed on her voyage.

That in the same case, where either of the contracting parties shall happen to be engaged in war with any other power, all goods not contraband belonging to the subjects of that other power, and shipped in the bottoms of the party hereto, who is not engaged in the war, shall be entirely free. And that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament, when the assailing power shall have taken such a station as to expose to imminent danger any ship or ships that would attempt to sail in or out of the said ports. And that no vessel of the party who is not engaged in the said war shall be stopped without a material and well grounded cause: and in such cases, justice shall be done, and an indemnification given without loss of time to the persons aggrieved, and thus stopped without sufficient cause.

That no rights be stipulated for aliens to hold real estates within these states, this being utterly inadmissible by their several laws and policy; but where, on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would by their laws descend on a subject or citizen of the other, were he not disqualified by alienage, there he shall be allowed a reasonable time to dispose of the same, and withdraw the proceeds without molestation.

And that such treaties be made for a term not exceeding ten years from the exchange of ratifications.



A motion was made by Mr. Mercer, seconded by Mr. Spaight, to postpone the consideration thereof, in order to take up the following proposition :

Whereas the harmony of the union will be best promoted by consulting the disposition and obtaining the concurrence of the respective parts in its most important interests : And whereas the constitution of the United States renders such concurrence of the different legislatures highly prudent, if not indispensably necessary, in forming commercial treaties :

Resolved, That the ministers of the United States in Europe be directed to inform the powers, who have made or shall make offers of commercial treaties with the United States, that the United States are desirous of forming such treaties upon terms of perfect reciprocity and equality ; and for that purpose are ready to enter into negotiations in America with their ministers properly authorized.

On the question to agree to the said instructions, the yeas and nays being required by Mr. Mercer—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	Ay. } No. }	DIVIDED.
New York,	Mr. De Witt, Mr. Paine,	Ay. } No. }	DIVIDED.

New Jersey,	Mr. Beatty, Mr. Dick,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Mifflin, Mr. Hand,	Ay. } Ay. }	Ay.
Maryland,	Mr. M <sup>c</sup> Henry, Mr. Stone, Mr. Chase,	Ay. } Ay. } Ay. }	Ay.
Virginia,	Mr. Jefferson, Mr. Hardy, Mr. Mercer, Mr. Lee, Mr. Monroe,	Ay. } Ay. } No. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } No. }	DIVIDED.
South Carolina,	Mr. Read, Mr. Beresford,	Ay. } Ay. }	Ay.

So the question was lost.

Ordered, That the report be recommitted.

#### APRIL 16, 1784.

The minister plenipotentiary of France, having on the 6th transmitted to Congress a letter, dated 13th August, 1783, from his most christian majesty, in answer to their letter of the 14th June, 1779, and accompanied the same with a memorial informing Congress, that the portraits of the king and queen are arrived at Philadelphia; that he has orders to present them to this assembly, and has taken the measures necessary for their safe keeping until Congress shall be ready to receive them; the said letter and memorial were referred to the consideration of a committee.

On the report of a committee, consisting of Mr. Gerry, Mr. Jefferson and Mr. Read, to whom were referred the letter of the 13th of August, from his most christian majesty, and the memorial from the honourable the minister plenipotentiary of France,

Resolved, That the following letter be signed by the President in behalf of the United States in Congress assembled, and transmitted to his most christian majesty, in answer to his letter accompanying the portraits of his majesty and of his royal consort, which he has been pleased to present to Congress.

GREAT, FAITHFUL AND BELOVED FRIEND AND ALLY,

Your majesty's letter of the 13th of August last has been received by the United States in Congress assembled with a degree of satisfaction and pleasure which those only can conceive, who, to the highest sentiments of respect, unite feelings of the most affectionate friendship.

The portraits of your majesty and of your royal consort having arrived at Philadelphia, have been carefully preserved by your faithful minister, the chevalier de la Luzerne, whose attention on this, as on all other occasions, merits the acknowledgments of Congress.

These lively representations of our august and most beloved friends will be placed in our council chamber; and can never fail of exciting in the mind of every American, an admiration of the distinguished virtues and accomplishments of the royal originals.

We beseech the Supreme Ruler of the Universe constantly to keep your majesty and your royal consort in his holy protection, and to render the blessings of your administration as extensive as the objects of your majesty's benevolent principles.

Done at Annapolis, in the state of Maryland, this 16th day of April, 1784, by the United States in Congress assembled.

Your faithful friends and allies.

Resolved, That the President inform the honourable the minister of France, that Congress have a due sense of the care which he has taken for preserving the portraits; and are desirous they may continue in his possession until proper places can be provided for them.

That a letter be addressed by the President to the supreme executives of the several states, informing them of the intelligence communicated by the minister of France, to wit: "That his most christian majesty has determined that L'Orient shall be a free port; and although the edict is not published, may be so considered by the citizens of the United States. And that the merchants of the United States likewise enjoy the liberty of frequenting the ports of Marseilles and Dunkirk; and participate, as other nations, the franchises and privileges of these two places."

That the minister of France, in answer to his letter of the 9th instant, requesting to know what measures had been taken by the United States relative to the payment of the portions of the principal and interest of

the loan of eighteen millions livres furnished by his most christian majesty, and also of five millions florins supplied in Holland, and guarantied by his majesty, be informed, that as all the legislatures have not yet passed on the recommendations of Congress, of the 18th April, 1783, for establishing permanent funds, supplementary requisitions on the states will be adopted to provide for the interest of the loans aforesaid for the present year; and that the greatest care will be taken by subsequent measures for the punctual payment of the principal and interest, as they may respectively become due, according to the terms of the several contracts.

MAY 3, 1784.

On motion of Mr. Jefferson, seconded by Mr. Spaight,

Ordered, That all letters from the ministers of these United States in Europe be considered at all times as under an injunction of secrecy, except as to such parts of them as Congress shall, by special permission, allow to be published or communicated.

On the question to agree to this order, the yeas and nays being required by Mr. Spaight—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } No. }	DIVIDED.

Connecticut,	Mr. Sherman, Mr. Wadsworth,	Ay. } Ay. }	Ay.
New York,	Mr. De Witt, Mr. Paine,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Dick,	Ay. }	X
Pennsylvania,	Mr. Mifflin, Mr. Montgomery, Mr. Hand,	Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Stone, Mr. Chase,	Ay. } Ay. }	Ay.
Virginia,	Mr. Jefferson, Mr. Hardy, Mr. Mercer, Mr. Monroe,	Ay. } Ay. } No. } Ay. }	Ay.
North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Read, Mr. Beresford,	Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

On motion of the delegates of the state of South Carolina, in pursuance of instructions from their state,

Resolved, That the minister of the United States at the court of Madrid be and he is hereby instructed, to use his best endeavours, by a proper application in behalf of the state of South Carolina to his catholick majesty, to obtain an adequate compensation to that state for the service performed by the South Carolina frigate, in co-operating with the Spanish general and forces, in the expedition against and reduction of Providence and the Bahama Islands, in the year one thousand

seven hundred and eighty-two; and the said minister be further directed, to place such money as he shall obtain from the king of Spain in proper hands, subject to the draft of the governour and commander in chief of the said state, for the use thereof; and to give to his said excellency the earliest intelligence of the success of his application.

On the report of a committee, consisting of Mr. Gerry, Mr. Jefferson and Mr. Williamson, to whom was referred a letter of 16th April last, from the superintendent of finance, enclosing a letter of 26th December, and one of the 10th January, from the marquis de la Fayette, with sundry papers enclosed,

Resolved, That a letter be written by the President to the marquis de la Fayette, expressing the high sense which Congress entertain of his important services relative to the commerce of France and these United States, and particularly to free ports; that there is every reason to expect mutual and permanent advantages from these liberal measures adopted by his most christian majesty; and that an extension thereof to his West India colonies will, in the opinion of Congress, increase those advantages, and produce the most salutary effects.

Resolved, That a copy of a letter of the 29th of June last, from the count de Vergennes, and one of the 9th of January last, from monsieur de Calonne to the marquis de la Fayette, respecting free ports in France, be entered on the journal; and, when published, transmitted to the supreme executives of the several states.

The letters being translated are as follows :

Versailles, 29th June, 1783.

SIR,

I have received the letter which you did me the honour to write on the 17th of this month. You desire to know what is meant by *free port*.

By this term, sir, we mean a place to which all merchandises, as well foreign as domestick, may be imported, and from which they may be freely exported. You will judge, sir, by this definition, that all the merchandises of the north, without exception, may be imported into L'Orient, and exported from it, by the Americans. In a word, L'Orient will be reputed foreign with regard to France, as far as it respects commerce. The prohibitions and duties upon foreign merchandises will take effect only in case any person desires to introduce into the interior parts of the realm the merchandises subjected to the one or the other.

I have the honour to be, &c.

DE VERGENNES.

Mr. the Marquis de la Fayette.

Versailles, 9th January, 1784.

SIR,

I have communicated to the king the observations contained in the memoir which you transmitted to me relative to the commerce of America, and those which you made at our last conference.

I am authorized to announce to you, that it is the intention of his majesty to grant to the United States



the ports of L'Orient and Bayonne as free ports ; and besides these, that of Dunkirk, and that of Marseilles, the first of which enjoys absolute freedom, and the other is restrained in the exercise of that freedom only with regard to tobacco, which is there subjected to a duty. The Americans may from this moment send their vessels to those four ports, where they will not meet with any kind of difficulty. You may, if necessary, explain what is meant by *free ports*, agreeably to the signification thereof given by monsieur de Vergennes, in his letter of the 29th of June last. The Americans will find, above all, at Dunkirk, all the facilities they can desire for the sale of their leaf tobacco, their rice, their timber, and other merchandise, as well as for the purchase of what they want ; such as linens, woollens, brandy, &c. It is proposed to establish stores and magazines there, which shall be well supplied, on terms very advantageous for their commerce. I have given orders to the farmers general to treat in preference, and at a reasonable price, for the purchase of the tobaccos of North America. And moreover, the United States will be as much favoured in France in matters of commerce as any other nation. The complaints which they may make to you, or which Mr. Franklin and the other American ministers, which I would be very glad to see, may transmit to me on their behalf, shall be examined with great attention ; and government will not suffer them to experience any kind of vexations. Every possible precaution will also be taken to prevent the sending out bad merchandise, which, if it has hitherto taken place, can only be attributed to the avarice of some merchants of the low-

est order. I am going immediately to examine what relates to the customs and duties which hurt commerce. This is an important subject, and requires great attention. In fine, sir, you may rely, that I shall be always disposed, as well as monsieur the marshal de Castries and monsieur the count de Vergennes, to receive and listen with attention to the demands and further representations which you shall think proper to make in favour of the commerce of America.

I have the honour to be, &c.

DE CALONNE.

P. S. The ports of Bayonne and L'Orient will be made similar to that of Dunkirk with regard to entire freedom.

Mr. the Marquis de la Fayette.

MAY 5, 1784.

A motion was made by Mr. Hardy, seconded by Mr. Spaight,

That two commissioners be appointed for negotiating treaties of commerce, in addition to Mr. Adams, Mr. Franklin and Mr. Jay, now in Europe, to be chosen in such manner that the commercial interest of the different parts of the union may be equally attended to.

A motion was made by Mr. Howell, seconded by Mr. Ellery, to postpone that motion, in order to take into consideration the report of the committee on the reduction of the civil list, which is as follows:

The committee, consisting of Mr. Williamson, Mr. Gerry, Mr. Tilton, Mr. Jefferson and Mr. M'Henry,

appointed to consider what reductions may be made in the civil list, have agreed to the following resolutions :

That the following offices be discontinued, to wit : The charge des affaires at the court of Madrid, whose salary is 4444 dollars ; agent at the Hague, 920 dollars ; second under secretary of foreign affairs, 700 dollars ; the secretary of the war office, 1000 dollars ; commissary of prisoners, 1200 dollars ; agent of marine, 1500 dollars ; pay master, 1000 dollars ; the assistant to the superintendent of finance, 1850 dollars ; three clerks in the office of finance, meaning that three shall remain, 1500 dollars ; one clerk to the comptroller, 500 dollars ; two auditors, 2000 dollars ; one chaplain, 400 dollars ; the establishment of a jail, 1338½ dollars ; door keeper to Congress, 400 dollars :—Whereby an annual saving will accrue to the United States of 18,752½ dollars. That the following salaries may be reduced, by taking from the allowances heretofore established the following sums. The superintendent of finance, 2000 dollars ; the three foreign ministers each 1111½ dollars, 3333½ dollars ; that, instead of the annual salary heretofore allowed to the judges of the court of appeals, they be allowed on every special occasion wherein they shall be called on, the sum of fourteen dollars each for every day they shall sit in court, and the same for every day necessarily employed in travelling to and from court.

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. Howell—

New Hampshire,	Mr. Foster,	Ay. }	
	Mr. Blanchard,	Ay. }	Ay.

Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	Ay. } Ay. }	Ay.
New York,	Mr. De Witt, Mr. Paine,	No. } Ay. }	DIVIDED.
New Jersey,	Mr. Beatty, Mr. Dick,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Mifflin, Mr. Montgomery, Mr. Hand,	No. } No. } No. }	No.
Maryland,	Mr. Stone, Mr. Chase,	No. } No. }	No.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Lee, Mr. Monroe,	No. } No. } No. } No. }	No.
North Carolina,	Mr. Williamson, Mr. Spaight,	No. } No. }	No.
South Carolina,	Mr. Read, Mr. Beresford,	No. } No. }	No.

So the question was lost.

A motion was then made by Mr. Howell, seconded by Mr. Ellery, to strike out the words "two commissioners," and insert "one commissioner;" and on the question to agree to this amendment, the yeas and nays being required by Mr. Spaight—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Partridge,	No. } Ay. }	DIVIDED.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	Ay. } Ay. }	Ay.
New York,	Mr. De Witt, Mr. Paine,	Ay. } No. }	DIVIDED.
New Jersey,	Mr. Beatty, Mr. Dick,	No. } Ay. }	DIVIDED.
Pennsylvania,	Mr. Miffin, Mr. Montgomery, Mr. Hand,	No. } No. } No. }	No.
Maryland,	Mr. Stone, Mr. Chase,	No. } No. }	No.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Lee, Mr. Monroe,	No. } No. } No. } No. }	No.
North Carolina,	Mr. Williamson, Mr. Spaight,	No. } No. }	No.
South Carolina,	Mr. Read, Mr. Beresford,	No. } No. }	No.

So the question was lost.

On the question to agree to the main question, the yeas and nays being required by Mr. Hardy—

New Hampshire,	Mr. Foster, Mr. Blanchard,	No. } No. }	No.
Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } No. }	DIVIDED.
Rhode Island,	Mr. Ellery, Mr. Howell,	No. } No. }	No.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	No. } No. }	No.
New York,	Mr. De Witt, Mr. Paine,	No. } No. }	No.
New Jersey,	Mr. Beatty, Mr. Dick,	No. } No. }	No.
Pennsylvania,	Mr. Mifflin, Mr. Montgomery, Mr. Hand,	Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Stone, Mr. Chase,	Ay. } Ay. }	Ay.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Lee, Mr. Monroe,	Ay. } Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Read, Mr. Beresford,	Ay. } Ay. }	Ay.

So the question was lost.

A motion was then made by Mr. Hardy, seconded by Mr. Stone,

That one commissioner be appointed in addition to Mr. Adams, Mr. Franklin and Mr. Jay, for the purpose of negotiating treaties of commerce.

A motion was made by Mr. Howell, seconded by Mr. Beatty, to postpone that motion in order to take up the following :

That the interests of the United States do not require that more than three ministers plenipotentiary should be supported in Europe to negotiate treaties of commerce.

On this question the previous question was moved by the state of Virginia, seconded by the state of North Carolina ;

And on the question to agree to the previous question, the yeas and nays being required [by] Mr. Beatty—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	No. } No. }	No.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	No. } No. }	No.
New York,	Mr. De Witt, Mr. Paine,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Beatty, Mr. Dick,	No. } Ay. }	DIVIDED.

Pennsylvania,	Mr. Mifflin, Mr. Montgomery, Mr. Hand,	Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Stone, Mr. Chase,	Ay. } Ay. }	Ay.
Virginia,	Mr. Hardy, Mr. Lee, Mr. Mercer, Mr. Monroe,	Ay. } Ay. } No. } Ay. }	Ay.
North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Read, Mr. Beresford,	Ay. } Ay. }	Ay.

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

On the question to the motion of Mr. Hardy, the yeas and nays being required by Mr. Beatty—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	No. } No. }	No.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	No. } No. }	No.
New York,	Mr. De Witt, Mr. Paine,	Ay. } No. }	DIVIDED.
New Jersey,	Mr. Beatty, Mr. Dick,	No. } No. }	No.



Pennsylvania,	Mr. Mifflin, Mr. Montgomery, Mr. Hand,	Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Stone, Mr. Chase,	Ay. } Ay. }	Ay.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Monroe,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } No. }	DIVIDED.
South Carolina,	Mr. Read, Mr. Beresford,	No. } Ay. }	DIVIDED.

So the question was lost.

MAY 6, 1784.

A motion was made by Mr. Williamson, seconded by Mr. Howell,

That from the first day of August next, the salary of a minister of the United States at a foreign court shall not exceed nine thousand dollars per annum.

A motion was made by Mr. Beatty, seconded by Mr. Sherman, to strike out nine thousand, and insert eight thousand ;

And on the question to agree to this, the yeas and nays being required by Mr. Beatty—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } Ay. }	Ay.

Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	Ay. } Ay. }	Ay.
New York,	Mr. De Witt, Mr. Paine,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Beatty, Mr. Dick,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Mifflin, Mr. Montgomery, Mr. Hand,	Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Stone, Mr. Chase,	No. } No. }	No.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Lee, Mr. Monroe,	No. } No. } No. } No. }	No.
North Carolina,	Mr. Williamson, Mr. Spaight,	No. } No. }	No.
South Carolina,	Mr. Read, Mr. Beresford,	No. } No. }	No.

So it was resolved in the affirmative.

On the question to agree to the motion as amended,  
the yeas and nays being required by Mr. Spaight—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. }	Ay.

Connecticut,	Mr. Sherman, Mr. Wadsworth,	Ay. } Ay. }	Ay.
New York,	Mr. De Witt, Mr. Paine,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Beatty, Mr. Dick,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Mifflin, Mr. Montgomery, Mr. Hand,	Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Stone, Mr. Chase,	No. } No. }	No.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Lee, Mr. Monroe,	No. } No. } No. } No. }	No.
North Carolina,	Mr. Williamson, Mr. Spaight,	No. } No. }	No.
South Carolina,	Mr. Read, Mr. Beresford,	No. } No. }	No.

There being only seven states in the affirmative,

A question was moved by Mr. Mercer, seconded by Mr. Spaight—

Is the proposition, on which the question was just taken for reducing the salaries of our foreign ministers from eleven thousand one hundred and eleven, to eight thousand dollars per annum, for each minister, a proposition which requires the assent of nine states?

When this question was about to be put, the yeas and nays being required by Mr. Spaight, the determination thereof was postponed till to-morrow by the state of New York.

MAY 7, 1784.

The question being taken on the question which was yesterday postponed by the state of New York—

New Hampshire,	Mr. Foster, Mr. Blanchard,	No. } No. }	No.
Massachusetts,	Mr. Gerry, Mr. Partridge,	No. } No. }	No.
Rhode Island,	Mr. Ellery, Mr. Howell,	No. } No. }	No.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	No. } No. }	No.
New York,	Mr. De Witt, Mr. Paine,	No. } Ay. }	DIVIDED.
New Jersey,	Mr. Beatty, Mr. Dick,	No. } No. }	No.
Pennsylvania,	Mr. Mifflin, Mr. Montgomery, Mr. Hand,	No. } No. } Ay. }	No.
Maryland,	Mr. Stone, Mr. Chase,	No. } No. }	No.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Lee, Mr. Monroe,	Ay. } Ay. } No. } No. }	DIVIDED.
North Carolina,	Mr. Spaight,	Ay. >	Ay. x
South Carolina,	Mr. Beresford,	No. >	No. x

So it passed in the negative.

A motion was then made by Mr. Gerry, seconded by Mr. Williamson, to reconsider the resolution passed yesterday for restricting the salary of a foreign minister to the sum of eight thousand dollars; and on the question to reconsider for the purpose abovementioned, the yeas and nays being required by Mr. Howell—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	No. } No. }	No.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	No. } No. }	No.
New York,	Mr. De Witt, Mr. Paine,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Beatty, Mr. Dick,	No. } No. }	No.
Pennsylvania,	Mr. Mifflin, Mr. Montgomery, Mr. Hand,	Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Stone, Mr. Chase,	Ay. } Ay. }	Ay.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Lee, Mr. Monroe,	Ay. } Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } Ay. }	Ay.

South Carolina,	Mr. Read, Mr. Beresford,	Ay. } Ay. }	Ay.
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So it was resolved in the affirmative.

A motion was then made by Mr. Gerry, seconded by Mr. Williamson, to strike out the word "eight," and insert the word "nine;" and on the question to agree to this amendment, the yeas and nays being required by Mr. Wadsworth—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	No. } No. }	No.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	No. } No. }	No.
New York,	Mr. De Witt, Mr. Paine,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Beatty, Mr. Dick,	No. } No. }	No.
Pennsylvania,	Mr. Miffin, Mr. Montgomery, Mr. Hand,	Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. Stone, Mr. Chase,	Ay. } Ay. }	Ay.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Lee, Mr. Monroe,	Ay. } Ay. } Ay. } Ay. }	Ay.

North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Read, Mr. Beresford,	Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

On the question to agree to the resolution as amended,

Resolved, That from the first day of August next, the salary of a minister of the United States at a foreign court shall not exceed nine thousand dollars per annum.

A motion was then made by Mr. Gerry, seconded by Mr. Hardy, That Congress proceed in the order of the day to the election of a secretary for foreign affairs.

A motion was made by Mr. Howell, seconded by Mr. Ellery, to postpone that business, in order to take up the following :

That from the first day of August next, the salary of a secretary for foreign affairs shall not exceed three thousand dollars per annum.

And on the question to postpone for the purpose abovementioned, the yeas and nays being required by Mr. Howell—

New Hampshire,	Mr. Foster, Mr. Blanchard,	No. } No. }	No.
Massachusetts,	Mr. Gerry, Mr. Partridge,	No. } No. }	No.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. }	Ay.

Connecticut,	Mr. Sherman, Mr. Wadsworth,	Ay. } Ay. }	Ay.
New York,	Mr. De Witt, Mr. Paine,	No. } No. }	No.
New Jersey,	Mr. Beatty, Mr. Dick,	No. } No. }	No.
Pennsylvania,	Mr. Mifflin, Mr. Montgomery, Mr. Hand,	No. } No. } No. }	No.
Maryland,	Mr. Stone, Mr. Chase,	No. } No. }	No.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Monroe,	No. } No. } No. }	No.
North Carolina,	Mr. Williamson, Mr. Spaight,	No. } No. }	No.
South Carolina,	Mr. Read, Mr. Beresford,	No. } No. }	No.

So it passed in the negative.

Whereupon Congress proceeded to the election ; and being this day informed, by a letter of the 9th of March last, from doctor Franklin, that Mr. J. Jay proposed to embark for America in the month of April, and this information corresponding with the intelligence communicated to Congress by Mr. Jay himself, in his letters of last year, Mr. Jay was put in nomination ; and the ballots being taken,

Mr. John Jay was elected secretary for foreign affairs, having been previously nominated by Mr. Gerry.



On motion of Mr. Hardy, seconded by Mr. Gerry, Resolved, That a minister plenipotentiary be appointed, in addition to Mr. John Adams and Mr. Benjamin Franklin, for the purpose of negotiating treaties of commerce.

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

Mr. Thomas Jefferson was elected, having been previously nominated by Mr. Hardy.

On the report of the committee, to whom was re-committed their report on sundry letters from the ministers of the United States in Europe, Congress came to the following resolutions:

Whereas instructions, bearing date the 29th day of October, 1783, were sent to the ministers plenipotentiary of the United States of America at the court of Versailles empowered to negotiate a peace, or to any one or more of them, for concerting drafts or propositions for treaties of amity and commerce with the commercial powers of Europe:

Resolved, That it will be advantageous to these United States to conclude such treaties with Russia, the court of Vienna, Prussia, Denmark, Saxony, Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, Rome, Naples, Venice, Sardinia and the Ottoman Porte.

Resolved, That in the formation of these treaties the following points be carefully stipulated:

1. That each party shall have a right to carry their own produce, manufactures and merchandise, in their own bottoms to the ports of the other; and thence to take the produce and merchandise of the other, paying,

in both cases, such duties only as are paid by the most favoured nation, freely where it is freely granted to such nation, or paying the compensation, where such nation does the same.

2. That with the nations holding territorial possessions in America, a direct and similar intercourse be admitted between the United States and such possessions; or if this cannot be obtained, then a direct and a similar intercourse between the United States and certain free ports within such possessions; that if this neither can be obtained, permission be stipulated to bring from such possessions, in their own bottoms, the produce and merchandise thereof to these states directly; and for these states to carry in their own bottoms their produce and merchandise to such possessions directly.

3. That these United States be considered in all such treaties, and in every case arising under them, as one nation upon the principles of the federal constitution.

4. That it be proposed, though not indispensably required, that if war should hereafter arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed and inhabiting unfortified towns, villages or places, who labour for the common subsistence and benefit of mankind, and peaceably following their respective employments,

shall be allowed to continue the same, and shall not be molested by the armed force of the enemy, in whose power, by the events of war, they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price; and all merchants and traders exchanging the products of different places, and thereby rendering the necessaries, conveniences and comforts of human life more easy to obtain and more general, shall be allowed to pass free and unmolested; and neither of the contracting powers shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading ships, or interrupt such commerce.

5. And in case either of the contracting parties shall happen to be engaged in war with any other nation, it be further agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition and military stores of all kinds, that no such articles carrying by the ships or subjects of one of the parties to the enemies of the other, shall on any account, be deemed contraband, so as to induce confiscation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such ships, and detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding on their voyage, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use, in the service of the captors, the whole or any part of the military stores so

detained, paying the owners the full value of the same to be ascertained by the current price at the place of its destination. But if the other contracting party will not consent to discontinue the confiscation of contraband goods, then that it be stipulated, that if the master of the vessel stopped will deliver out the goods charged to be contraband, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, but shall be allowed to proceed on her voyage.

6. That in the same case, where either of the contracting parties shall happen to be engaged in war with any other power, all goods not contraband belonging to the subjects of that other power, and shipped in the bottoms of the party hereto, who is not engaged in the war, shall be entirely free. And that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament, when the assailing power shall have taken such a station as to expose to imminent danger any ship or ships that would attempt to sail in or out of the said port; and that no vessel of the party who is not engaged in the said war shall be stopped without a material and well-grounded cause; and in such cases justice shall be done, and an indemnification given, without loss of time to the persons aggrieved and thus stopped without sufficient cause.

7. That no rights be stipulated for aliens to hold real property within these states, this being utterly inadmissible by their several laws and policy; but where on the death of any person holding real estate within the territories of one of the contracting parties, such

real estate would by their laws descend on a subject or citizen of the other, were he not disqualified by alienage, there he shall be allowed a reasonable time to dispose of the same, and withdraw the proceeds without molestation.

8. That such treaties be made for a term not exceeding ten years for [from] the exchange of ratifications.

9. That these instructions be considered as supplementary to those of October 29, 1783; and not as revoking, except where they contradict them. That where, in treaty with a particular nation, they can procure particular advantages, to the specification of which we have been unable to descend, our object in these instructions having been to form outlines only, and general principles of treaty with many nations, it is our expectation they will procure them, though not pointed out in these instructions; and where they may be able to form treaties on principles which in their judgment will be more beneficial to the United States than those herein directed to be made their basis, they are permitted to adopt such principles. That as to the duration of the treaties, though we have proposed to restrain them to the term of ten years, yet they [are] at liberty to extend the same as far as fifteen years with any nation which may pertinaciously insist thereon. And that it will be agreeable to us to have supplementary treaties with France, the United Netherlands and Sweden, which may bring the treaties we have entered into with them as nearly as may be to the principles of those now directed; but that this be not pressed, if the proposal should be found disagreeable.

Resolved, That treaties of amity, or of amity and commerce, be entered into with Morocco, and the regencies of Algiers, Tunis and Tripoli, to continue for the same term of ten years, or for a term as much longer as can be procured.

That our ministers to be commissioned for treating with foreign nations make known to the emperor of Morocco the great satisfaction which Congress feel from the amicable disposition he has shown towards these states, and his readiness to enter into alliance with them. That the occupations of the war and distance of our situation have prevented our meeting his friendship so early as we wished. But the powers are now delegated to them for entering into treaty with him, in the execution of which they are ready to proceed. And that as to the expenses of his minister, they do therein what is for the honour and interest of the United States.

Resolved, That a commission be issued to Mr. J. Adams, Mr. B. Franklin and Mr. T. Jefferson, giving powers to them, or the greater part of them, to make and receive propositions for such treaties of amity and commerce, and to negotiate and sign the same, transmitting them to Congress for their final ratification; and that such commission be in force for a term not exceeding two years.

MAY 11, 1784.

On motion of Mr. Gerry, seconded by Mr. Williamson,

Resolved, That a secretary to the commission for

negotiating commercial treaties be appointed, and that to-morrow be assigned for that purpose.

A motion was then made by Mr. Sherman, seconded by Mr. Howell,

That from and after the first day of August next, the salary of a secretary to a commission, or embassy to a foreign court, or for negotiating treaties with foreign powers, shall not exceed three thousand dollars per annum.

A motion was made by Mr. Spaight, seconded by Mr. Read, to amend by inserting "five hundred" after "three thousand;" and on the question to agree to this amendment, the yeas and nays being required by Mr. Howell—

New Hampshire,	Mr. Foster, Mr. Blanchard,	No. } No. }	No.
Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } No. }	DIVIDED.
Rhode Island,	Mr. Ellery, Mr. Howell,	No. } No. }	No.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	No. } No. }	No.
New York,	Mr. De Witt, Mr. Paine,	No. } No. }	No.
New Jersey,	Mr. Beatty, Mr. Dick,	No. } No. }	No.
Pennsylvania,	Mr. Mifflin, Mr. Montgomery, Mr. Hand,	Ay. } Ay. } Ay. }	Ay.

Maryland,	Mr. Stone, Mr. Chase,	Ay. } Ay. }	Ay.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Monroe,	Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Williamson, Mr. Spaight,	No. } Ay. }	DIVIDED.
South Carolina,	Mr. Read, Mr. Beresford,	Ay. } No. }	DIVIDED.

So the question was lost.

On the question to agree to the motion, the yeas and nays being required by Mr. Howell—

Resolved in the affirmative—every member answering Ay.

Congress resumed the consideration of the report of the committee on the letters from the ministers of the United States in Europe; and on the question to agree to the following paragraph:

“ That the said ministers be instructed to notify to  
 “ the powers with whom they may negotiate, the great  
 “ value at which these United States will esteem their  
 “ friendship and connexion, and that it will be their  
 “ constant endeavour to promote a good understand-  
 “ ing and harmony with them, and to prevent every  
 “ thing which might interrupt it by every means in  
 “ their power; but that the heavy debt which they  
 “ have contracted during the late war has rendered it  
 “ inconvenient at present for them to keep ministers  
 “ resident at the courts of Europe, and they hope that  
 “ this deviation from the practice of friendly nations



“ may be ascribed to its true cause, and not to any  
 “ want of respect to their friends, or of attachment to  
 “ treaties, to the faithful observance of which they  
 “ shall at all times pay the most earnest attention”—

The yeas and nays being required by Mr. William-  
 son—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Partridge,	Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	Ay. } Ay. }	Ay.
New York,	Mr. De Witt, Mr. Paine,	No. } Ay. }	DIVIDED.
New Jersey,	Mr. Beatty, Mr. Dick,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Mifflin, Mr. Montgomery,	No. } No. }	No.
Maryland,	Mr. Stone, Mr. Chase,	No. } No. }	No.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Monroe,	No. } No. } No. }	No.
North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } No. }	DIVIDED.
South Carolina,	Mr. Read, Mr. Beresford,	No. } No. }	No.

So the question was lost.

Resolved, That the paragraph "That consuls appointed at the ports of \_\_\_\_\_ and consuls general be established at \_\_\_\_\_" be postponed till Saturday next.

The rest of the report being amended, was agreed to as follows :

Resolved, That our said ministers to be commissioned for treating with foreign nations, be referred to the instructions of the thirtieth day of May, 1783, relative to British debts, the objects of which they are hereby directed to urge with perseverance.

That they require with firmness and decision, full satisfaction for all slaves and other property belonging to citizens of these states taken and carried away in violation of the preliminary and definitive articles of peace ; and to enable them to do this on precise grounds, Congress will furnish them with necessary facts and documents.

Resolved, That doctor Franklin be desired to notify to the apostolical nuncio at Versailles, that Congress will always be pleased to testify their respect to his sovereign and state ; but that the subject of his application to doctor Franklin, being purely spiritual, it is without the jurisdiction and powers of Congress, who have no authority to permit or refuse it, these powers being reserved to the several states individually.

That doctor Franklin be instructed to express to the court of France the constant desire of Congress to meet their wishes ; that these states are about to form a general system of commerce by treaties with other nations ; that at this time we cannot foresee what claims

might be given to those nations by the explanatory propositions from the count de Vergennes on the 2d and 3d articles of our treaty of amity and commerce with his most christian majesty; but that he may be assured it will be our constant care to place no people on more advantageous ground than the subjects of his majesty.

Resolved, That the papers containing the claim of the five Fosters, brothers, for the prize of their vessel, the Three Friends, made by captain Landais, of the Alliance frigate, which papers were communicated by the count de Vergennes to doctor Franklin, to the end that he might apply to Congress for an indemnification of the said Fosters, be remitted to the said ministers with a copy of the fourth clause of the instructions to them, of October 29th, 1783, and the following extract from doctor Franklin's letter of July 22, 1783, to the secretary for foreign affairs, viz. " Mr. Barclay  
" has in his hands the affair of the Alliance and Bonne  
" Homme Richard. I will afford him all the assistance  
" in my power; but it is a very perplexed business.  
" That expedition, though for particular reasons under  
" American commissions and colours, was carried on  
" at the king's expense, and under his orders. Mr. de  
" Chaumont was the agent appointed by the minister of  
" marine to make the outfit. He was also chosen by all  
" the captains of the squadron, as appears by an instru-  
" ment under their hands, to be their agent, receive,  
" sell and divide prizes, &c. The crown bought two  
" of them at publick sale; and the money I understand  
" is lodged in the hands of a responsible person at  
" L'Orient. Mr. de Chaumont says he has given in

“ his accounts to the marine, and that he has no more  
“ to do with the affair, except to receive a balance due  
“ to him. That account, however, is I believe unset-  
“ tled ; and the absence of some of the captains is said  
“ to make another difficulty, which retards the comple-  
“ tion of the business. I never paid nor received any  
“ thing relating to that expedition, nor had any other  
“ concern in it than barely ordering the Alliance to  
“ join the squadron at Mr. de Sartine’s request.”—  
From which extract there is reason to believe, the United States of America had no concern in the expedition ; but that it was carried on wholly under the authority and for the advantage of his most christian majesty. That if this fact should not be so apparent as to give full satisfaction to his majesty’s ministers, they then take such measures as in their discretion shall be thought most conducive to an amicable and equitable adjustment thereof, on the best evidence they shall be able to procure.

Resolved, That the claim of the sieur Bayard against these United States, for the sum of two hundred and fifty-five thousand two hundred and thirty-six dollars, continental money, is not founded in justice, from the circumstances of the case as stated by himself, which are, that a vessel and cargo in which he was interested, sailing in May, 1779, from Charlestown for France, was taken by an English armed vessel, and retaken by an American frigate called the Boston ; that she was carried to Boston, and there sold as French property by Mr. de Valnais, consul for France at that port ; that he unfaithfully and irregularly, as is suggested, endeavoured to have the whole adjudged to

the receptors, but that the sentence was, that they were only entitled to one eighth, and the sieur Bayard's correspondents obliged Mr. de Valnais to deposit with the consul of France in Philadelphia, two hundred and fifty-five thousand two hundred and thirty-six dollars, continental money, in part of the proceeds, with a reserve to the sieur Bayard, against monsieur de Valnais, of every right of redress for his irregular conduct; that no injurious intermeddling by the United States or any of them, or by any of their citizens, is here complained of; that the money was constantly in the hands of the sieur Bayard's correspondents, or of the consul of his nation; that he may indeed have suffered by its depreciation, as many others have suffered, both foreigners and citizens, but the latter in a much higher degree than the former; that this depreciation was not effected by any arbitrary change by Congress in the value or denomination of the money (which yet has been frequently practised by European states, who never have thought themselves bound to make good the losses thereby incurred either by their own citizens, or by foreigners) but ensued against the will and the unremitting endeavours of Congress; that in this case too it might have been lessened, if not prevented, by investing the money immediately in gold and silver, or in other commodities: Congress are therefore of opinion, that these states are not bound to make good the loss by depreciation.

That as to the residue of the claims of the sieur Bayard, if founded in truth and right, they lie only against the state of Georgia, to the governour of which Congress will transmit copies of the papers, express-

ing at the same time our confidence that that state will cause to be done in it what justice and the respect due between friendly nations require, and that the sieur Bayard be referred to them.

Resolved, That the friendly services rendered by the sieur John Baptist Pequet, agent for the French nation at Lisbon, to great numbers of American sailors carried prisoners into that port during the late war, and his sufferings on that account, merit the sincere acknowledgments of Congress; and that it be referred to the said ministers to deliver him these in honourable terms, and to make him such gratification as may indemnify his losses and properly reward his zeal.

On the report of a committee to whom was referred a motion of the delegates of North Carolina relative to the schooner Nancy, captain Gladden, of the said state,

Resolved, That the papers relating to the detention of the schooner Nancy, captain Gladden, belonging to citizens of the United States residing in North Carolina, be transmitted to our ministers for negotiating treaties with foreign powers; and that they be instructed to make inquiry into the cause of the seizure and detention of the said schooner and her cargo; and if it shall appear that she has been unjustly detained, to demand the release of the vessel and the restoration of her cargo, with adequate damages for her detention.

Resolved, That the form of the commission to the ministers for negotiating treaties of amity and commerce, or of amity, be as follows :

The United States in Congress assembled—To all to whom these presents shall come, or be made known, send greeting.

Whereas an intercourse between and the citizens of the United States of America, founded on the principles of equality, reciprocity and friendship, may be of mutual advantage to both nations:—NOW THEREFORE KNOW YE, that we, reposing special trust and confidence in the integrity, prudence and ability of our trusty and beloved, the honourable John Adams, late one of our ministers plenipotentiary for negotiating a peace, and heretofore a delegate in Congress from the state of Massachusetts, and chief justice of the said state, the honourable doctor Benjamin Franklin, our minister plenipotentiary at the court of Versailles, and late another of our ministers plenipotentiary for negotiating a peace, and the honourable Thomas Jefferson, a delegate in Congress from the state of Virginia, and late governour of the said state, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint them, the said John Adams, Benjamin Franklin and Thomas Jefferson, our ministers plenipotentiary, giving to them, or a majority of them, full power and authority for us, and in our name, to confer, treat and negotiate with the ambassador, minister or commissioner of \_\_\_\_\_ vested with full and sufficient powers of and concerning (a treaty of amity, or a treaty of amity and commerce, as the case may be) to make and receive propositions for such treaty, and to

conclude and sign the same, transmitting it to the United States in Congress assembled for their final ratification. This commission to continue in force for a term not exceeding two years from the date hereof.

In testimony whereof we have caused the seal of the United States to be hereunto affixed. Witness his excellency Thomas Mifflin, President, this twelfth day of May, in the year of our Lord, one thousand seven hundred and eighty-four, and of the sovereignty and independence of the United States of America, the eighth.

MAY 12, 1784.

Congress proceeded to the election of a secretary to the commission for negotiating treaties of commerce with foreign powers; and the ballots being taken,

Mr. David Humphreys was elected.

On the report of a committee, consisting of Mr. Mercer, Mr. Lee, Mr. Gerry, Mr. Howell and Mr. Paine, appointed to consider of the measures proper to be adopted in order to take possession of the frontier posts,

Resolved, That the commanding officer of the troops now in the service of the United States be and he is hereby directed, to open a correspondence with the commander in chief of his Britannick majesty's forces in Canada, in order to ascertain the precise time when each of the posts within the territories of the United States, now occupied by British troops, shall be delivered up.



That he endeavour to effect an exchange with the British commanding officer in Canada, of the cannon and stores at the posts to be evacuated, for cannon and stores to be delivered at West Point, New York, or some other convenient place; and if this cannot be accomplished, that then he cause the complement of cannon and stores requisite for those posts to be in readiness to be transported thither in the most convenient and expeditious manner possible.

MAY 17, 1784.

On the report of a committee, consisting of Mr. Gerry, Mr. Jefferson and Mr. Williamson, to whom was referred a letter of 21st of April, from the honourable the minister of France, informing, that in the course of last summer he had requested his majesty's leave to return to France, and had reason to believe it was granted, though he had not received official information; and that his majesty had fixed upon Mr. de Marbois to be his charge des affaires with the United States, Resolved, That the following answer be returned :

SIR,

The United States in Congress assembled are informed by the letter\* which you were pleased to

\* TRANSLATION.

Annapolis, 21st April, 1784.

SIR,

In the course of last summer I requested leave of his majesty to return to France. By letters from my friends I am informed that it is

address to them, the 21st of April, that having the last year requested of his majesty leave to return to France, you learn it has been granted, but that the official letter of the minister being lost, you expect a duplicate which will probably arrive in the recess of Congress.

granted. But the loss of the packet which conveyed the minister's letter lays me under the necessity of writing again on that subject. I should have waited his answer before I took leave of Congress, had I not reason to believe that it will not reach me till their recess. I cannot, however, depart without entreating your excellency to communicate to them my warm acknowledgments for the manner in which they have treated with me during my mission, which has lasted near five years. I have had the satisfaction of agreeing with Congress on all the subjects which I have had the honour of negotiating with them; and I owe my success to the good fortune I had of being the representative of a just and generous monarch to a wise and virtuous republick. I shall ever retain a grateful remembrance of this; and shall always consider the time I have spent on this continent as the most honourable period of my life. My satisfaction would be complete, were it not accompanied with regret at parting from a senate composed of members on whose friendship I flatter myself I have a just claim by an intimate acquaintance of several years. Your excellency permits me to rank you among those who honour me with their friendship; and I am persuaded that the expression of my attachment and respect for Congress will lose nothing of its force if you will be pleased to convey it.

The letters by which I have received advice of my having obtained leave to return inform me also, that Mr. de Marbois will be his majesty's charge des affaires with the United States. His zeal and his attachment for the cause which unites France and America are well known to Congress; and I have not the least doubt but his majesty's choice will be agreeable to that assembly.

I am, sir, with great respect, your excellency's most obedient and most humble servant,

(Signed)

LE CHE. DE LA LUZERNE.

It is with great concern, sir, that Congress receive this information, as it respects a minister for whom they entertain the most perfect esteem.

From the time of your arrival in America, to the signing of the provisional treaty, the conduct of the war has been attended with numerous difficulties and perils, to surmount which the joint efforts of the United States and of their great and good ally have been necessary.

Congress consider it as a fortunate circumstance, that during that period the affairs of his most christian majesty in this quarter have been under the direction of an able and faithful minister, whose anxiety to promote the views and essential interests of his sovereign has been ever attended with a laudable endeavour to reconcile them to those of his allies. Without such a disposition it is evident there could not have existed a concert of those measures, which, by the smiles of Providence, have hastened the conclusion of the late distressing war.

The abilities of the gentleman, who, as you are informed, is to be charged with the affairs of your department, and his thorough knowledge of the principles on which the alliance was founded, will, we doubt not, conspire to produce on his part such measures as will best promote the mutual interest of the two nations.

We now, sir, bid you an affectionate adieu, with the fullest assurance that you will be happy in the smiles and approbation of your royal sovereign; and we sincerely wish that you may be equally so in au

interview with your friends, and in your future engagements.

MAY 29, 1784.

On the report of a committee, consisting of Mr. Gerry, Mr. Dana and Mr. Howell, to whom was referred a note from the honourable the minister plenipotentiary of his most christian majesty, Congress came to the following resolution :

Whereas Congress have been informed by a note\* addressed to them by the chevalier de la Luzerne, minister plenipotentiary of his most christian majesty, of the 20th instant, and the papers accompanying the same, that a violation of the laws of nations hath been

\* TRANSLATION.

The underwritten minister has the honour to transmit to Congress sundry papers relative to a violation of the law of nations in the person of the consul general and secretary to his majesty's legation to the United States. The underwritten immediately applied to the president of the state of Pennsylvania to have the culprit seized ; and received the answer herewith enclosed. As ministers, and persons attached to embassies and consulates, have an immediate right to the support of Congress, the underwritten applies to this assembly for their recommendation as speedily as possible to the government of Pennsylvania, to take effectual measures, conformable to the laws of nations, for the solemn reparation of the offence committed on the person of the consul general, and the violation of the privileges of the house of the underwritten. The offender is not yet apprehended ; and it is possible he has fled into some other state in the confederacy : the underwritten minister, therefore, entreats that Congress would be pleased to issue a like recommendation to all the other states in the union.

(Signed)

LE CHEVR. DE LA LUZERNE.

Philadelphia, May 20, 1784.

committed by one Longchamps, who calls himself chevalier de Longchamps, a subject of his most christian majesty, by a violent assault and battery by him lately made in the city of Philadelphia, upon the person of Mr. Marbois, consul general and secretary to the above legation : and that although a warrant for apprehending the offender has been duly issued, in consequence of directions given by the president of the state of Pennsylvania upon application to him made for that purpose by the said minister, he has not yet been apprehended, but absconds ; and is supposed to have fled from justice into some other of the United States : Wherefore, to the end the said Longchamps may be brought to condign punishment for his said offence, and that the privileges and immunities of foreign ministers and of their families and houses be preserved inviolate,

Resolved, That it be and it is hereby recommended to the supreme executive authority of each of these United States, forthwith to issue their proclamations, offering a reward of five hundred dollars, to be reimbursed by the United States to the state paying the same, for discovering the said Longchamps, so that he may be arrested ; and requiring their proper civil officers to arrest him, and their citizens in general to be aiding and assisting therein, that he may be brought to justice for his said violation of the laws of nations and of the land, and all others may be deterred from the commission of such offences.

JUNE 1, 1784.

A letter from the supreme executive council of Pennsylvania was read in the words following :

In Council, Philadelphia, May 28, 1784.

SIR,

Some days ago an insult was offered by a Frenchman to Mr. de Marbois, in the hotel of the minister of France; and afterwards an assault was made upon him by the same person in a street of this city. The offender has been arrested by our direction, under the warrant of a judge of the supreme court, and is now confined in the common prison, where we have ordered him to be detained. Our respect for Congress induces us to inform them of this affair; and we should have done ourselves the honour of making the communication sooner, but that the criminal was not in confinement till yesterday. We should be much pleased to be favoured with the sentiments of Congress upon this business, being extremely desirous that our proceedings may correspond with their judgment, and to testify our determined resolution with all our powers to maintain the dignity of the United States, to preserve the publick repose, to assert the law of nations, and to manifest our entire regard for the representatives of the sovereignty of the union.

With the most perfect esteem, I have the honour to be, sir, &c.

(Signed)

JOHN DICKINSON.

His Excellency the Pre- }  
sident of Congress. }

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Whereupon, the following was moved by Mr. Hand, seconded by Mr. Montgomery :

That Congress highly approve the determined resolution of the supreme executive council of the state of Pennsylvania, to maintain the dignity of the United States, to preserve the publick repose, to assert the law of nations, and to manifest their entire regard for the representatives of the sovereignty of the union, expressed by their letter of the 28th instant.

A motion was made by Mr. Gerry, seconded by Mr. Williamson, That the letter, with the motion, be committed ; and on the question to commit, the yeas and nays being required by Mr. Hand—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Dana, Mr. Partridge,	Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Sherman, Mr. Wadsworth,	Ay. } Ay. }	Ay.
New York,	Mr. De Witt, Mr. Paine,	Ay. } No. }	DIVIDED.
New Jersey,	Mr. Stevens, Mr. Beatty, Mr. Dick,	Ay. } No. } Ay. }	Ay.
Pennsylvania,	Mr. Montgomery, Mr. Hand,	No. } No. }	No.
Maryland,	Mr. M'Henry, Mr. Stone,	Ay. } Ay. }	Ay.

Virginia,	Mr. Hardy, Mr. Monroe,	Ay. } Ay. }	Ay.
North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } Ay. }	Ay.
South Carolina,	Mr. Read, Mr. Beresford,	Ay. } Ay. }	Ay.

So it was resolved in the affirmative.

JUNE 2, 1784.

The report of the committee, consisting of Mr. Spaight, Mr. Hardy and Mr. M<sup>c</sup>Henry, to whom was referred a letter of the 23d November, from the honourable the minister plenipotentiary of the United Netherlands, together with his note respecting the capture and condemnation of the sloop Chester, being under consideration, and which is in the words following :

“ That they have duly considered the matters to them  
 “ referred ; and are of opinion, that as there was no  
 “ appeal from the decree of the court of admiralty of  
 “ the state of South Carolina to Congress, which ought  
 “ to have been made and lodged with the secretary of  
 “ Congress within forty days, had there been any in-  
 “ tention of questioning the regularity or legality of the  
 “ condemnation of the said sloop Chester, at the time  
 “ of condemnation, or the court of appeals appointed  
 “ by Congress, the regular and usual manner of bring-  
 “ ing maritime causes before them, Congress cannot at  
 “ this day take up the cause. Your committee there-  
 “ fore recommend, that the minister of the United  
 “ Netherlands be informed of the above, and advised



“ to apply to the registry of the court of admiralty of  
 “ the state of South Carolina, from which it will appear  
 “ whether any and what illegal proceedings were made  
 “ use of to procure the condemnation of the sloop Ches-  
 “ ter and her cargo : and that if there has been any  
 “ breach of the laws of nations, or of the instructions  
 “ issued by Congress to the captains of private ships  
 “ of war with letters of marque and reprisal, that the  
 “ bonds given in the office of the secretary of the state  
 “ of South Carolina, by the parties receiving such com-  
 “ missions, are liable to be put in suit for the benefit  
 “ and indemnification of the party injured”—

A motion was made by Mr. Gerry, seconded by Mr. Dana, That the further consideration thereof be postponed ; and on the question for postponing, the yeas and nays being required by Mr. Gerry—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Dana, Mr. Partridge,	Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Sherman. Mr. Wadsworth,	Ay. } Ay. }	Ay.
New York,	Mr. De Witt,	Ay. } x	
New Jersey,	Mr. Stevens, Mr. Beatty, Mr. Dick,	Ay. } Ay. } Ay. }	Ay.

Pennsylvania,	Mr. Montgomery, Mr. Hand,	Ay. } No. }	DIVIDED.
Maryland,	Mr. M'Henry, Mr. Stone, Mr. Chase,	Ay. } Ay. } Ay. }	AY.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Lee, Mr. Monroe,	No. } Ay. } No. } Ay. }	DIVIDED.
North Carolina,	Mr. Williamson, Mr. Spaight,	No. } No. }	NO.
South Carolina,	Mr. Read, Mr. Beresford,	No. } No. }	NO.

So the question was lost.

A motion was then made by Mr. Dana, seconded by Mr. Howell,

That the said report be referred to the next meeting of Congress : and that a copy of the note of the minister of the United Netherlands be transmitted to the supreme executive of the state of South Carolina ; and that they be requested to make inquiry into the truth of the facts stated therein ; and to transmit the result thereof to the Congress at their next meeting.

On the question to agree to this, the yeas and nays being required by Mr. Dana—

New Hampshire,	Mr. Foster, Mr. Blanchard,	Ay. } Ay. }	AY.
Massachusetts,	Mr. Gerry, Mr. Dana, Mr. Partridge,	Ay. } Ay. } Ay. }	AY.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. }	AY.

Connecticut,	Mr. Sherman, Mr. Wadsworth,	Ay. } Ay. }	Ay.
New York,	Mr. De Witt,	No. } x	
New Jersey,	Mr. Stevens, Mr. Beatty, Mr. Dick,	Ay. } No. } Ay. }	Ay.
Pennsylvania,	Mr. Montgomery, Mr. Hand,	No. } No. }	No.
Maryland,	Mr. M'Henry, Mr. Stone, Mr. Chase,	Ay. } Ay. } Ay. }	Ay.
Virginia,	Mr. Hardy, Mr. Mercer, Mr. Lee, Mr. Monroe,	No. } Ay. } Ay. } Ay. }	Ay.
North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } No. }	DIVIDED.
South Carolina,	Mr. Read, Mr. Beresford,	No. } No. }	No.

So it was resolved in the affirmative.

JUNE 3, 1784.

On the report of a committee, consisting of Mr. Hand, Mr. Hardy and Mr. Monroe, to whom was referred a motion of Mr. Dana,

Resolved, That the ministers plenipotentiary of the United States for negotiating commercial treaties with foreign powers be and they are hereby instructed, in any negotiations they may enter upon with the court of Spain, not to relinquish or cede, in any event what-

soever, the right of the citizens of these United States to the free navigation of the river Mississippi from its source to the ocean.

Ordered, That the secretary prepare a commission or commissions to Messrs. Adams, Franklin and Jefferson, or a majority of them, to make supplementary treaties of commerce with France, the United Netherlands, and Sweden.

#### DECEMBER 3, 1784.

On the report of a committee, consisting of Mr. Monroe, Mr. Houstoun and Mr. Howell, to whom was referred a commission of consul from his majesty the king of Sweden to Charles Hellstedt, dated the 22d of September, 1783, with an appointment to reside at Philadelphia,

Resolved, That the said commission be registered in the secretary's office; and that thereupon acts of recognition in due form be immediately issued to the several states, in order that they may respectively furnish him with an exequatur or notification of his quality, that the same may be made known and published.

#### DECEMBER 9, 1784.

The committee, consisting of Mr. Jay, Mr. Williamson and Mr. Hardy, to whom was referred a letter of the 6th from the marquis de la Fayette, reported,

That in the opinion of the committee, the merit and services of the marquis render it proper that such an opportunity of taking leave of Congress be afforded

him as may strongly manifest their esteem and regard for him: Whereupon,

Resolved, That a committee, to consist of one member from each state, be appointed to receive the marquis, and in the name of Congress to take leave of him. That they be instructed to assure him, that Congress continue to entertain the same high sense of his abilities and zeal to promote the welfare of America, both here and in Europe, which they have frequently expressed and manifested on former occasions, and which the recent marks of his attention to their commercial and other interests have perfectly confirmed. That as his uniform and unceasing attachment to this country has resembled that of a patriotick citizen, the United States regard him with particular affection, and will not cease to feel an interest in whatever may concern his honour and prosperity; and that their best and kindest wishes will always attend him.

On motion of Mr. Mercer, seconded by Mr. Read,

Resolved, That a letter be written to his most christian majesty, to be signed by his excellency the President of Congress, expressive of the high sense which the United States in Congress assembled entertain of the zeal, talents and meritorious services of the marquis of Fayette, and recommending him to the favour and patronage of his majesty.

DECEMBER 11, 1784.

In pursuance of the foregoing resolve, the committee of one for each state reported a draft of a letter, which was agreed to as follows:

GREAT, FAITHFUL AND BELOVED FRIEND AND ALLY,

The various and important acts of friendship done by your majesty to these states have inspired them with strong attachment to your person, and with firm confidence in your friendly disposition towards them. Both these considerations unite in urging us to recommend to your majesty's particular attention and favour the marquis de la Fayette, a nobleman who has ably promoted the interests of both countries, and acquired glory by strenuous and successful endeavours to advance our mutual honour, prosperity and confidence.

Permit us to assure your majesty, that we not only approve but admire his conduct. We entertain esteem and affection for him as a man. We think highly of his talents, and are convinced of his disposition to perpetuate the amity and good understanding which we pray God may ever subsist between France and America.

May the Author of all good continue to bless your majesty, your family, and people, and keep you and them under his holy protection.

By the unanimous order of Congress, at Trenton,  
the 11th December, 1784.

RICHARD HENRY LEE, President.

CHARLES THOMSON, Sec'y.

On the outside directed to

Our great, faithful and beloved Friend and Ally,  
Louis XVI. King of France and Navarre.

## DECEMBER 13, 1784.

Mr. Jay, chairman of the committee, consisting of a member from each state, appointed to receive and take leave of the marquis de la Fayette, reported, That on the 11th instant they received the marquis in the Congress chamber, and took leave of him agreeable to the instructions given them on that subject; that they communicated to him the purport of the resolutions of the ninth; and that he thereupon made the following answer:

SIR,

While it pleases the United States in Congress so kindly to receive me, I want words to express the feelings of a heart which delights in their present situation, and the bestowed marks of their esteem.

Since I joined the standard of liberty, to this wished for hour of my personal congratulations, I have seen such glorious deeds performed and virtues displayed by the sons of America, that in the instant of my first concern for them I had anticipated but a part of the love and regard which devote me to this rising empire.

During our revolution, sir, I obtained an unlimited indulgent confidence, which I am equally proud and happy to acknowledge; it dates with the time when, an unexperienced youth, I could only claim my respected friend's paternal adoption. It has been most benevolently continued throughout every circumstance of the cabinet and the field; and in personal friend-

ships I have often found a support against publick difficulties. While, on this solemn occasion, I mention my obligations to Congress, the states, the people at large, permit me also to remember the dear military companions, to whose services their country is so much indebted.

Having felt both for the timely aid of my country, and for the part she, with a beloved king, acted in the cause of mankind, I enjoy an alliance so well rivetted by mutual affection, by interest, and even local situation. Recollection insures it. Futurity does but enlarge the prospect; and the private intercourse will every day increase, which independent and advantageous trade cherishes, in proportion as it is well understood.

In unbounded wishes to America, sir, I am happy to observe the prevailing disposition of the people to strengthen the confederation, preserve publick faith, regulate trade, and in a proper guard over continental magazines and frontier posts, in a general system of militia, in foreseeing attention to the navy, to insure every kind of safety. May this immense temple of freedom ever stand a lesson to oppressors, an example to the oppressed, a sanctuary for the rights of mankind! And may these happy United States attain that complete splendour and prosperity which will illustrate the blessings of their government, and for ages to come rejoice the departed souls of its founders.

However unwilling to trespass on your time, I must yet present you with grateful thanks for the late favour of Congress; and never can they oblige me so much as when they put it in my power in every part:



of the world to the latest day of my life, to gratify the attachment which will ever rank me among the most zealous and respectful servants of the United States.

DECEMBER 14, 1784.

On motion of Mr. Jay, seconded by Mr. Gerry,  
Resolved unanimously, eight states only being represented, That his excellency the President inform the minister plenipotentiary of the United States at the court of France, that it is the desire of Congress, in case the convention proposed for regulating and ascertaining the powers and privileges of consuls should not be already signed, that he delay signing it until he shall receive further instructions on the subject from Congress.

DECEMBER 15, 1784.

On the report of a committee, consisting of Mr. R. R. Livingston, Mr. Hardy and Mr. Gerry, on the department of foreign affairs,

Resolved, That the resolution of the third day of February, 1784, for the appointment of an under secretary in the department of foreign affairs to take charge of the papers, and the appointment of consequence thereof, continue in force no longer than until a secretary to the United States for the department of foreign affairs take the oaths and enter upon the execution of his office.

On the report of a committee, consisting of Mr. Monroe, Mr. Pinckney and Mr. Houstoun, to whom was

referred a note\* from Mr. de Marbois, charge des affaires of France, accompanied with a letter from don Francisco Rendon, agent of the court of Madrid, and an extract of a letter from don J. Galvez, minister

\* TRANSLATIONS.

Philadelphia, November 19, 1784.

The undersigned, charge des affairs of France, has the honour to present to Congress a letter† of don Francisco Rendon, agent of the court of Madrid. This letter, and the extract accompanying it, relate to the limits of Louisiana and the Floridas, as well as to the navigation of the Mississippi. The undersigned has the honour to assure Congress, that the king will see with great pleasure every measure which shall be taken to consolidate and maintain a good understanding between his catholic majesty and the United States.

(Signed)

DE MARBOIS.

† Philadelphia, November 16, 1784.

SIR,

I have the honour to communicate to your excellency an extract‡ of a letter which I have lately received from don Joseph de Galvez, minister.

‡ EXTRACT.

Aranjuez, June 2<sup>d</sup>, 1784.

Until the limits of Louisiana and the two Floridas shall be settled and determined with the United States of America, his majesty commands that you should give the states and Congress to understand that they are not to expose to process and confiscation the vessels which they destine to carry on commerce on the river Mississippi, inasmuch as a treaty concluded between the United States and England, on which the former ground their pretensions to the navigation of that river, could not fix limits in a territory which that power did not possess, the two borders of the river being already conquered and possessed by our arms the day the treaty was made, namely, the 30th November, 1782. This order I communicate to you that you may conform yourself thereto.

(Signed)

JOSEPH DE GALVEZ.

of his catholick majesty, touching the limits of Louisiana, and the Floridas, and the navigation of the Mississippi—

Resolved, That the secretary for foreign affairs be instructed to inform Mr. de Marbois, charge des affaires of France, that the United States in Congress assembled have received his note of the 19th of November, with the papers enclosed, and are happy in the assurance given that his most christian majesty will see with pleasure measures taken to consolidate and maintain a good understanding between his catholick majesty and the United States ; and they flatter themselves that their disposition and endeavours to cul-

ter of his catholick majesty for the department of the Indies. I beg you will be pleased to lay it before Congress, and communicate the contents to the governours and presidents of the several states. His majesty is persuaded that Congress will admit the justice of a claim which is founded on all the rights which an entire conquest and an uninterrupted possession can give to any power ; and that they will agree that the cession of the navigation of the Mississippi, made by the king of Great Britain to the United States in the treaty of 1783, can have no real force unless the catholick king, my master, to whom the navigation of that river belongs, shall think proper to ratify it. I see with pleasure by the contents of the extract enclosed, that there is a probability that Spain and the United States will very soon confirm, by a solid and durable treaty, that friendship which has already for several years subsisted between the two nations. I hope that all objects, about which there is any doubt, will then be settled and terminated to the mutual satisfaction of his majesty and Congress.

I have the honour to be with respect, sir, your most obedient and most humble servant,

(Signed)

FRANCISCO RENDON.

His Excellency the Pre- }  
sident of Congress. }

tivate the friendship of the catholick king will produce the desired effect.

That Congress have a high confidence in the justice of his catholick majesty, and rely that he will submit the mutual rights of Spain and the United States of America to amicable discussion, without adopting measures which may prejudice those rights.

#### DECEMBER 16, 1784.

On the report of a committee, consisting of Mr. Jay, Mr. Gardner and Mr. Ellery, to whom was referred a note from the charge des affaires of his most christian majesty, dated 1st December, 1784, respecting delays and difficulties complained of by French agents, in settling their accounts in this country,

Resolved, That copies of the said note be immediately sent to the different states; and that it be recommended to them to pass such remedial laws on the subject as their respective constitutions may permit; and that a copy of this resolution be transmitted to the said charge des affaires.

On the report of a committee, consisting of Mr. Jay, Mr. Gardner and Mr. Ellery, to whom was referred a note from the charge des affaires of his most christian majesty, dated 7th December, 1784, respecting the demands of the heirs of three French officers, who died in the American service,

Resolved, That the various and important objects of national concern which at present engage the attention of Congress, will not permit them to examine and ascertain the facts on which the propriety of the de-

mand in question must be decided ; and therefore that the same be referred to the paymaster general, with orders to examine and ascertain the justice of the said demands with all possible expedition, and report thereon to Congress.

On the report of a committee, consisting of Mr. Jay, Mr. Gardner and Mr. Ellery, to whom was referred a note from the charge des affaires of his most christian majesty respecting moneys advanced for refitting the American frigate Confederacy,

Resolved, That the said note be referred to the commissioner for settling accounts in the marine department, and that he be ordered to report thereon to Congress without delay.

#### DECEMBER 17, 1784.

Congress proceeded in the consideration of the report on Mr. de Marbois's note and the papers accompanying it : And thereupon,

Resolved, That it is necessary a minister be commissioned to represent the United States at the court of Madrid, for the purpose of adjusting the interfering claims of the two nations respecting the navigation of the Mississippi, and other matters highly interesting to the peace and good understanding which ought to subsist between them.

In passing the foregoing resolution a division was called for ; and on the question to agree to the first clause as far as the words " court of Madrid," inclusive, the yeas and nays being required by Mr. Spaight—

New Hampshire,	Mr. Foster,	No. } X
Massachusetts,	Mr. Holten, Mr. Partridge,	Ay. } Ay. } Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	No. } No. } No.
New York,	Mr. Jay, Mr. Benson,	Ay. } Ay. } Ay.
New Jersey,	Mr. Dick, Mr. Stewart,	Ay. } Ay. } Ay.
Pennsylvania,	Mr. Gardner, Mr. Henry,	Ay. } Ay. } Ay.
Virginia,	Mr. Hardy, Mr. Monroe, Mr. Mercer, Mr. R. H. Lee,	Ay. } Ay. } Ay. } Ay. } Ay.
North Carolina,	Mr. Williamson, Mr. Spaight,	No. } Ay. } DIVIDED.
South Carolina,	Mr. Bull, Mr. Pinckney,	Ay. } Ay. } Ay.
Georgia,	Mr. Houstoun, Mr. Gibbons,	Ay. } Ay. } Ay.

So it was resolved in the affirmative.

On the question to agree to the latter clause, the yeas and nays being required by Mr. Ellery—

Massachusetts,	Mr. Holten, Mr. Partridge,	Ay. } Ay. } Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. } Ay.

New York,	Mr. Jay, Mr. Benson,	Ay. } Ay. } Ay.
New Jersey,	Mr. Houston, Mr. Dick, Mr. Stewart,	Ay. } Ay. } Ay. } Ay.
Pennsylvania,	Mr. Gardner, Mr. Henry,	Ay. } Ay. } Ay.
Virginia,	Mr. Hardy, Mr. Monroe, Mr. Mercer, Mr. Lee,	Ay. } Ay. } Ay. } Ay. } Ay.
North Carolina,	Mr. Williamson, Mr. Spaight,	Ay. } Ay. } Ay.
South Carolina,	Mr. Bull, Mr. Pinckney,	Ay. } Ay. } Ay.
Georgia,	Mr. Houstoun, Mr. Gibbons,	Ay. } Ay. } Ay.

So it was resolved in the affirmative.

On motion of Mr. Houstoun, seconded by Mr. Spaight,

Resolved, That Wednesday next be assigned for the election of a minister to represent the United States at the court of Madrid.

On motion of Mr. Benson, seconded by Mr. Spaight,

Ordered, That the committee who brought in the report prepare a draft of instructions to the minister to represent the United States at the court of Madrid.

## JANUARY 20, 1785.

On the report of a committee, consisting of Mr. Monroe, Mr. Platt, Mr. Read, Mr. Hardy and Mr. Spaight, to whom were referred a letter of 3d November, 1784, from the honourable John Adams, and a letter of the 11th of the same month from the honourable John Adams, Benjamin Franklin and Thomas Jefferson,

Resolved, That the paragraph in the joint letter respecting the communications they have received from the count de Vergennes upon the subject of the Dutch loans guarantied by France, and the particular loans of France, as also the paragraph respecting the letter of monsieur Le Grand to Mr. Franklin, and the letter of Mr. Adams, be transmitted to the several executives; and that they be requested to lay them before their respective legislatures for their information upon the subjects upon which they treat, under injunctions of secrecy.

## JANUARY 21, 1785.

The committee, consisting of Mr. Read, Mr. Ellery and Mr. Hardy, to whom were referred the letters of the third and sixteenth of November last from Mr. Laurens, having reported in part,

That in conformity to the repeated wishes expressed by the honourable Benjamin Franklin, esquire, minister plenipotentiary from the United States at the court of Versailles, he be permitted to return to Ame-



rica as soon as convenient; and that an early day be appointed for the election of a proper person to represent the United States at the court of Versailles.

When this part of the report was under debate,

A motion was made by Mr. Williamson, seconded by Mr. Pinckney, to strike out the words "as soon as convenient; and that an early day be appointed for the election of a proper person to represent the United States at the court of Versailles;" and in lieu thereof to insert "as soon as a minister shall have been appointed to succeed him at that court."

And on the question to agree to this amendment, the yeas and nays being required by Mr. Hardy—

New Hampshire,	Mr. Foster, Mr. Long,	No. } No. }	No.
Massachusetts,	Mr. Holten, Mr. Partridge, Mr. King,	No. } No. } No. }	No.
Rhode Island,	Mr. Ellery, Mr. Howell,	No. } No. }	No.
Connecticut,	Mr. Cook, Mr. Johnson,	Ay. } Ay. }	Ay.
New York,	Mr. W. Livingston, Mr. Platt,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Cadwallader, Mr. Stewart,	Ay. } Ay. }	Ay.
Maryland,	Mr. M'Henry,	Ay. } x	
Virginia,	Mr. Hardy, Mr. Monroe, Mr. R. H. Lee,	Ay. } Ay. } Ay. }	Ay.

North Carolina,	Mr. Williamson,	Ay.	} Ay.
	Mr. Spaight,	Ay.	
	Mr. Sitgreaves,	Ay.	
South Carolina,	Mr. Read,	Ay.	} Ay.
	Mr. Bull,	Ay.	
	Mr. Pinckney,	Ay.	

So the question was lost.

#### JANUARY 31, 1785.

On motion of Mr. R. R. Livingston, seconded by Mr. Pinckney,

Resolved, That a minister plenipotentiary be appointed to represent the United States of America at the court of Great Britain; and that the secretary for foreign affairs report instructions for such minister.

On motion of Mr. Pinckney, seconded by Mr. Monroe,

Resolved, That Monday next be assigned for the election of a minister plenipotentiary to represent these States at the court of London.

#### FEBRUARY 1, 1785.

On the report of a grand committee, consisting of Mr. Read, Mr. Foster, Mr. Partridge, Mr. Howell, Mr. Cook, Mr. Platt, Mr. Cadwallader, Mr. Henry, Mr. M'Henry, Mr. Hardy, Mr. Williamson and Mr. Houston, to whom was referred a letter of 30th September, from the late superintendent of finance, enclosing the terms of a loan of two millions of gilders negotiated in the United Netherlands by the honourable John

Adams, and an obligation for the same, entered into the 9th of March, 1784, by him on behalf of the United States of America—

Resolved, That three fair copies of the obligation be made out, and that a ratification be endorsed on each of them, duly attested; and that the secretary for the department of foreign affairs transmit the same by several conveyances to the minister of the United States to their high mightinesses the states general of the United Netherlands.

Resolved, That the ratification be in the following terms:

Be it remembered, that the within contract or engagement, entered into by the honourable John Adams, esquire, minister plenipotentiary of the United States of America to their high mightinesses the lords the states general of the United Netherlands, in behalf of the said states, with Messrs. Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorst, and de la Lande and Fynje, and their successors or assignees, for a loan of two millions of guilders, dated at the Hague, March the 9th, 1784, hath been read in Congress, approved and ratified, and declared obligatory on the United States of America.

Done in the City Hall, in the city of New York, by the United States in Congress assembled, this first day of February, in the year of our Lord, one thousand seven hundred and eighty-five, and in the ninth year of our sovereignty and independence.

FEBRUARY 11, 1785.

On the report of a committee, consisting of Mr. Monroe, Mr. Platt, Mr. Read, Mr. Hardy and Mr. Spaight, to whom were referred sundry letters from the secretary for foreign affairs,

Resolved, That in pursuance of the resolutions of the 22d of February, 1782, all communications, as well to as from the United States in Congress assembled, on the subject of foreign affairs, be made through the secretary for the department of foreign affairs; and that all letters, memorials or other papers on the subject of foreign affairs, for the United States in Congress assembled, be addressed to him.

Resolved, That all papers written in a foreign language, which may in future be communicated to Congress from the office of the department of foreign affairs, shall be accompanied with a translation into English.

Resolved, That the secretary for the department of foreign affairs be and he is hereby authorized, to appoint an interpreter, whose duty it shall be to translate all such papers as may be referred to him, as well by the United States in Congress assembled as by committees of Congress, the secretary for the department of foreign affairs, the secretary of Congress, the board of treasury, or the secretary for the department of war; and who shall be entitled to receive such allowance as the secretary for foreign affairs may think sufficient, not to exceed the annual pay of a clerk in the office; and who, previous to his entering on his

duty as interpreter, shall take the oath of fidelity, and the oath of office, prescribed in an ordinance passed on the 27th day of January last, a registry of which oaths shall be kept in the office of the secretary of Congress.

Resolved, That the wages of the doorkeeper to the office for foreign affairs be considered as part of the contingent expenses of said office.

On the report of a committee, consisting of Mr. Gerry, Mr. Ellery and Mr. Williamson, to whom was referred a letter of 29th December last, from Mr. de Marbois to the secretary for foreign affairs,

Resolved, That the secretary for foreign affairs give orders for a careful removal of the portraits of his most christian majesty and of the queen of France, from Philadelphia to the hall in this city, in which Congress hold their sessions.

#### FEBRUARY 14, 1785.

On motion of Mr. R.R. Livingston, seconded by Mr. Sitgreaves,

Resolved, That the ministers of the United States who are directed to form treaties with the emperor of Morocco, and the regencies of Algiers, for Tunis and Tripoli, be empowered to apply so much of the money borrowed in Holland, or any other money in Europe belonging to the United States, to that use as they may deem necessary, not exceeding eighty thousand dollars; and to draw for the same accordingly.

That they be further empowered, if the situation of affairs should render it inexpedient for either of them

to proceed to the above courts, to appoint such person as they may deem qualified to execute this trust.

That the secretary for foreign affairs be directed to write to the above ministers, pressing upon them the necessity of prosecuting this important business, and forwarding to them commissions and letters of credence, with a blank for the name of such person as may be directed to conclude the said treaties.

FEBRUARY 17, 1785.

A motion being made by Mr. Pinckney, seconded by Mr. Howell, in the words following :

That no future commissions of a minister, generally or specially, to any foreign court, or of a secretary to any foreign legation, shall continue in force for more than three years, the time from which it is to commence to be fixed in the commissions ; at the expiration of which period, unless re-appointed, such minister or secretary shall cease to exercise such office : provided always, that such minister or secretary shall be considered at all times as subject to the recall of Congress within the term above limited—

A motion was made by Mr. Read, seconded by Mr. Hardy, to postpone the motion in order to take up the following :

That as the power of recalling any minister to a foreign court, or secretary to a foreign legation, is always in Congress, and it is presumed will be exercised on every occasion of misconduct or neglect in any minister to a foreign court ; and as the wisdom and virtue of the United States in Congress assembled will

always be equal to a proper decision on every question that might be brought before them,

Resolved, That it is highly impolitick and unnecessary to fix any determinate time to the continuation in office of any resident or special minister, or secretary to a legation, to a foreign court.

On the question to postpone for the purpose aforesaid, the yeas and nays being required by Mr. Read—

New Hampshire,	Mr. Foster, Mr. Long,	No. } No. }	No.
Massachusetts,	Mr. Gerry, Mr. Holten, Mr. Partridge, Mr. King,	No. } No. } No. } No. }	No.
Rhode Island,	Mr. Ellery, Mr. Howell,	No. } No. }	No.
Connecticut,	Mr. Cook, Mr. Johnson,	No. } No. }	No.
New York,	Mr. R. R. Livingston, Ay. Mr. W. Livingston, No. Mr. Platt, No.	} No. } No. }	No.
New Jersey,	Mr. Beatty, Mr. Cadwallader, Mr. Stewart,	No. } No. } No. }	No.
Pennsylvania,	Mr. Gardner,	No.	>X
Maryland,	Mr. M'Henry, Mr. Hindman,	No. } No. }	No.
Virginia,	Mr. Hardy, Mr. Monroe, Mr. Loe,	Ay. } Ay. } Ay. }	Ay.

North Carolina,	Mr. Williamson, Mr. Spaight, Mr. Sitgreaves,	No. } Ay. } Ay. }	Ay.
South Carolina,	Mr. Read, Mr. Bull, Mr. Pinckney,	Ay. } No. } No. }	No.
Georgia,	Mr. Houstoun,	Ay. } X	

So it passed in the negative.

On the question to agree to the motion of Mr. Pinckney, the yeas and nays being required by the state of Massachusetts—

New Hampshire,	Mr. Foster, Mr. Long,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gerry, Mr. Holten, Mr. Partridge, Mr. King,	Ay. } Ay. } Ay. } Ay. }	Ay.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } Ay. }	Ay.
Connecticut,	Mr. Cook, Mr. Johnson,	Ay. } Ay. }	Ay.
New York,	Mr. R. R. Livingston, Mr. W. Livingston, Mr. Platt,	No. } Ay. } Ay. }	Ay.
New Jersey,	Mr. Beatty, Mr. Cadwallader, Mr. Stewart,	No. } No. } Ay. }	No.
Pennsylvania,	Mr. Gardner,	Ay. } X	



Maryland,	Mr. M'Henry, Mr. Hindman,	Ay. } No. }	DIVIDED.
Virginia,	Mr. Hardy, Mr. Monroe, Mr. Lee,	No. } No. } No. }	
North Carolina,	Mr. Williamson, Mr. Spaight, Mr. Sitgreaves,	Ay. } No. } No. }	No.
South Carolina,	Mr. Read, Mr. Bull, Mr. Pinckney,	No. } Ay. } Ay. }	
Georgia,	Mr. Houstoun,	No. } x	

So the question was lost.

#### FEBRUARY 18, 1785.

Resolved, That no future commission of a minister, either generally or specially, to any foreign court, charge des affaires, or secretary to any foreign legation, shall continue in force for more than three years, the time from which it is to commence to be fixed in the commission; at the expiration of which period, unless re-appointed, such minister or secretary shall cease to exercise such office: provided always, that such minister or secretary shall be considered as at all times subject to the recall of Congress within the term limited.

## FEBRUARY 24, 1785.

Congress proceeded to the election of a minister plenipotentiary to represent the United States of America at the court of Great Britain ; and the ballots being taken,

The honourable John Adams was elected, having been previously nominated by Mr. Howell.

On motion of Mr. Howell, seconded by Mr. Hardy,

Resolved, That Monday next be assigned for the election of a secretary to the legation to the court of London.

## MARCH 1, 1785.

Congress proceeded to the election of a secretary to the legation to the court of Great Britain ; and the ballots being taken,

Colonel William Smith was elected, having been previously nominated by Mr. M'Henry.

Resolved, That in settling the accounts of the late lieutenant colonel J. Laurens, as special minister to the court of Versailles, he be allowed the same pay that was given at that period to the ministers plenipotentiary of the United States at foreign courts, from the time of his appointment to that embassy until his return ; and that the balance remaining due for his services as minister be paid to his representatives.

## MARCH 4, 1785.

On the report of a committee, consisting of Mr. Howell, Mr. Spaight and Mr. R. R. Livingston, to whom was recommitted a report on a letter from Mr. Arthur Lee, dated March 10, 1784, corresponding agent in London,

Resolved, That Arthur Lee, esquire, be allowed the sum of one thousand nine hundred and seventy-seven dollars and seventy ninetieths of a dollar, in addition to the sum of two hundred pounds sterling, which he received of the committee of secret correspondence, in full compensation for his services and expenses as corresponding agent in London for the United States previous to his appointment as one of their commissioners at the court of Versailles, in October, 1776.

## MARCH 7, 1785.

On the report of a committee, consisting of Mr. Read, Mr. Ellery and Mr. Hardy, to whom were referred the letters of the 3d and 16th of November, from Mr. Laurens,

Resolved, That in conformity to the repeated wishes heretofore expressed by the honourable Benjamin Franklin, esquire, minister plenipotentiary from the United States at the court of Versailles, he be permitted to return to America as soon as convenient; and that Wednesday next be assigned for the election of a

minister plenipotentiary to represent the United States at the court of Versailles.

On motion of Mr. King, seconded by Mr. Pinckney,

Resolved, That it is expedient to appoint a minister plenipotentiary to succeed Mr. J. Adams at the court of the United Netherlands, and that Monday next be assigned for the election of such minister.

Congress took into consideration a report of the secretary for foreign affairs ; and thereupon agreed upon the following

INSTRUCTIONS FOR A MINISTER PLENIPOTENTIARY  
APPOINTED TO REPRESENT THE UNITED STATES  
OF AMERICA AT THE COURT OF GREAT BRITAIN.

SIR,

You will in a respectful but firm manner insist, that the United States be put without further delay in possession of all the posts and territories within their limits which are now held by British garrisons : and you will take the earliest opportunity of transmitting the answer you may receive to this requisition.

You will remonstrate against the infraction of the treaty of peace by the exportation of negroes and other American property, contrary to the stipulations on that subject in the seventh article of it. Upon this head you will be supplied with various authentick papers and documents, particularly the correspondence between general Washington and others on the one part, and sir Guy Carleton on the other.

You will represent to the British ministry the strong and necessary tendency of their restrictions on our trade to incapacitate our merchants in a certain degree to make remittances to theirs.

You will represent in strong terms the losses which many of our and also of their merchants will sustain, if the former be unseasonably and immoderately pressed for the payment of debts contracted before the war. On this subject you will be furnished with papers, in which it is amply discussed.

#### MARCH 10, 1785.

Congress proceeded to the election of a minister plenipotentiary to represent the United States at the court of Versailles ; and the ballots being taken,

The honourable Thomas Jefferson was unanimously elected, having been previously nominated by Mr. Howell.

#### MARCH 11, 1785.

The secretary for foreign affairs having reported, that in his opinion it will be proper to transmit to our ministers, who are to negotiate treaties with the emperor of Morocco and the regencies of Tunis, Algiers and Tripoli, the following papers, to wit :

##### No. 1.

Draft of a Commission to the Joint Ministers to appoint Agents to be employed in their Negotiations with Morocco and the States of Barbary.

The United States in Congress assembled—To all to whom these presents shall come, or be made known, send greeting.

Whereas we, reposing special trust and confidence in the integrity, prudence and ability of our trusty and well beloved the honourable John Adams, late one of our ministers plenipotentiary for negotiating a peace, and heretofore a delegate in Congress from the state of Massachusetts, and chief justice of the said state, the honourable doctor Benjamin Franklin, our minister plenipotentiary at the court of Versailles, and late another of our ministers plenipotentiary for negotiating a peace, and the honourable Thomas Jefferson, a delegate in Congress from the state of Virginia, and late governour of the said state, did by our commission under the seal of the United States, and the signature of our then President, bearing date the 12th day of May, in the year of our Lord, 1784, constitute and appoint them the said John Adams, Benjamin Franklin and Thomas Jefferson, our ministers plenipotentiary, giving to them or a majority of them full power and authority for us and in our name to confer, treat and negotiate with the ambassador, minister or commissioner of the regency or government of Tunis, vested with full and sufficient powers of and concerning a treaty of amity and commerce (as the case may be) to make and receive propositions for such treaty, and conclude and sign, transmitting it to the United States in Congress assembled for their final ratification; And whereas it may so happen that the other great and various affairs which we have committed to the care

and management of our said ministers plenipotentiary may not admit of their meeting the minister or commissioner which the regency or government of Tunis may appoint to treat with them of and concerning such treaty, at a time and place that might otherwise be most convenient :

**THEREFORE KNOW YE,** That we do hereby, authorize and empower our said three ministers plenipotentiary and the majority of them, by writing under their hands and seals to appoint and employ, and at pleasure to remove, such agent in the said business as they or the majority of them may think proper, which said agent shall have authority, under the directions and instructions of our said ministers, to commence and prosecute negotiations and conferences for the said treaty, with such person or persons on the part of the regency or government of Tunis as to our said ministers or the majority of them shall appear proper : provided always, that the treaty in question shall be signed by our said ministers ; but that preliminary articles thereto may, if previously approved of by our said ministers or the majority of them, be signed by the said agent.

In testimony whereof we have caused the seal of the United States to be hereunto affixed. Witness, his excellency Richard Henry Lee, our President, this            day of            in the year of our Lord, one thousand seven hundred and eighty            and of the sovereignty and independence of the United States of America, the ninth.

## No. 2.

**Draft of a letter of credence from Congress to the regencies of Tunis, Tripoli and Algiers.**

**To the Lords, Regents and Governours of Tunis.**

We, the United States of America in Congress assembled, being desirous of cultivating and establishing peace and harmony between our nation and the regency and government of Tunis, have appointed the honourable John Adams, late one of our ministers plenipotentiary for negotiating a peace, and heretofore a delegate in Congress from the state of Massachusetts, and chief justice of the said state, the honourable doctor Benjamin Franklin, our minister plenipotentiary at the court of Versailles, and late another of our ministers plenipotentiary for negotiating a peace, and the honourable Thomas Jefferson, a delegate in Congress for the state of Virginia, and late governour of the said state, our ministers plenipotentiary, giving to them or a majority of them full power in our name to negotiate and conclude a treaty of amity and commerce with your lordships; and we have also authorized them or a majority of them to appoint such agent in the said business as circumstances may in their judgment render expedient:

We desire you, my lords, to give full credit to whatever shall be delivered to you by or from our said ministers; and we hope you will readily concur with us in forming such a treaty as may be permanent and



mutually beneficial. We wish you health and prosperity.

Done in Congress, at their chamber in the city of  
New York, on the            day of  
one thousand seven hundred and eighty-five, and  
signed by their unanimous order.

No. 3.

Draft of a letter from Congress to the emperor of  
Morocco.

GREAT, NOBLE AND IMPERIAL SOVEREIGN,

While the flames of the late war continued to spread danger and destruction not only along the borders, but also through the most interior parts of the thirteen United States of America, it was constantly and indispensably necessary for us to turn all our attention and resources to the immediate defence and protection of these different countries.

Hence it happened, that it was not in our power to cultivate your majesty's friendship by such legations and other measures, as might fully manifest the high sense we entertain of that magnanimity which induced your majesty to open your ports and show kindness to us at a period when our affairs wore the least promising aspect.

All that we then could do was to read and admire your majesty's liberal manifestoes and declarations of the            and to assure you by our letter of the            day of December, 1780, "of our

“earnest desire to cultivate a sincere peace and friendship with your majesty,” and that proper steps for that purpose would be taken on our part.

As we have not been favoured by your majesty with an answer to that letter, we are apprehensive that it has miscarried; and therefore subjoin a copy of it to this.

That Great and Almighty Being “from whom all wisdom and power proceeds,” having crowned our counsels and our arms with victory and peace, we are now blessed with leisure and opportunities to show our respect and regard for such of the princes and nations of the world as gave proof of their kindness and good will to us when encompassed with hostile armies and a great variety of difficulties.

While many other nations yet viewed our fate as doubtful, you, most noble prince, extended your friendly regards from an empire on the eastern side of the world, across an amazing length of ocean, to us who dwell under the beams of the setting sun. For these generous marks of your early friendship accept our sincere and cordial thanks; and be assured of our desire so to establish peace and regulate commerce between us, as that your empire may derive advantages from the various productions of our different countries. In time, when the waste of war shall be repaired, they will be great and useful; and we will teach our people to be kind to yours.

Impelled by these considerations, we have appointed three from among our well beloved and most distinguished subjects, whom we have long honoured with our confidence, and intrusted with the conduct of great

affairs, to establish on our part with your majesty the most liberal and permanent treaties of peace and amity, viz. our well beloved the honourable John Adams, chief justice of one of these United States, a delegate from the same to our body, one of our late commissioners to the court of France, our minister plenipotentiary to the United Netherlands, and one of our ministers plenipotentiary for making peace with Great Britain, &c. also our well beloved the honourable doctor Benjamin Franklin, president of the convention of another of the said states, and a delegate from the same to our body, our minister plenipotentiary to the court of France, and also one of our plenipotentiaries for making peace with Great Britain, &c. and also our well beloved the honourable Thomas Jefferson, governour of another of the said states, and a delegate from the same to our body, and one of our ministers plenipotentiary, together with the said John Adams and Benjamin Franklin, for transacting certain great affairs, which we have committed to them, &c.

We have given them our commission under the seal of the United States, and under the signature of his excellency our president, to treat with your majesty in our behalf, and in our name to sign and seal such treaties and conventions as may thereupon be agreed upon. We recommend them to your majesty's especial favour and confidence, and we promise to ratify, confirm and fulfil whatever they shall on our part conclude and agree to. And inasmuch as the other great affairs which we have confided to their management may cause delays which might be disagreeable to your majesty, we have authorized them in such case to ap-



**Etienne d'Audibert Caille, of Salé, consul for foreign nations unrepresented in your majesty's states. We assure you of our earnest desire to cultivate a sincere and firm peace and friendship with your majesty, and to make it lasting to all posterity.**

In order that we may demonstrate more fully the high value we place upon the amity of so enlightened and magnanimous a prince, we have given the necessary orders to our minister plenipotentiary at the court of his most christian majesty the king of France; and a proper person will receive powers to enter into negotiations for settling a treaty of peace and commerce with such representative of your majesty as you may please to appoint. This, from your majesty's great wisdom and generosity, we have no doubt will be adjusted to the mutual advantages of both nations.

In the mean time should any of the subjects of our states come within the ports of your majesty's ports or territories, we flatter ourselves they will receive the benefit of your protection and benevolence. You may assure yourself of every protection and assistance to your subjects from the people of these states whenever and wherever they may have it in their power. We pray your majesty may enjoy long life and uninterrupted prosperity.

Signed in and by order of the Congress of the thirteen United States in North America,  
day of the month December, in the year of our Lord Christ, 1780, and of our independence, 5.

## No. 5.

Draft of a letter from the secretary for foreign affairs to our ministers.

## No. 6.

Copy of a letter from Giacomo Francisco Crocco to Congress, November 16, 1784.

## No. 7.

Draft of a letter from the secretary for foreign affairs to Mr. Crocco in answer to the above.

## No. 8.

Copy of a letter from Messrs. Franklin, Lee and Adams, 7th November, 1778, and one of 26th May, 1779, from Mr. Franklin.

## No. 9.

Copy of a letter from D'Audibert de Caille to Mr. Jay, 21st April, 1780, and Mr. Jay's answer.

## No. 10.

Copy of Mr. D'Audibert Caille's letter to Congress, 6th September, 1779, and their answer, December, 1780.

## No. 11.

Copy of the appointment of D'Audibert Caille, 1st November, 1779, by the emperor of Morocco, to act as consul for such foreign nations as had none in his dominions.

## No. 12.

Copy of the emperor of Morocco's declaration, 20th February, 1778.

## No. 13.

One of D'Audibert Caille's printed certificates.

Ordered, That the beforementioned papers be referred back to the secretary for foreign affairs to take order.

## MARCH 14, 1785.

The secretary for the department of foreign affairs having reported the form of a commission to Mr. Adams, appointed to represent the United States at the court of London, and to Mr. W. Smith, appointed secretary to the said legation; and the same being amended to read as follows :

The United States of America in Congress assembled—To our trusty and well beloved John Adams, esquire, send greeting.

We, reposing special trust and confidence in your integrity, prudence and ability, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint you, the said John Adams, our minister plenipotentiary to reside at the court of his Britannick majesty; and do give you full power and authority there to represent us, and to do and to perform all such matters and things as to the said place or office doth appertain, or as may by our instructions be given unto you in charge. This commission to continue in force for the space of three years from this day, unless sooner revoked.

In testimony whereof, we have caused the seal of the United States to be hereunto affixed. Witness, his excellency R. H. Lee, our President, at the city of New York, this            day of  
in the year of our Lord, one thousand seven hundred and eighty-five, and of our sovereignty and independence, the ninth.

The United States of America in Congress assembled—To our trusty and beloved William S. Smith, esquire, send greeting.

We, reposing special trust and confidence in your integrity, prudence and ability, have nominated, constituted and appointed, and by these presents do nomi-



nate, constitute and appoint you, the said William S. Smith, secretary to our legation to his Britannick majesty. This commission to continue in force for the space of three years from this day, unless sooner revoked.

In testimony whereof, we have caused the seal of the United States to be hereunto affixed. Witness, his excellency R. H. Lee, our President, at the city of New York, this            day of            in the year of our Lord, one thousand seven hundred and eighty-five, and of our sovereignty and independence, the ninth.

Ordered, That the said forms be referred to the secretary for foreign affairs to take order.

The secretary for foreign affairs having also reported a letter of credence for Mr. J. Adams,

Ordered, That it be referred back to the secretary for foreign affairs, and that he make out a letter of credence for Mr. Adams in the common manner, taking care not to have any reference to former disputes.

### MARCH 16, 1785.

On the report of a committee, consisting of Mr. Hardy, Mr. Beatty and Mr. Gerry, to whom was referred the report of a committee on a letter 28th March, 1783, from R. R. Livingston, late secretary for foreign affairs,

Resolved, That the said secretary is entitled to the sum of fifteen hundred dollars, the amount of the extra expenses beyond his salary for the last six months he continued in office.

### MARCH 18, 1785.

The secretary for foreign affairs, to whom was referred a letter from the lieutenant governour of Massachusetts of the 24th of February last, together with the papers that came enclosed respecting the arrest and imprisonment of Jonas Hartwell, of that commonwealth, by the inquisition in Spain, having reported, and the report being amended to read as follows :

That copies of the said papers should be transmitted to the charge des affaires of the United States at the court of Madrid ; that he be instructed to inquire diligently into the truth of the facts stated in them ; and in case he shall have good reason to think that Mr. Hartwell continues imprisoned for the causes assigned in the said papers, that then he make such representations to the minister as the nature of the case and the accustomed practice on similar occasions may render advisable : That he also be informed that Congress cannot object to Mr. Hartwell's being tried and treated agreeable to the laws of the country, for crimes committed there, and that if his imprisonment is in consequence of his having violated them, they apply for his liberation not as a matter of right but of favour :

Ordered, That it be recommended to the secretary for foreign affairs to take order.

N. B. The obligation of secrecy is taken off so far as that a copy of the foregoing instruction may be communicated to the father of Mr. Jonas Hartwell, by the delegates of Massachusetts.

MARCH 21, 1785.

On the report of a committee, consisting of Mr. Holten, Mr. W. C. Houstoun, Mr. Read, Mr. Bedford and Mr. Hardy, to whom were referred sundry letters from the ministers of the United States at foreign courts,

Resolved, That the minister plenipotentiary from the United States to the states general of the United Netherlands be instructed to communicate to monsieur de St. Saphorin, envoy extraordinary from his Danish majesty to the states general, the high sense the United States in Congress assembled entertain of the liberal decision made by his majesty on the question proposed to his majesty's minister at the Hague by Mr. Adams, minister from the United States, respecting the ordination of American candidates for holy orders in the episcopal church, commonly called the church of England.

Ordered, That the secretary for foreign affairs transmit to the executives of the several states copies of Mr. Adams's letter of the 22d day of April, 1784, as well as of the papers therein enclosed relative to episcopal ordination.

MARCH 22, 1785.

The secretary for foreign affairs reported the following commission to Mr. Jefferson, to which the seal was affixed.

The United States of America in Congress assembled—To our trusty and well beloved Thomas Jefferson, esquire, send greeting.

We, reposing special trust and confidence in your integrity, prudence and ability, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint you, the said Thomas Jefferson, our minister plenipotentiary to reside at the court of his most christian majesty; and do give you full power and authority there to represent us, and to do and perform all such matters and things as to the said place or office doth appertain, or as may by our instructions be given unto you in charge. This commission to continue in force for the space of three years from this day, unless sooner revoked.

In testimony whereof we have caused the seal of the United States to be hereunto affixed. Witness, his excellency Richard Henry Lee, President, at the city of New York, this tenth day of March, one thousand seven hundred and eighty-five, and of our sovereignty and independence, the ninth.

(Signed)

[L. s.]

RICHARD HENRY LEE.

Attest, CHARLES THOMSON.

The secretary for foreign affairs farther reported the draft of a letter of credence, which was agreed to as follows :

**GREAT AND BELOVED FRIEND,**

We, the United States of America in Congress assembled, having complied with the request of doctor Benjamin Franklin for leave to return to this country, have appointed Thomas Jefferson, esquire, to succeed him as our minister plenipotentiary at your majesty's court; and we beseech your majesty to give entire credit to whatever he shall deliver on our part, especially when he shall assure you of the sincerity of our friendship. We pray God to keep your majesty under his holy protection.

Done at the city of New York, the tenth day of March, in the year of our Lord, one thousand seven hundred and eighty-five, and of our sovereignty and independence, the ninth.

By the Congress of the United States. Your good friends.

**RICHARD HENRY LEE, President.**

**CHARLES THOMSON, Secretary.**

**APRIL 18, 1785.**

On a report of the secretary for foreign affairs, to whom was referred a letter to him from the minister plenipotentiary of the United Netherlands, of the 26th ultimo, and two commissions from the states general, dated the 17th day of December, 1784, one appointing Herman Le Roy, to be their consul for New York and

New Jersey, to reside at New York, and the other appointing Jan Hendrick Christian Heineker to be their consul for Pennsylvania and along the river Delaware, to reside at Philadelphia,

Resolved, That the said commissions be registered in the secretary's office, and that thereupon acts of recognition in due form be immediately issued to the states in question, in order that they may furnish the said consuls respectively with their exequatur or notification of their quality, that the same may be made known and published.

MAY 11, 1785.

On the report of the secretary for foreign affairs, accompanied with a letter of the 9th of April, from the charge des affaires of France, and a commission from his most christian majesty, appointing the sieur Ignatius Romain Chevalier D'Avistay de Chateaufort to be consul of France for the states of North Carolina, South Carolina and Georgia, to reside ordinarily at Charleston,

Resolved, That the said commission be registered in the secretary's office, and that thereupon an act of recognition in due form be immediately issued to the states in question, in order that they may furnish the said consul with their exequatur or notification of his quality, that the same may be made known and published.

The committee, consisting of Mr. King, Mr. Monroe and Mr. Johnson, to whom was referred a report of the secretary for foreign affairs on the following pa-

paragraph in the letter of the 9th, from the charge des affaires of France :

“As I must return without delay to New York, and  
“as the business of the consulate must not be inter-  
“rupted, my brother will do the duties here during  
“my absence in the same manner as those of the con-  
“sul of Charleston have been done to this time by the  
“vice consul of Georgia ; I must therefore beg, sir,  
“that you will procure me a resolution of Congress to  
“that effect, and a requisition to the states of Penna-  
“sylvania and Delaware for his exequatur, and noti-  
“fication of the character of Pierre Francois Barbe  
“de Marbois, jun. as vice consul for the states of  
“Pennsylvania and Delaware,” report,

That on the 14th day of September, 1781, it was resolved by Congress, “That until the ratification of  
“some convention between his most christian majesty  
“and the United States concerning vice consular  
“power, every vice consul of his most christian ma-  
“jesty shall, upon the application of the consul ap-  
“pointing him to the supreme executive power of the  
“state to which he may be sent, receive the exequatur  
“in the like form with the exequatur delivered to the  
“consul, mutatis mutandis ; and thereupon the same  
“proceedings shall be had with respect to publica-  
“tion ;” and although subsequent to this resolution, on  
the 11th February, 1784, five brevets for vice consuls  
of France were presented to Congress, and registered  
in the office of their secretary, and acts of recognition  
thereupon issued to the states concerned in order that  
they might be respectively furnished with their exe-  
quatur, or notification of their quality, it appears that

they were appointed immediately by his most christian majesty, and therefore not within the provision of the resolve of the 14th September, 1781; and as the United States have not ratified any convention between them and his most christian majesty concerning vice consular power, and the resolve of the 14th September, 1781, aforesaid, establishes a mode for the recognition and notification of vice consuls of France, appointed by any consul of that nation, which mode is to be observed until such convention may be ratified, the committee are of opinion, that it would be inexpedient to vary from the mode therein established, until the ratification of such consular convention.

Resolved, That Congress agree to the said report.

MAY 25, 1785.

Resolved, That the commission of Richard Soderstrom, as consul of the Swedish nation, at Boston, in the state of Massachusetts, be registered in the office of the secretary of Congress; and that thereupon an act of recognition in due form be immediately issued to the commonwealth of Massachusetts, in order that they may furnish the said Richard Soderstrom with their exequatur or notification of his quality, that the same may be made known and published.

JUNE 14, 1785.

A letter from his most christian majesty having been laid before Congress, announcing the birth of a son, the duke of Normandy, in the following words:



TRES CHERS GRANDS AMIS ET ALLIE'S,

Nous nous empressons de vous informer que la reine notre très chere epouse amis aujourd'huy au monde un prince que nous avons nommé duc de Normandie. Nous ne doutons pas que vous ne partagier bien sincèrement la satisfaction que nous cause cet heurere evenement et vous devez être bien convaincus du plaisir avec lequel nous recevrons ces temoignages que vous nous en donnerez. Nous en avons un bien veritable à saisir cette occasion pour vous renouveler ces assurances de notre affection et de notre constante amitie pour vous. Sur ce nous prious Dieu qu'il vous ait, très chers amis et alliés en sa sainte et digne garde.

Ecrit a Versailles, ce 27 Mars, 1785. Votre bon ami et allié.

LOUIS.

GRAVIER DE VERGENNES.

To this, Congress returned the following answer.

GREAT, FAITHFUL AND BELOVED FRIEND AND ALLY,

We have received the letter which your majesty did us the honour to write on the 27th March last.

The magnanimity of your conduct towards us in the day of our distress, will always lead us to consider every event as fortunate which adds to the domestick felicity of your family and the general happiness of your people.

We consider the birth of a prince as conducing to both these desirable objects, and we present to your majesty and the queen our sincere congratulations on that joyful occasion.

Permit us to assure your majesty of our unceasing gratitude and attachment, and of the sincerity with which we pray that the Almighty may always keep you and yours in his holy protection.

Done at New York, the 14th day of June, 1785. By the United States in Congress assembled. Your majesty's faithful friends and allies.

JUNE 17, 1785.

The committee, consisting of Mr. Howell, Mr. Holten and Mr. M'Henry, to whom was referred part of a report of the secretary for foreign affairs on a letter from don Diego Gardoqui, plenipotentiary charge des affaires of his catholick majesty, having reported the following ceremonial for the reception of the said plenipotentiary charge des affaires :

At such time as may be appointed by Congress for a publick reception, the secretary for foreign affairs will conduct him to Congress chamber to a seat to be placed for him, and announce him to Congress, the President and members keeping their seats, and remaining covered. His commission and letters of credence are then to be delivered to the secretary of Congress, who shall read a translation of them to be prepared by the secretary for foreign affairs from the copies to be left with the President. He may then be at liberty to speak, and if he please, to deliver to the secretary of Congress, in writing, what he may think proper to Congress ; and the secretary for foreign affairs will inform him that Congress will take what he may say into consideration, and through him will com-

municate whatever answer they may resolve upon. When he retires, he shall be reconducted by the secretary for foreign affairs, who will intimate to him that a visit will be expected by every member of Congress, and that the members not present at the time of the publick reception will, in like manner, on their arrival, expect the first visit from him. While in the Congress chamber he shall be uncovered.

Ordered, That the said report be referred to the secretary for foreign affairs to take order.

JUNE 23, 1785.

The secretary for foreign affairs, to whom was referred his letter of the 19th of May, having reported that in his opinion it would be advisable to permit him the said secretary to write a letter of the following tenor, in cypher, and by a private hand, to the minister plenipotentiary of the United States at the court of London:

SIR,

It is more than probable that this letter will find you in London. The manner of your reception at that court, and its temper, views and disposition respecting American objects, are matters concerning which particular information might be no less useful than it is interesting. Your letters will, I am persuaded, remove all suspense on those points.

While men or states are influenced by their passions and their interests, alternately, without having reduced the pursuit of either to system, it is impossible to pre-

dict which of those motives will preponderate on certain occasions, and under certain combinations of circumstances.

Hence it is uncertain how far and in what instances the national ill temper of Britain towards this country may lead that kingdom to gratify it at the expense of a more conciliating and advantageous policy.

It is well known that these countries, prior to the late war, carried on a valuable trade with Honduras and Campeachy, and employed above one hundred vessels in exchanging at the English settlements beef, pork, and other kinds of provisions, for logwood, mahogany, sarsaparilla, &c. It being the policy of Spain to keep other nations at a distance from their American dominions, she beholds these settlements with pain and jealousy. The uneasiness which subsists at present between those two nations on that subject seems to offer us an opportunity of negotiating with the English for a participation in their rights to cut logwood, or at least to trade with them there as formerly. They may perhaps think it expedient to strengthen their footing in those parts by interesting us in the advantages resulting from their continuing to maintain it. It would not be difficult for you to sound the minister so effectually and yet circumspectly on this head, as to enable yourself to discern his disposition and sentiments on the one hand, and yet avoid committing either Congress or yourself on the other. As the experiment whether successful or not can cost little, as in the one event it may produce good, and in the other no inconveniences can follow, I think it would be advisable to make it.

Various considerations, of which I am sure you are apprised, render it necessary to manage this matter with caution and secrecy, as well on account of those with whom you have to negotiate, as of those who may eventually be affected, or think themselves so, by the issue. The English and their minister do not like us; and you know dislike or disgust, whether well or ill founded, always oppose and frequently exclude both confidence and candour. In such cases therefore constant provision and much circumspection are requisite. Your knowledge of Spain and the political relation in which she stands to us and to others make it unnecessary to observe, that the measure in question would, if known, meet with strong if not open opposition from that and probably from other quarters.

I shall write another official letter to you by this conveyance, and am, with great respect and esteem, &c.

The foregoing report and letter being read—

On motion of Mr. Howell,

Resolved, That the same be referred to the secretary for foreign affairs to take order.

After some time a motion was made by Mr. Ellery, seconded by Mr. Holten, to reconsider the resolution referring to the secretary for foreign affairs his report and the proposed letter to take order; and after debate,

Ordered, That the further consideration of the motion for reconsideration be postponed till to-morrow; and that in the mean while the secretary of Congress suspend the transmission of the resolution.

JUNE 24, 1785.

Congress resumed the consideration of the motion for reconsideration; and on the question to agree to reconsider, the yeas and nays being required by Mr. Pinkney—

New Hampshire,	Mr. Foster, Mr. Long,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Holten, Mr. King,	Ay. } No. }	DIVIDED.
Rhode Island,	Mr. Ellery, Mr. Howell,	Ay. } No. }	DIVIDED.
Connecticut,	Mr. Cook, Mr. Johnson,	Ay. } No. }	DIVIDED.
New York,	Mr. Lawrance, Mr. Smith, Mr. Lansing,	Ay. } No. } Ay. }	Ay.
New Jersey,	Mr. Houston, Mr. Stewart,	Ay. } Ay. }	Ay.
Pennsylvania,	Mr. Gardner, Mr. W. Henry, Mr. Jackson,	Ay. } Ay. } Ay. }	Ay.
Maryland,	Mr. J. Henry, Mr. Hindman,	Ay. } Ay. }	Ay.
Virginia,	Mr. Hardy, Mr. Monroe, Mr. Lee, Mr. Grayson,	Ay. } Ay. } Ay. } Ay. }	Ay.

South Carolina,	Mr. Pinckney, Mr. Ramsay, Mr. Kean,	Ay. } Ay. } Ay. }	} Ay.
Georgia,	Mr. Houstoun, Mr. Habersham,	Ay. } Ay. }	

So it was resolved in the affirmative.

A motion was then made by Mr. Monroe, to repeal the resolution referring to the secretary for foreign affairs the proposed letter to take order. But it being contended that the determination to reconsider involved a repeal of the resolution, and this being acquiesced in by the house, the motion for repealing was withdrawn.

JUNE 28, 1785.

The President having received from don Diego Gardoqui, and laid before Congress, a copy of a letter of credence from his catholick majesty, announcing that he has named don Diego Gardoqui to reside near Congress, in quality of his encargado de negocios; and a copy of a commission giving to the said encargado de negocios plenipotentiary powers to treat in behalf of his majesty with any person or persons vested with equal powers by the United States—

Resolved, That don Diego Gardoqui be received as encargado de negocios of his catholick majesty, and that he be admitted to a publick audience in Congress, on Saturday next, at twelve o'clock.

JULY 2, 1785.

According to order, don Diego Gardoqui, encargado de negocios of Spain, was admitted to an audience.

Being introduced by the secretary for foreign affairs, and announced to Congress, he delivered a letter of credence from his catholick majesty, a translation of which was read as follows :

To our great and well beloved friends the United States of North America.

GREAT AND WELL BELOVED FRIENDS,

Desiring to give you proofs of the good will and consideration with which we regard you, and to provide that our respective subjects should enjoy from their mutual intercourse and commerce all the benefits which can be produced thereby, I have named the commissary of my royal armies, don Diego Gardoqui, to go and reside near you in quality of my encargado de negocios, on account of the satisfaction I have in his good conduct. I hope he will avail himself of it to render himself acceptable ; and that you will give entire faith and credit to all that in my name he shall say to you ; and that you will admit and treat him in a manner consistent with your good correspondence. I pray



God, great and well beloved friends, to preserve you in his holy keeping.

St. Ildefonso, 27 September, 1784.

Your good friend,  
 (Signed) CARLOS.  
 (Underneath)  
 JOSEPH MONINO.

He also delivered a commission from his catholick majesty giving him the said don Diego Gardoqui, encargado de negocios near Congress, full power to treat with the person or persons whom the Congress shall equally authorize, and adjust and sign whatever articles, compacts and conventions may be conducive to the regulations of the points therein alluded to, and of others which shall be conducive to the enjoyment of those important and beneficial objects; and that there may always be and subsist a good understanding, friendship and union between the crown of Spain and the United States of North America, with a promise to approve, ratify and fulfil whatsoever shall be by him stipulated and signed.

The translation of this being read to Congress, the encargado de negocios addressed Congress as follows :

MR. PRESIDENT,

It gives me very sensible pleasure from the manner by which I am honoured, that the same disposition prevails here which induced my royal master to send me hither.—Permit me to assure you, sir, that my best endeavours shall not be wanting to render the continu-

ance and issue of my mission as satisfactory to both countries as this commencement will, I hope, give pleasure to the king my master, and is agreeable to me.

This speech being referred to the secretary for foreign affairs to report an answer, on the 6th July he reported the following answer, to be given by him.

Office for Foreign Affairs, July 4, 1785.

SIR,

In obedience to the commands of Congress, I have the honour to assure you, that they consider the character of the gentleman whom his catholic majesty has charged with his affairs here, as evincive of his majesty's friendly disposition towards the United States; that they entertain a similar disposition, and will on every occasion unite with you in endeavouring to render the continuance and issue of your mission satisfactory to both countries and agreeable to yourself.

I have the honour to be, &c.

Ordered, That the said answer be referred to the secretary for foreign affairs to take order.

On the 8th July the encargado de negocios of Spain returned the following answer to the secretary for the department of foreign affairs.

New York, July 8, 1785.

SIR,

I have received with pleasure the letter which you were pleased to write me the 7th instant, in which

by order of Congress, you assure me of the satisfaction they derive from the friendly disposition of the king, my master, towards the United States, and that the same will induce them to contribute to render the result satisfactory to both countries; with respect to which I am authorized by full powers to treat and agree upon the points necessary to be adjusted as being neighbouring powers, and who must have common interests and constant inducements to communication and intercourse. Of this commendable work I am ready to make a beginning. I shall thank you to communicate this to Congress, in order that if it appear proper, they may [make] such arrangements on their part as they may think convenient, and communicate them to me.

I have the honour, &c.

(Signed) DIEGO DE GARDOQUI.

JULY 5, 1785.

Congress proceeded to the election of a minister plenipotentiary to the United Netherlands; and the ballots being taken,

John Rutledge, esquire, was unanimously elected, having been previously nominated by Mr. Holten.

JULY 13, 1785.

The secretary to the United States of America for the department of foreign affairs having communicated to Congress a note from the minister plenipotentiary

of the United Netherlands, accompanied with two commissions from their high mightinesses the lords the states general of the United Netherlands, one appointing Adriaan Valk to be their consul for Maryland and Virginia, to reside at Baltimore, and the other appointing Jan Boonen Graves, to be their consul for North Carolina, South Carolina and Georgia, to reside at Charleston,

Resolved, That the said commissions be registered in the office of the secretary of Congress; and that thereupon acts of recognition in due form be immediately issued to the states in question, in order that they may furnish the said consuls respectively with their exequatur or notification of their quality, that the same may be made known and published.

JULY 14, 1785.

The secretary to the United States of America for the department of foreign affairs, to whom was referred his letter of the 12th, enclosing a letter of the 17th of April, from Mr. Thomas Barclay, containing a request for permission to return to America, having reported,

That for the reasons urged by Mr. Barclay, collectively considered, it would not be improper to permit him to come over next fall, and return early in the spring; and that the secretary for the department of foreign affairs be directed to write to him accordingly—

Resolved, That Congress agree to the said report.

On the report of the secretary for foreign affairs, on a letter of the 26th October, 1784, from John Marsden Pintard, commercial agent of Congress at Madeira, requesting leave of absence for four or five months,

Resolved, That Mr. Pintard have the leave he requests.

JULY 20, 1785.

On the report of a committee, consisting of Mr. Gerry, Mr. Monroe and Mr. Johnson, to whom was referred a letter of the 8th from the secretary for foreign affairs, enclosing one of the same date from don Diego de Gardoqui,

Resolved, That the honourable John Jay, secretary to the United States of America for the department of foreign affairs, be and he hereby is invested with full powers in behalf of the United States of America, to treat, adjust, conclude and sign with don Diego de Gardoqui, encargado de negocios of his catholick majesty, whatever articles, compacts and conventions may be necessary for establishing and fixing the boundaries between the territories of the said United States and those of his catholick majesty, and for promoting the general harmony and mutual interest of the two nations.

That the secretary of Congress report the form of a commission for the secretary to the United States of America for the department of foreign affairs, similar

in substance to the commission\* of don Diego de Gardoqui for the purposes mentioned.

\* The commission of don Diego de Gardoqui above referred to, is as follows :

(A TRANSLATION.)

Don Carlos, by the grace of God, king of Castile, of Leon, of Aragon, of the two Sicilies, of Jerusalem, of Navarre, of Grenada, of Toledo, of Valencia, of Galicia, of Mallorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarves, of Algesira, of Gibraltar, of the Canary Islands, of the East and West Indies, islands and terra firma, of the ocean sea ; archduke of Austria, duke of Burgundy, Bravant and Milan, count of Apsburg, of Flanders, Tirol, and Barcelona, lord of Biscay and of Molina, &c. : Whereas there are many and extensive territories in North America appertaining to my crown and bordering on others of the United States of the same America, it is very convenient to establish and fix the respective limits, and to regulate those other points on which between friendly powers and nations it is always convenient and necessary to have established regulations, in order to obviate all differences ; the good correspondence and harmony which subsists between us and the United States of North America, and the intercourse and commerce which our respective subjects have with each other, requiring that the boundaries which shall continue in future should be regulated in the most positive and notorious manner : Wherefore, having entire satisfaction and confidence in you, don Diego de Gardoqui, commissary of my armies, charged with my affairs near the Congress of the said states, on account of your capacity, understanding and zeal, I have conferred upon you full power, that with the person or persons whom the said states or their Congress shall equally authorize, you treat, adjust and sign whatever articles, compacts and conventions may be conducive to the regulation of the points herein alluded to, and of others which shall be conducive to the enjoyment of those important and beneficial objects, and that there may always be and subsist a good understanding, friendship and union, between the crown of Spain and the United States of North America. I promise on my royal word to approve, ratify and fulfil, and cause to be observed and fulfilled exactly and entirely whatsoever shall be by

That the secretary to the United States of America for the department of foreign affairs be and he is hereby instructed, previous to his making propositions to don Diego de Gardoqui, or agreeing with him in any article, compact or convention, to communicate to Congress the propositions to be made or received relative to such article, compact or convention.

JULY 21, 1785.

On the report of the secretary of Congress, the following form of a commission to Mr. Jay was agreed to.

The United States in Congress assembled—To all who shall see these presents, Greeting.

His catholick majesty having by his encargado de negocios near Congress expressed his desire to treat and agree with the United States of America upon the points necessary to be adjusted, as being neighbouring powers, and who must have common interests and constant inducements to communication and intercourse, and having for that purpose granted plenipotentiary powers to don Diego de Gardoqui, his said

you stipulated and signed. In faith whereof I have caused to be despatched these presents, signed with my hand, sealed with my privy seal, and certified by my underwritten counsellor of state, my first secretary for the despatches of state, at St. Ildefonso, the twenty-seventh of September, one thousand seven hundred and eighty-four.

I, THE KING.

JOSEPH MONINO.

encargado de negocios near Congress ; and we being equally desirous of promoting the general harmony and mutual interests of the two nations : For these causes and other good considerations thereto moving, we, reposing special trust and confidence in the integrity, prudence and ability of our trusty and beloved John Jay, secretary to the United States of America for the department of foreign affairs, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint him the said John Jay our plenipotentiary ; giving and granting to him full powers on behalf of the United States of America to treat, adjust, conclude and sign with the said don Diego de Gardoqui, encargado de negocios of his catholick majesty, vested with similar powers, whatever articles, compacts and conventions may be necessary for establishing and fixing the boundaries between the territories of the said United States and those of his catholick majesty, and for promoting the general harmony and mutual interest of the two nations ; and we do hereby promise in good faith to approve, ratify and fulfil, and cause to be observed and fulfilled, exactly and entirely, whatsoever shall be by him our said plenipotentiary stipulated and signed as aforesaid.

In testimony whereof, we have caused the seal of the United States to be hereunto affixed. Witness, his excellency Richard Henry Lee, President, this twenty-first day of July, in the year of our Lord, one thousand seven hundred and eighty-five, and of the sovereignty and independence of the United States of America, the tenth.



JULY 22, 1785.

On the report of the board of treasury, to whom was referred a memorial of Francis Dana,

Resolved, That Francis Dana, esquire, be allowed the sum of four hundred and three dollars and fifty-one ninetieths, on account of the charges of postage accrued whilst he was in a publick character in Europe.

Resolved, That there be allowed to Francis Dana, esquire, the further sum of three hundred and eleven dollars and twenty-three ninetieths, on account of travelling expenses whilst in a publick character, and a loss sustained by him on the sale of a carriage intended for his reception at the court of Petersburg.

On motion of Mr. Gerry, seconded by Mr. Hardy,

Resolved, That Mr. Dana be allowed his necessary expense for a private secretary whilst on his embassy to the court of Petersburg.

AUGUST 3, 1785.

On the report of a committee, consisting of Mr. Grayson, Mr. Howell and Mr. King, to whom was referred a report of the paymaster general on a note from the charge des affaires of his most christian majesty,

Resolved, That in consideration of the peculiar circumstances under which colonel Radiere, who died in the service of the United States in the year 1779, entered the service, the paymaster general be and he is hereby directed, to extend to this case the benefit of

the resolution of April 10, 1780, relative to depreciation.

Resolved, That the paymaster general be and he is hereby directed, to settle with the widows and orphans of officers who did not belong to any of the United States, entitled to seven years half pay, under the resolution of August 24th, 1780, and to issue to them certificates therefor.

Resolved, That existing resolutions of Congress sufficiently provide for a just settlement of the accounts of the late baron de Kalb; and that the paymaster general be and he is hereby directed, to govern himself accordingly.

AUGUST 9, 1785.

On motion of Mr. Gerry, seconded by Mr. Holten,  
Ordered, That the secretary for foreign affairs report the number of consuls and vice consuls necessary to be appointed by Congress, and the foreign ports in which they should respectively reside.

AUGUST 15, 1785.

The secretary for foreign affairs having reported that in his opinion an answer of the following tenor should be written to his catholick majesty, and sent to the American charge des affaires at his court to be delivered, viz.

GREAT AND WELL BELOVED FRIEND,

With great satisfaction we received your majesty's letter of the 27th of September last, which was pre-

mented to us by don Diego de Gardoqui, your encargado de negocios. We consider his arrival here in that character, as a proof of your majesty's friendly disposition towards us; and we received him in a manner which was dictated by the same disposition in us towards your majesty. Permit us to assure you, that we entertain the most sincere wishes for your majesty's health and happiness, and that our best endeavours shall not be wanting to ensure and perpetuate to both countries the blessings of concord, mutual friendship and good neighborhood. We pray God, great and well beloved friend, to preserve you in his holy keeping.

By us, the United States in Congress assembled, at  
the city of New York, the 15th August, 1785.  
Your majesty's good friends.

AUGUST 17, 1785.

On a report from the secretary for foreign affairs, accompanied with a letter of the 10th from the honourable the minister plenipotentiary of the United Netherlands, and a commission from their high mightinesses the lords the states general to Diederick Leertouwer, appointing him their consul for New Hampshire and Massachusetts, to reside at Boston,

Resolved, That the said commission be registered in the office of the secretary of Congress; and that thereupon an act of recognition in due form be immediately issued to the states in question, in order that they may furnish the said consul with their exequatur

or notification of his quality, that the same may be made known and published.

AUGUST 18, 1785.

The delegates for the commonwealth of Massachusetts having laid before Congress a letter of the 8th, from his excellency the governour of that state, together with a copy of letters from captain Stanhope, commander of the British frigate Mercury, to his excellency James Bowdoin, esquire, governour of the commonwealth of Massachusetts, and his excellency's answers to the two first of those letters—the same were referred to the secretary for foreign affairs, who reported thereon. The letters and report are as follows :

Commonwealth of Massachusetts, Boston, August 8,  
1785.

GENTLEMEN,

Whatever concerns the honour of one of the United States, does in effect, in certain cases, concern the honour of all of them.

This general observation applies to the conduct of captain Stanhope, commander of his Britannick majesty's frigate Mercury, who, apprehending himself insulted, applied by his letter to me for redress. In which letter he " recommends to me to adopt such measures, " as may discover the ringleaders of the party that

“assassinated him.” See letter No. 1.\* On receiving it, the council being adjourned to a distant day, I sent for the only gentleman of that board in town, the honourable Mr. Adams, with whom I consulted on the affair. In consequence of the consultation, I sent captain Stanhope an answer the same day. The answer points out to him the only way of redress, which our laws and constitution admit, and which I myself in a like case, if I took any, must have taken. See letter No. 2.†

\* The letters from captain Stanhope were on the cover of each of them thus superscribed: “On his Britannick majesty’s service.—To “his excellency governour Bowdoin, &c. &c. &c. Boston.”

No. 1.

Mercury, Boston Harbour, August 1, 1785.

SIR,

I am sorry to be obliged to represent to your excellency the continued insults and disgraceful indignities offered by hundreds in this town to me and my officers, which hitherto we have winked at, as well as the most illiberal and indecent language with which the newspapers have been filled; nor should I have troubled you now, had I not been pursued, and my life as well as that of one of my officers been endangered by the violent rage of a mob yesterday evening without provocation of any sort. I trust it needless to *recommend* to your excellency to adopt such measures as may discover the ringleaders of the party that assassinated me, and bring them to publick justice, as well as protect us from further insult.

I have the honour to be your excellency’s obedient humble servant,

HENRY STANHOPE.

To His Excellency Governour Bowdoin, &c. &c. &c.

† No. 2.

Commonwealth of Massachusetts, Boston, August 1, 1785.

Your letter of this date is now before me. It is a great misfortune that the subjects or citizens of different countries which have been at enmity,

This answer, however, did not comport with captain Stanhope's high idea of himself, who seems to have thought, that some special mode of process was due to a person of his importance.

In consequence of that idea, and after two days consideration of the matter, he sent me a letter, which you may probably think may be justly called a very insolent one ; in which (but in his own mode of expression) he declares, I gave him positive assurance of affording him and his officers protection ; that my conduct contradicted that assurance and his expectations ; that it does not satisfy him, nor does credit to myself ; that he never received a letter so insulting to his senses, and that it was an evasion of his requisition ;

cannot easily recover that degree of good humour which should induce them to treat each other with proper decorum, when the governments to which they respectively belong have entered into a treaty of amity and sheathed the sword. But you must have observed that disturbances arising from this source too frequently happen, especially in populous seaport towns. If you have been insulted, and your life has been endangered in manner as you have represented to me, I must inform you, that our laws afford you ample satisfaction. Foreigners are entitled to the protection of the law as well as amenable to it, equally with any citizen of the United States, while they continue within the jurisdiction of this commonwealth. Any learned practitioner of the law, if applied to, will direct you to the mode of legal process in the obtaining a redress of injury, if you have been injured, and the judiciary courts will cause due inquiry to be made touching riotous and unlawful assemblies and their misdemeanours, and inflict legal punishment on such as by verdict of a jury may be found guilty.

I have the honour to be, sir, your most obedient humble servant,

JAMES BOWDOIN.

with a great deal more abuse, both expressed and implied. See letter No. 3.\*

The only part of the declaration it concerns me to notice is that in which my conduct is said to have contradicted the assurance I had given him of protection.

This occasions a recurrence to two conversations I had with him, within a few days after his arrival here. From which time, until the first instant, I had been as I presumed in the good graces of Mr. Stanhope. In one of those conversations, which were

\* No. 3.

Mercury, Boston Harbour, August 2, 1785.

(N. B. This was sent August 3, P. M.)

SIR,

When I had the honour of applying to your excellency to discountenance the disgraceful attacks made upon me and the officers of his Britannick majesty's ship Mercury under my command, and to afford us your protection, it was upon your positive assurance to that effect in their presence, I rested my hope. How much your conduct contradicts both that and my expectation, is too obvious either to satisfy me or even to do credit to yourself. For your excellency must excuse me when I remark, that I never received a letter so insulting to my senses, as your answer to my requisition of yesterday: I am however pleased in finding a much better disposition in the first class of inhabitants, whose assistance I am happy to acknowledge as the more acceptable after your apparent evasion from the substance of my letter; and however well informed your excellency may believe yourself upon the laws and customs of nations in similar cases, allow me to assure you, there is not one, no, not even the ally of these states, that would not most severely reprobate either the want of energy in government, or disinclination of the governour to correct such notorious insults to public characters, in which light only we can desire to be received.

I have the honour to be, sir, your most obedient humble servant,

HENRY STANHOPE.

To His Excellency Governour Bowdoin.

principally relative to the recovery of a favourite servant, who, he said, had deserted from him about a year before, he mentioned that he had been informed, he should probably meet with some insult before his departure, and said he should rely on my protection. I told him he might depend on every protection in my power to afford him; but that in this country, as in England, the law is every man's protection, and that he would be as much entitled to it, during his stay here, as any man in the commonwealth; and in conformity to this idea, my letter to him was written.

I have here mentioned no more of the conversation than was needful to afford you some idea of the assurance, he says, I gave him of my protection. But in the course of it, I told him further, that he must know from his own observation, that in large seaport towns, where there is a resort of all kinds of people and characters, quarrels and disturbances frequently happened; and that the seaport towns in England were remarkable for them. That he must be sensible that the new regulations of trade in England, which would finally operate to her own detriment, had disgusted the Americans in general, and had induced them to take measures to counteract those regulations; and therefore it was natural to expect he would hear sentiments thrown out, which might not be agreeable to him; but that I had no apprehension that any insult would be offered either to him or his officers. These observations, and many more, I thought proper to make, which a man of any discernment, and of the least goodness of disposition, might have applied to his own benefit; and to the exciting and promoting



good humour in the people among whom he happened to be.

As he says my conduct contradicted his expectations, it is probable he expected a proclamation should have been issued. This measure was thought of, but I did not think the occasion required it. His conduct for three days after the affront, to the time of his going with his ship down to Nantasket on the evening of the third instant, manifested that he was under no apprehension of any attack upon him, for during that time, he and his officers went about the town and in the country as usual, and with as much freedom as any persons whatever. Knowing that the whole of my conduct, both publick and private, had been such as merited at least a decency of behaviour on his part, and sentiments very different from those expressed in his said letter, I wrote to him a short answer to it, which you will see in No. 4,\* to which he sent the reply con-

\* No. 4.

Boston, August 3, 1785, 6 o'clock, P. M.

CAPTAIN STANHOPE,

Your letter bearing date the second instant was delivered to me by your lieutenant, Mr. Nash, at four o'clock this afternoon. I hereby let you know, that as the letter is conceived in terms of insolence and abuse altogether unprovoked, I shall take such measures concerning it, as the dignity of my station and a just regard to the honour of this commonwealth, connected with the honour of the United States in general, shall require.

JAMES BOWDOIN.

tained in No. 5,\* justifying and repeating his insolence; and this finishes the correspondence. I have only to observe, that it is conceived the honour and dignity of this commonwealth, and through it the honour and dignity of the United States in general, are essentially wounded by the insolence of captain Stanhope towards the chief magistrate of the former; that unless it be properly resented, every British officer of every British vessel, however insignificant, will whenever an opportunity shall offer, insult the government of every state in the union; and that a tameness under insult must, in the estimation of all foreigners, effectually destroy the national character and importance of the United States. If after reading the annexed copy of letters which passed between the said Stanhope and me, you should be of that opinion, you will please to lay the same before the United States in Congress assembled, that they may take such measures concern-

\* No. 5.

Mercury, Nantasket Road, August 3, 1785,  
 at half past 12, A. M.  
 (It should have been August 4.)

SIR,

I am to acknowledge the honour of your excellency's letter this moment received; and have to assure you that I shall most cheerfully submit to the worst consequences that can arise from our correspondence, which I do not conceive on my part to have been couched in terms of either insolence or abuse, which is more than I can venture to say of yours. And however exalted your excellency's station is, I know not of any more respectable than that I have the honour to fill.

I have the honour to be, sir, your very humble servant,

HENRY STANHOPE.

To His Excellency Governour Bowdoin, &c. &c. &c.

ing it as their wisdom and a sense of their own honour shall dictate.

With the most perfect regard, I have the honour to be, gentlemen, your most obedient servant,

**JAMES BOWDOIN.**

The honourable Elbridge Gerry, Samuel Holten, Rufus King, Esquires, Delegates in Congress for the Commonwealth of Massachusetts.

The secretary to the United States for the department of foreign affairs, to whom was referred a letter of the 8th instant from his excellency the governour of Massachusetts to the delegates of that commonwealth in Congress, reports,

That in his opinion the answer of the governour to captain Stanhope's first letter was perfectly proper ; that the captain's reply was highly disrespectful ; and being so, that such measures might have been adopted as the laws prescribe for asserting the dignity of government in such cases.

He is further of opinion, that two things are essential to the respectability of government. 1. That it should be always in the right ; and 2. That it should never be opposed or ill-treated with impunity. To these ends, its own internal power (in such cases as the present) is, or ought to be adequate, and therefore a recurrence to a foreign sovereign to resent and punish affronts to such government, committed under its eye and within its jurisdiction, appears to your secretary a departure from that self-respect, which on such occa-

sions should invariably be observed, except indeed where such indignities are offered by ambassadors.

If these principles are well founded, then it will follow as a necessary consequence, that no *complaint* or application for *redress* should be made by Congress to his Britannick majesty on the subject in question.

But as America and Britain are at peace, and in that sense friends, it is to be presumed that disrespect to one from officers of the other must be offensive to the sovereign of such officers; inasmuch as such conduct tends to irritate and alienate the good will of the other. Under this view of the matter your secretary thinks it would be proper to transmit these papers to the minister of the United States at the court of London, and to instruct him to communicate them to the British minister, and to assure him,

1. That nothing but a desire to avoid increasing the irritation which the late war may have produced in the two nations could have restrained the governour from resenting the indecent conduct of captain Stanhope in a severe and exemplary manner.

2. To assure him, that Congress are persuaded that such behaviour must give no less displeasure to his majesty than it does to them; and that as all sovereigns must in a certain degree be affected by the conduct of their servants, Congress think that the justice due to his majesty calls upon them to lay this information before him.

3. That Congress flatter themselves that this instance of delicacy and moderation will be ascribed to its proper motives, and be considered as evincive of a

desire to prevent animosity and promote mutual goodwill.

Your secretary also thinks it would be proper to transmit a copy of this report to the governour of Massachusetts, and to assure him that Congress consider the dignity of each of the states as inseparably connected with that of the union. And therefore that it shall on every occasion experience their care and attention.

Resolved, That Congress agree to the said report.

Ordered, That a copy of this report, together with the foregoing letters, be transmitted to the executives of the several states.

AUGUST 23, 1785.

On a report from the secretary of the United States of America for the department of foreign affairs, to whom was referred a letter from him of the 2d instant, mentioning a conversation between him and Mr. de Marbois, respecting the case of Longchamps—

Whereas the charge des affaires of his most christian majesty has signified to the secretary of the United States of America for the department of foreign affairs that his majesty would not persist in his demand that Mr. Longchamps be delivered up to him, and proposed that the paper containing that demand, together with the others received from him by the said secretary on that subject, be returned to him,

Ordered, That the said secretary do return the same to him accordingly.

AUGUST 24, 1785.

A letter of the 1st, from J. Rufledge, esquire, was read, informing that he has received notice of his having been unanimously elected a minister plenipotentiary to the United Netherlands; that he would with great pleasure accept the appointment, if he could with any degree of convenience, but that having been for a long time wholly engaged in publick business, his own affairs now require attention, and will not for some years admit of his going to reside in Europe: Whereupon,

Resolved, That Wednesday next be assigned for electing a minister plenipotentiary to the United Netherlands.

On motion of Mr. Pinckney, seconded by Mr. King,

Resolved, That the secretary of the United States for the department of foreign affairs be and he is hereby directed, to report the draft of an act to be recommended to the legislatures of the respective states for punishing the infractions of the laws of nations; and more especially for securing the privileges and immunities of publick ministers from foreign powers.

AUGUST 25, 1785.

On the report of a committee, consisting of Mr. Monroe, Mr. Pettit, Mr. Gerry, Mr. M'Henry and Mr. King, to whom was referred a letter of 15th, from the secretary for foreign affairs,

Resolved, That the last paragraph in the instructions to the secretary to the United States for the de-

partment of foreign affairs, passed July 20, 1785, for entering into a treaty, compact or convention with the encargado de negocios of his catholick majesty, in the words following :

“ That the secretary to the United States of America for the department of foreign affairs be and he is hereby instructed, previous to his making propositions to don Diego de Gardoqui, or agreeing with him on any article, compact or convention, to communicate to Congress the propositions to be made or received relative to such article, compact or convention,” be repealed, and that the following be substituted in its place :

That the secretary to the United States for the department of foreign affairs be and he is hereby instructed, in his plan of a treaty with the encargado de negocios of his catholick majesty, particularly to stipulate the right of the United States to their territorial bounds, and the free navigation of the Mississippi from the source to the ocean, as established in their treaties with Great Britain ; and that he neither conclude nor sign any treaty, compact or convention, with the said encargado de negocios, until he hath previously communicated it to Congress, and received their approbation.

SEPTEMBER 2, 1785.

The secretary for foreign affairs transmitted to Congress the following note and letter from Mr. de Marbois, charge des affaires of France.

## NOTE.

New York, August 30, 1785.

The underwritten charge des affaires of France has the honour to inform Congress, that his majesty, by naming him for the intendency of the colony of St. Domingo, has put a period to the functions which he has had the honour of performing in the United States in the absence of the chevalier de la Luzerne. The private affairs of this minister not yet permitting him to come and resume his functions with Congress; and his majesty desirous that there should be no interruption in the correspondence between him and Congress, has appointed Mr. Otto to fulfil the duties of his charge des affaires here, until the return of his minister plenipotentiary. Mr. Otto has the advantage of having passed many years on this continent.

The perfect knowledge which he has of the affairs which have been transacted, and the particular affection of the king for the United States, leave no room to doubt but that he will discharge his duty to the entire satisfaction of his allies. The underwritten, honoured with the testimony of that of the king his master, will esteem himself happy, if during a residence of more than six years, and in difficult times, his conduct has shown the respect which he entertains for Congress, and how advantageous he considers the alliance to be to both nations.

DE MARBOIS.



New York, August 30, 1785.

SIR,

I have the honour of addressing to you the note wherein I announce to Congress the nomination of Mr. Otto to the post of charge des affaires for the king with the United States. He will deliver you himself that which the count de Vergennes has written to you on this occasion. I am well assured, sir, that during the course of his functions he will spare no pains to deserve your confidence; and from my long knowledge of him, I do not hesitate to assure you that he will deserve it. It remains for me, sir, to thank you for the support I have received from you at different times, and to request of you to preserve me a place in your remembrance, and to assure you of the respect and distinguished regard with which I have the honour, &c.

DE MARBOIS.

The above were referred to the secretary for foreign affairs to report.

In consequence of this reference, the secretary reported the following drafts of letters.

Office for Foreign Affairs.

SIR,

The note which you did me the honour to write on the 30th of last month announcing your appointment

to the intendency of St. Domingo, and that of the sieur Otto to succeed you here, I immediately laid before Congress.

In obedience to their orders, I have the honour to assure [you] that this distinguished mark of your royal master's approbation and favour gives them pleasure, and they wish you happiness and prosperity in the enjoyment of it. The manner in which you have filled the place of his majesty's charge des affaires here has given them great satisfaction, and I am ordered to mention this to count de Vergennes.

The great and repeated proofs which the United States have received of his majesty's affection, and the zeal and abilities with which his minister has, on various occasions, executed his friendly intentions towards them, leave no room to doubt, but that such men only will be charged with his affairs in this country as from inclination as well as duty will be disposed to cherish the union and cement the interests and friendship of the two nations.

In this light they consider the sieur Otto; and he may be assured that their respect and affection for his sovereign, as well as the good opinion they entertain of him, will always induce them to render his residence as agreeable to himself as they are persuaded it will be to them.

I have the honour to be, &c. &c.

Mr. de Marbois, the charge  
des affaires of his most  
christian majesty. }

## Office for Foreign Affairs.

SIR,

The letter herewith enclosed is in answer to the note which accompanied the letter you did me the honour to write on the 30th instant.

Mr. Otto has delivered to me the letter from count de Vergennes, of which you make mention; and I shall take the earliest opportunity of transmitting an answer to it.

The character you give of Mr. Otto corresponds with what I should have supposed it to be, from that of the minister; and he may rely on my disposition to render his residence agreeable.

It has been, and shall continue to be my desire, so to discharge the duties of my office as to give perfect satisfaction to the ministers and subjects of your magnanimous king; and I am happy to find that I have succeeded with respect to you.

We have been labourers in the same great work, and I flatter myself that your removal from America will not diminish your affection for it. It will always give me pleasure to hear of your health and happiness, and that of your amiable lady. Permit me to offer to you and to her my best wishes for your safe arrival at the place of your destination, and any friendly services that may be in my power to render.

With great respect and consideration, I have the honour to be, &c. (Signed)

Mr. de Marbois.

All which is submitted to the wisdom of Congress.

JOHN JAY.

Ordered, That the report be referred to the secretary for foreign affairs to take order.

OCTOBER 13, 1785.

On motion of the delegates from Massachusetts,

Resolved, That copies of the papers and documents received from the governour of the state of Massachusetts respecting the encroachment made by certain subjects of his Britannick majesty upon the territories of that state, and within the boundaries of the United States, be transmitted to the minister plenipotentiary of the United States at the court of London, to the end that effectual measures should be immediately taken to settle all disputes with the crown of Great Britain relative to that line.

Resolved, That the said minister plenipotentiary be and hereby is instructed, to present a proper representation of this case ; and if an adjustment consistent with the true meaning of the definitive articles of peace and friendship between the United States and his Britannick majesty cannot by such representation be obtained in the ordinary mode of negotiation, that he propose a settlement and final decision of the said dispute by commissaries mutually appointed for that purpose ; for the appointment of whom, and for all purposes incident to the final determination of the said dispute by commissaries conformably to the law of nations, the said minister plenipotentiary is hereby vested with full powers on behalf of the United States of America.

On the report of a committee, consisting of Mr.

Grayson, Mr. Baldwin, Mr. King, Mr. Kean and Mr. Johnson, to whom was referred a letter of the 26th September, from the secretary for foreign affairs, with a note from the honourable don Diego de Gardoqui, encargado de negocios of his catholick majesty,

Resolved, That the secretary of the United States for the department of foreign affairs be directed to inform don Diego de Gardoqui, encargado de negocios for the king of Spain, that although Congress conceive they have an undoubted right to all the territory within the limits specified in the definitive articles of peace and friendship between the crown of Great Britain and these United States, yet they view with real concern the unwarrantable attempts of any individual of these states to disturb the good understanding which so happily subsists between the two nations, and which they hope will be perpetual. That Congress are the more affected on this occasion, as all matters of dispute are now in a train of negotiation, and they have no doubt from the justice and magnanimity of his catholick majesty that every subject of controversy will be ultimately adjusted to the mutual satisfaction of both parties.

That the delegates of the state of Georgia, on behalf of the said state, disavow the appointment of Thomas Green to act as governour in those parts; and further declare, that the emigrants to that country were expressly inhibited from interrupting the subjects of Spain, or any other persons whom they might find in possession of the territory or any part thereof.

That Congress will adopt every measure in their power to prevent the publick tranquillity from being

in any degree disturbed ; and that they have the highest confidence in the honour, integrity and candour of the said encargado de negocios, that he, being convinced of the good intentions of Congress, will make such a representation to his court as may remove every subject of inquietude arising from the transactions alluded to in his note to the secretary for the department of foreign affairs.

OCTOBER 14, 1785.

On a report from the secretary for foreign affairs, to whom was referred a letter of 26th June, from Mr. Dumas,

Resolved, That in consideration of the valuable services of Mr. C. W. F. Dumas, of the city of Amsterdam in the United Netherlands, he be allowed and paid a salary of thirteen hundred dollars per annum ; that the said salary commence the 19th day of April, 1775, and continue till the further order of Congress, he continuing his services, and that he be charged with all such sums of money as may have been heretofore advanced to him from the United States.

OCTOBER 27, 1785.

An ordinance respecting consuls having been debated on Monday last, and amended to read as follows :

“ Be it ordained, That the ministers plenipotentiary  
“ of the United States be vested with the powers of  
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“ consuls general. That at the courts where no  
 “ ministers reside the charge des affaires of the United  
 “ States be empowered to exercise the duties of con-  
 “ sul general. That consuls shall reside at Bilboa,  
 “ Cadiz, Malaga, Alicant, Barcelona, Teneriff, Lisbon,  
 “ Madeira, Amsterdam, London, Bristol, Liverpool,  
 “ Glasgow, Dublin, Cork, Belfast, Copenhagen, Stock-  
 “ holm, Canton. That no consul general being minis-  
 “ ter, resident, or charge des affaires, shall be concern-  
 “ ed in any trade or commerce whatever. That the  
 “ consuls general be empowered to suspend any con-  
 “ sul within their jurisdiction, for good reason, and  
 “ report the same to Congress, who will ultimately  
 “ judge of such suspension ; and that they determine  
 “ the boundaries of each consulate within their juris-  
 “ diction.”

When the question to agree to this ordinance was about to be put, the determination thereof was postponed by the state of Rhode Island.

After the publick despatches were read, the determination of the question which had been postponed by a state was this day called for ; and on the question to agree to the ordinance, the yeas and nays being required by the state of Massachusetts—

New Hampshire,	Mr. Long,	Ay. } ×
Massachusetts,	Mr. Gerry, Mr. King,	Ay. } Ay. Ay. }
Rhode Island,	Mr. Ellery, Mr. Howell,	No. } No. No. }

New York,	Mr. Haring,	No. } X
Pennsylvania,	Mr. Gardner, Mr. Jackson,	Ay. } Ay. } AY.
Maryland,	Mr. M'Henry, Mr. Hindman,	Ay. } No. } DIVIDED.
Virginia,	Mr. Lee, Mr. Grayson,	Ay. } Ay. } AY.
South Carolina,	Mr. Bull, Mr. Pinckney, Mr. Kean,	Ay. } Ay. } Ay. } AY.
Georgia,	Mr. Houstoun, Mr. Habersham,	Ay. } Ay. } AY.

So the question was lost.

OCTOBER 28, 1785.

On motion of Mr. Pinckney, seconded by Mr. Gerry—

Whereas it is expedient that consuls should be appointed in the different states with which the citizens of the United States are engaged in commerce: Therefore,

Resolved, That the ministers plenipotentiary of the United States in Europe, and where there is no minister, the charge des affaires shall exercise the powers of a consul general for the kingdom or states in which they respectively reside; provided that no additional salary be allowed for such service.



## DECEMBER 2, 1785.

The secretary of the United States for the department of foreign affairs, to whom was referred his letter of the 24th November to his excellency the President, with Mr. J. Temple's commission, having reported,

That John Temple, esquire, has presented to the United States in Congress assembled, a commission in due form, bearing date the 5th day of February last, from his Britannick majesty, constituting and appointing him the consul general of his said majesty in these states. That there is as yet no commercial treaty or convention subsisting between his Britannick majesty and the United States, whereby either have a perfect right to establish consuls in the dominions of the other, but that amicable negotiations for that and other reciprocal privileges are now depending. That although the issue of those negotiations is as yet uncertain, it will nevertheless be proper for the United States, on this and every other occasion, to observe as great a degree of liberality as may consist with a due regard to their national honour and welfare : Therefore,

Resolved, That the said John Temple, esquire, be and he hereby is received and recognised as consul general of his Britannick majesty throughout the United States, and that his commission be registered in the secretary's office.

Resolved, That all the privileges, pre-eminences and authority, which the law of nations and of the land give to a consul general received by the United States from any nation with whom they have no commercial

treaty or convention, are due to the said John Temple, and shall be enjoyed by him.

Ordered, That certified copies of the above resolutions be transmitted to the executives of the different states for their information.

### JANUARY 2, 1786.

On motion of Mr. Pettit, seconded by Mr. King,  
Resolved, That a sea letter be granted to the ship Canton, Thomas Truxton, master, in the form following :

Most serene, serene, most puissant, puissant, high, illustrious, noble, honourable, venerable, wise and prudent emperors, kings, republicks, princes, dukes, earls, barons, lords, burgomasters, counsellors, as also judges, officers, justiciaries and regents, of all the good cities and places, whether ecclesiastical or secular, who shall see these presents, or hear them read.

We, the United States in Congress assembled, make known, that Thomas Truxton, captain of the ship called the Canton, is a citizen of the United States of America, and that the ship which he commands belongs to citizens of the said United States; and as we wish to see the said Thomas Truxton prosper in his lawful affairs, our prayer is to all the before mentioned, and to each of them separately, where the said Thomas Truxton shall arrive with his vessel and cargo, that they may please to receive him with goodness, and treat him in a becoming manner, permitting him, upon the usual tolls and expenses in passing and repassing, to

pass, navigate and frequent the ports, passes and territories, to the end to transact his business where and in what manner he shall judge proper; whereof we shall be willingly indebted.

In testimony whereof, we have caused the seal of the United States of America to be hereunto affixed. Witness, David Ramsay, chairman of Congress, in the absence of his excellency John Hancock, President, this second day of January, in the year of our Lord, one thousand seven hundred and eighty-six, and of our sovereignty and independence, the tenth.

A letter of the 29th of December, 1785, from the secretary for foreign affairs, with a letter from Mr. J. Temple, of the 21st of December, having been read as follows :

Office for Foreign Affairs, December 29, 1785.

SIR,

Your excellency will receive herewith enclosed a letter to me of the 21st instant, from Mr. Temple, who is desirous that Congress would be pleased to pass a resolution that may remove the difficulties stated in it.

I have the honour to be, with great respect, your excellency's most obedient and very humble servant,

JOHN JAY.

His Excellency the Pre- }  
sident of Congress. }

New York, December 21, 1785.

SIR,

It having been represented to the ministers of the king, my sovereign, that divers of his majesty's subjects, or loyalists, who had property and outstanding debts in these United States anterior to the late war, (and to whom his majesty's benevolence and bounty are now about to extend commensurate with their real losses) have met with great trouble and difficulty in obtaining, and in some instances have been totally refused such office copies from the publick records and papers, as are indispensably necessary to substantiate their claims before a board of commissioners appointed to receive and examine the same; will you give me leave to request of you to be so obliging as to move the honourable Congress of these United States to take the matter into consideration, and to do thereupon as in their wisdom and justice may appear to be fit and proper upon the occasion, so as that said loyalists or sufferers, or their attorneys, may have access to the publick records and papers in the several states, (upon paying the lawful or usual fees of office) in the same mode and manner as the subjects of the United States are permitted or accustomed to have.

I have the honour to be, sir, your most faithful and obedient servant,

J. TEMPLE.

The Hon. John Jay, Esquire, Secretary for Foreign Affairs, United States of America. }

The letter from Mr. Temple was referred to the secretary for foreign affairs, to report on the propriety of the application and expediency of a reply; in consequence of which reference the secretary made the following report.

Office for Foreign Affairs, December 31, 1785.

The secretary of the United States for the department of foreign affairs, to whom was referred a letter to him of the 21st inst. from the consul general of his Britannick majesty, representing that certain persons, called loyalists, had found difficulties in obtaining and in some instances been refused office copies of publick records in the United States, and desiring the interposition of Congress, &c. reports, That in his opinion your secretary should write a letter of the following tenor to Mr. Adams :

SIR,

I have the honour of transmitting to you herewith enclosed a copy of a letter of the 21st December from Mr. Temple to me, which I laid before Congress. They have been pleased to direct that you communicate it to his Britannick majesty; that you inform him that the complaint stated in it being in general terms, and unsupported by any particular facts or evidence, they do not think it necessary or proper to take any measures in consequence of it. And that you assure him, that as it is their determination the treaty of peace shall be punctually observed by their citizens, and that his majesty's subjects shall enjoy here all the rights which friendly and civilized nations claim from each other;

so they will always be ready to hear every complaint which may appear to be well founded, and to redress such of them as on investigation shall prove to be so.

This communication will give you an opportunity of remarking, that the office of consul general does not extend to matters of this kind, neither the rights of commerce nor of navigation being in question; and therefore that it was delicacy towards his majesty, rather than the sense of the propriety of such an application from a consul general, which induces Congress to treat it with this mark of attention.

It would perhaps be well to pursue the subject, to intimate the expediency as well as propriety of sending a minister here; and if circumstances should so dictate, to accompany it with assurances that Congress expect a minister, and are ready to receive and treat him in a manner consistent with the respect due to his sovereign.

The advantage alluded to in one of your letters, if no other, would result from such an appointment, viz. that the British court would then probably receive more accurate representations of affairs in this country, than they are at present supplied with by men, who write and speak more as their wishes and feelings, than as truth and knowledge dictate.

I have the honour to be,

The Hon John Adams.

Your secretary is further of opinion, that he should write the following answer to Mr. Temple's letter, viz.

SIR,

I took the earliest opportunity after the meeting of Congress to lay your letter of 21st December before them.

They have ordered a copy of it to be transmitted to their minister at the court of London, with directions to communicate it to his Britannick majesty, to inform him that the complaint stated in it being in general terms, and unsupported by any particular facts or evidence, they do not think it necessary or proper to take any measures in consequence of it. And to assure him that as it is their determination the treaty of peace shall be punctually observed by their citizens, and that his majesty's subjects shall here enjoy all the rights which friendly and civilized nations claim from each other, so they will always be ready to hear every complaint which may appear to be well founded, and to redress such as on investigation shall prove to be so.

I have the honour to be, &c.

John Temple, Esq. Consul General, &c.

Resolved, That Congress agree to the said report.

JANUARY 6, 1786.

On a report from the secretary to the United States of America for the department of foreign affairs, to whom was referred a letter of the 29th of last month from the encargado de negocios of Spain, enclosing a decree of the 28th of May, 1785, which directed what flags should in future be used by the navy and merchant ships of that kingdom,

Ordered, That the decree be published; and that the secretary for foreign affairs have thirteen copies prepared with a design of the flags annexed, and transmit one to the executive of each of the states.

On a report of the secretary to the United States of America for the department of foreign affairs, to whom was referred his letter of the 29th December, enclosing a letter of the 19th of that month from the charge des affaires of France, with a brevet of the 22d day of June, 1785, appointing the sieur de la Forest, vice consul of France for the United States—

Whereas the sieur de la Forest has presented to Congress a brevet from his most christian majesty, bearing date 22d day of June, 1785, appointing him vice consul general in the United States,

Resolved, That the sieur de la Forest be, and he hereby is received and recognised as the vice consul general of his most christian majesty in the United States; and that the said brevet be registered in the secretary's office.

Resolved, That all the privileges, pre-eminences and authority belonging to the said character and quality, are due to the said sieur de la Forest, and shall be enjoyed by him.

Ordered, That a certified copy of the above resolutions be transmitted by the secretary to the United States of America for the department of foreign affairs, to the said sieur de la Forest, and also to the executive of each of the states for their information.



## JANUARY 26, 1786.

The committee, consisting of Mr. Smith, Mr. Pinckney and Mr. Long, to whom was referred a petition of I. Sears and P. N. Smith, praying for sea letters for the ship Hope, James Magee, master, report,

That the ship Hope and her cargo are the property of citizens of the United States; that the said ship is principally navigated by inhabitants of the United States, and is bound on a voyage to Canton in China: Whereupon,

Resolved, That a sea letter be granted for the ship Hope, James Magee, master, in the form of that granted for the ship Canton, mutatis mutandis.

On the question to agree to the resolution, the yeas and nays being required by Mr. Smith—

New Hampshire,	Mr. Long, Mr. Livermore,	Ay. } Ay. }	Ay.
Massachusetts,	Mr. Gorham, Mr. King, Mr. Dane,	Ay. } Ay. } Ay. }	Ay.
Connecticut,	Mr. Johnson, Mr. Mitchell,	Ay. } Ay. }	Ay.
New York,	Mr. Haring, Mr. Smith,	Ay. } Ay. }	Ay.
New Jersey,	Mr. Cadwallader, Mr. Symmes, Mr. Hornblower,	Ay. } No. } Ay. }	Ay.
Pennsylvania,	Mr. Pettit, Mr. Bayard,	Ay. } Ay. }	Ay.

Maryland,	Mr. Hindman,	Ay. } ×
Virginia,	Mr. Monroe,	Ay. } ×
South Carolina,	Mr. Pinckney,	Ay. } Ay. } Ay. Mr. Ramsay,
	Mr. Kean,	Ay. } Ay. }
Georgia,	Mr. Houstoun,	Ay. } ×

So it was resolved in the affirmative.

On motion of Mr. Pinckney, seconded by Mr. Smith,  
Resolved, That a consul be appointed to reside at  
Canton, who shall not be entitled to receive any sala-  
ry, fees or emoluments of office; and that to-morrow  
be assigned for the election of the said consul.

#### JANUARY 27, 1786.

According to order, Congress proceeded to the elec-  
tion of a consul to reside at Canton; and the ballots  
being taken,

Mr. Samuel Shaw was elected, having been previous-  
ly nominated by Mr. Pinckney.

Ordered, That the secretary for foreign affairs pre-  
pare a commission for Mr. Shaw, as consul for the  
United States of America at Canton; that the same,  
when prepared, be signed by the chairman, and that  
the great seal of the United States be thereto affixed.

#### JANUARY 31, 1786.

On the report of a committee, consisting of Mr.  
Gorham, Mr. Pettit and Mr. Bayard, to whom was

referred a petition of Hend. Wyckoff, praying that sea letters be granted for a vessel, which he and other citizens of the state of New York have fitted out for a distant voyage,

Resolved, That a sea letter be granted for the brigantine Betsey, Neal M'Henry, master, in the same form as the letter granted on the 2d instant for the ship Canton, mutatis mutandis.

On motion of Mr. Pinckney, seconded by Mr. Hindman,

Resolved, That a vice consul be appointed to reside at Canton; and in case of the death or absence of the consul appointed to that place, that he exercise all the powers and duties of consul, but without being entitled to any salary, fees or emoluments.

Congress proceeded to the election of a vice consul; and the ballots being taken,

Mr. Thomas Randal, of Pennsylvania, was elected, having been previously nominated by Mr. Pinckney.

Ordered, That the secretary for foreign affairs prepare a commission for Mr. Randal; that the same when prepared, be signed by the chairman; and that the great seal of the United States be thereto affixed.

The secretary of the United States for the department of foreign affairs, to whom was referred a letter of 4th November last, from his excellency the governor of Massachusetts to the delegates of that commonwealth in Congress, having reported,

That this letter states in substance, "That divers effects had by orders of the British commanders in chief been taken from the inhabitants, not as the property of enemies but of persons under their protec-

“tion, under the idea that the former ownership continued, and the greater part of which was expressly engaged to be restored by those commanders; that the latter clause in a British act of parliament passed in the twentieth year of George the third creates legal impediments to those owners recovering in due course of law the value of their effects so taken; that considering the peculiar circumstances of this subject, the spirit and real intention of that clause, the times and general purposes that produced it, the legislature is induced to believe that if Congress would instruct their minister at the court of London to move this subject properly digested to that court, the government of that nation would so far reconsider their former doings on it as to remove those impediments, or make some other provision whereby right and justice shall be done to the parties and individuals more immediately concerned.”

If Congress make any application to the British court on this subject, it can only be either for *justice* or for *favour*. The latter will doubtless be out of the question.

If for *justice*, two questions arise. First, Whether their application can be supported on that ground; and Secondly, Whether it will probably be successful, if it can be so supported. The clause recites that “Whereas before the passing of this act divers persons, vessels, cargoes and other effects may have been seized, detained, damaged or destroyed, in pursuance of orders, regulations, restrictions and limitations, heretofore issued and established by the commanders in chief of his majesty’s forces in North America, or

“by persons acting under their authority, for the  
“*publick service*, and for suppressing the rebellion in  
“North America,” it then enacts “that all such acts,  
“matters and things shall be deemed and are hereby  
“declared to be legal to all intents and purposes  
“whatever; and that all actions, &c. for or by reason  
“of any act, matter or thing advised, commanded, ap-  
“pointed or done with respect to such orders and  
“regulations by the said commanders in chief, or by  
“any person acting under their authority, shall be  
“discharged and made void.”

May it not be questioned, whether this act can be construed to invalidate the engagements or promises of the commanders to make restoration? Or, in other words, can effects taken under such engagements be considered as coming within the view and provision of the statute which, from the nature of it, must be construed strictly? If the court and their judges should adopt this idea, the matter will naturally remain as it now is, and the application would produce nothing except perhaps an opinion that it was premature.

If, on the other hand, they should consider all these cases as within the act, might they not answer, that all military violences and injuries on both sides were done away by the peace, and that as these cases were not provided for in it, they must remain as they then were? May they not also answer, that we pass laws in some of the states impeding British creditors from recovering their debts as stipulated by the peace; and that in another, we pass laws authorizing actions at law for damages done during the war by military

order, and that while such acts continue, such applications should be postponed?

Admit that justice demands of them to remove the impediments in question, is it probable that they would do it?

A judgment of the temper of the nation in general, and of their parliament in particular, may be formed from Mr. Adams's letters; and they, in the opinion of your secretary, represent it in a point of view so unfavourable as to promise no success to such an application. Many of their officers might be deeply affected by the loss of that indemnity, which they now hold on the faith of government; and it is not likely that they will open their treasury and compensate the sufferers in question out of it, when so many refugees, for whom they are bound to provide, are daily importuning them for money.

For these and a variety of reasons your secretary thinks it is not probable that such an application would be successful; and he also thinks that Congress should never demand or ask for even justice, while they have great reason to apprehend a refusal, unless in cases where they may be able and determined to compel a compliance by force or retaliation.

If a period should arrive when both countries shall be disposed to do away whatever may be mutually offensive or disagreeable, it is not improbable that in the moment of that good humour they might do something for the sufferers under consideration; but that period has not yet arrived.

Upon the whole matter, your secretary is of opinion, that copies of these papers should be transmitted to Mr. Adams ; that he be instructed to sound the British minister on the subject, but not to bring on any *formal* demand or representation thereon, unless from preceding circumstances he shall be induced to think that it would have a favourable issue ; it being the intention of Congress to refer the time and manner of doing it to his prudence and discretion.

Resolved, That Congress agree to the said report.

Ordered, That the delegates for Massachusetts be furnished with a copy of the above report and resolution.

#### FEBRUARY 1, 1786.

On motion of Mr. Mitchell, seconded by Mr. Gorham,

Resolved, That the injunction of secrecy upon Mr. Adams's letters, so far as relates to the appointment of commissioners to treat with the Barbary powers, be taken off.

#### FEBRUARY 28, 1786.

The secretary of the United States of America for the department of foreign affairs, to whom was referred a letter to him from A. Fowler, of 1st October last, complaining that a boat which he had sent down the Mississippi was stopped at the Natchez by the Spaniards, having reported,

That there is good reason to believe that the king of Spain is resolved, if possible, to exclude all nations from the navigation of that part of the Mississippi which runs between his territories.

That therefore the United States will not have that navigation open to their citizens, unless by *arms*, or by *treaty*. That in the opinion of the secretary, the time for the *former* is not yet come. That the free navigation of that river is now the subject of discussion between the Spanish encargado de negocios and himself, and that great difficulties oppose their agreeing on that head. But that however doubtful the success of these negotiations may be, it appears to him most prudent that they should not be precipitated; and therefore he thinks that the letter which he has written to Mr. Fowler, and of which a copy is subjoined, prevents the necessity of taking further measures for the present. As the country adjacent to the river becomes filled with people, and the affairs of the confederacy become regulated and arranged, the attainment of that and every other object will daily and proportionably become more probable and easy.

The copy of the letter subjoined is as follows :

New York, February 13, 1786.

SIR,

I have been favoured with your letter of 1st October last, and am sorry you have experienced the difficulties and disappointments mentioned in it. It is to be hoped that all territorial questions between the United States and Spain will be amicably settled, and that both parties will, in the mean time, cultivate that



disposition which is most likely to promote that end. Whatever resolutions Congress may take on your letter shall be communicated to you; and if further occurrences relative to the subject of it have since happened, I wish you had taken an opportunity of informing me of them.

I am, &c.

JOHN JAY.

Ordered, That the foregoing report be referred back to the secretary for foreign affairs to take order.

MARCH 29, 1786.

Ordered, That the late despatches from the honourable Mr. Adams be referred to the secretary for foreign affairs to report; and that he be instructed to report particularly upon the propriety of instructions to the said minister, to protract his negotiations with the court of Great Britain respecting the posts which should have been before this surrendered to the United States by the late treaty, and other infractions of the said treaty by that power, so as to avoid demanding a categorical answer respecting the same until the further order of Congress.

MAY 15, 1786.

The order of the day being called for by the state of South Carolina, to proceed to the election of minister plenipotentiary to the United Netherlands,

A motion was made by Mr. King, seconded by Mr. Long,

That the order of the day be postponed; and on the question for postponing, the yeas and nays being required by Mr. Houstoun—

New Hampshire,	Mr. Long,	Ay.	>X
Massachusetts,	Mr. Gorham,	No.	} Ay.
	Mr. King,	Ay.	
	Mr. Dane,	Ay.	
Rhode Island,	Mr. Manning,	Ay.	>X
Connecticut,	Mr. Johnson,	Ay.	} Ay.
	Mr. Mitchell,	Ay.	
New York,	Mr. Lawrence,	No.	} Ay.
	Mr. Smith,	Ay.	
	Mr. Haring,	Ay.	
New Jersey,	Mr. Symmes,	Ay.	} Ay.
	Mr. Hornblower,	Ay.	
Pennsylvania,	Mr. Pettit,	Ay.	} Ay.
	Mr. Bayard,	Ay.	
	Mr. St. Clair,	Ay.	
	Mr. Wilson,	No.	
Delaware,	Mr. Patten,	Ay.	} DIVIDED.
	Mr. Rodney,	No.	
Maryland,	Mr. Hindman,	No.	} No.
	Mr. Harrison,	No.	
Virginia,	Mr. Grayson,	No.	} No.
	Mr. Monroe,	No.	
	Mr. Carrington,	No.	
North Carolina,	Mr. Blount,	No.	} No.
	Mr. Bloodworth,	No.	
	Mr. White,	No.	

South Carolina,	Mr. Pinckney, Mr. Kean,	No. } No. }	No.
Georgia,	Mr. Houstoun, Mr. Few,	No. } No. }	No.

So the question was lost.

Congress proceeded to the election ; but no choice being made,

Ordered, That the order of the day for electing a minister plenipotentiary to the United Netherlands, be postponed.

END OF VOL. III.





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